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THE

REVISED STATUTES

OF

ONTARIO, 1897,

BEING A

CONSOLIDATION OF THE REVISED STATUTES OF ONTARIO, 1887, WITH THE SUBSEQUENT PUBLIC GENERAL ACTS

OF THE

LEGISLATURE OF ONTARIO.

VOL II.



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THE REVISED STATUTES OF ONTARIO,

1897

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An Act containing General Provisions applicable to Joint Stock Companies incorporated by Special Act for certain purposes.

HER MAJESTY, by and with the advice and consent of the Legislative Assemby of the Province of Ontario, enacts as follows:—

1. The Act, chapter 156 of *The Revised Statutes of Ontario, 1887*, and the amendments thereto, may be cited as "*The Ontario Joint Stock Companies' General Clauses Act.*" Citation of R. S. O. 1887, c. 156, and amending Acts.

[*The above mentioned Act, as amended, has been superseded as to Companies to be hereafter incorporated, and also largely as to existing Companies, by chapter* 191 *of these Revised Statutes (see sections 6 and 8) and for that reason has not been printed.*

The Acts amending the above mentioned chapter 156 *are the following:—*

52 Vict. c. 26.

54 Vict. c. 32.]

CHAPTER 190.

An Act respecting the Incorporation of Joint Stock Companies by Letters Patent.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Citation of R. S. O. 1887, c. 157, and amendments.

1. The Act, chapter 157 of *The Revised Statutes of Ontario, 1887*, and the amendments thereto, may be cited as "*The Ontario Joint Stock Companies' Letters Patent Act.*"

[*The above mentioned Act, as amended, has been superseded as to Companies to be hereafter incorporated, and also largely as to existing Companies, by chapter* 191 *of these Revised Statutes (see sections 3-5) and for that reason has not been printed.*

The Acts amending the above mentioned chapter 157 *are the following:—*

52 Vict. c. 26.

54 Vict. c. 32.

56 Vict. c. 30. (*See* 60 V. c. 38, s. 121 (2).)

57 Vict. c. 47. (*See* 60 V. c. 38, s. 121 (2).)

60 Vict. c. 36, s. 198 (4).

60 Vict. c. 38, s. 121 (1).]

CHAPTER 191.

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LETTERS PATENT TO COMPANIES INCORPORATED BY SPECIAL ACT, s. 106.
EXTRA-PROVINCIAL COMPANIES, s. 107.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Ontario Companies Act.*" Short title

2. Where the words following occur in this Act, or in any letters patent and supplementary letters patent issued under this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:— Interpretation.

(*a*) "Judge" shall mean one of the Judges of the High Court of Justice. "Judge."

(*b*) "Letters patent" shall mean the letters patent, under the Great Seal of Ontario, incorporating or re-incorporating a company, as the case may be; for any purpose within the scope of this Act. "Letters patent;"

(*c*) "Proxy" shall mean any person representing an absent shareholder and duly authorized, in writing, to act for him at a meeting of the company. "Proxy."

"Real estate," "Land;"

(*d*) "Real estate" or "land" shall include all messuages, lands, tenements, leaseholds and hereditaments of any tenure and all immovable real property of every kind;

"Shareholder;"

(*e*) "Shareholder" shall mean every subscriber to, or holder of stock in the company, and shall extend to and include the personal representatives of the shareholder.

"Supplementary letters patent;"

(*f*) "Supplementary letters patent" shall mean any letters patent, under the Great Seal of Ontario, granted to a company subsequent to the letters patent incorporating or re-incorporating the company;

"*The Gazette*."

(*g*) "*The Gazette*" shall mean *The Ontario Gazette*. 60 V. c. 28, s. 2.

Application of Act.

Incorporation of companies by letters patent.

3. No company shall hereafter be incorporated under *The Ontario Joint Stock Companies' Letters Patent Act*, and the amendments thereto, being chapter 157 of the Revised Statutes of Ontario, 1887, and chapter 190 of these Revised Statutes. 60 V. c. 28, s. 3, *part*.

Act to apply to companies hereafter incorporated by letters patent.

4. The incorporation of every company hereafter by letters patent shall be governed by this Act, and all the provisions of this Act shall apply to every such company, subject to the provisions of any general Act applying to the company. 60 V. c. 28, s. 3, *part*.

Sections which apply to companies incorporated by letters patent before 13th April, 1897.

5. The provisions of sections 17 to 105 inclusive, shall apply to every company incorporated before the 13th day of April, 1897, by letters patent issued under the authority of an Act of the Legislature of Ontario, subject to the provisions of any special Act or general Act applying to the company, other than said chapter 157 of the Revised Statutes of Ontario, 1887, and the amendments thereto. 60 V. c. 28, s. 4.

Sections which apply to companies incorporated on or before 13th April, 1897, by special Act.

6. The provisions of sections 17 to 97, inclusive, and sections 103 to 106, inclusive, shall apply to every company incorporated on or before the 13th day of April, 1897, by special Act of the Legislature of Ontario for purposes or objects within the scope of this Act, except such provisions as are inconsistent with the provisions of the special Act or amending Acts, or other special Acts relating to the company. 60 V. c. 28, s. 5.

Sections which apply to companies incorporated after 13th April, 1897, by special Act.

7. The provisions of sections 17 to 97, inclusive, and sections 103 to 106, inclusive, shall, subject to any variations and exceptions by the special Act, apply to every company incorporated after the 13th day of April, 1897, by special Act of the Legislature of Ontario for purposes or objects within the scope of this Act, and the said provisions, subject as afore-

said, shall form part of the special Act and shall be construed together therewith as one Act. 60 V. c. 28, s. 6.

Rev. Stat., 1887, c. 156, not to apply to companies incorporated after 13th April, 1897, by special Act.

8. The provisions of *The Ontario Joint Stock Companies General Clauses Act*, being chapter 156 of the Revised Statutes of Ontario, 1887, and chapter 189 of these Revised Statutes, shall not apply to any company incorporated after the 13th day of April, 1897, by special Act of the Legislature of Ontario for any of the purposes or objects within the scope of this Act. 60 V. c. 28, s. 7.

Incorporation by Letters Patent.

Companies formed for certain purposes may be incorporated by letters patent.

9. The Lieutenant-Governor in Council may, by letters patent, grant a charter to any number of persons, not less than five, who petition therefor, creating and constituting such persons and any others who have become subscribers to the memorandum of agreement, a body corporate and politic for any of the purposes or objects to which the legislative authority of the Legislature of Ontario extends, except the construction and working of railways, the business of insurance and the business of a loan corporation within the meaning of *The Loan Corporations Act*. 60 V. c. 28, s. 8.

Rev. Stat. s. 205.

Petition.

10.—(1) The applicants for incorporation, who must be of the full age of twenty-one years, may petition the Lieutenant-Governor, through the Provincial Secretary, for the issue of letters patent. The petition of the applicants shall show:

Name to be free from objection.

(*a*) The proposed corporate name of the company with the word "Limited" as the last word thereof; and such name shall not on any public ground be objectionable and shall not be that of any known company, incorporated or unincorporated, or of any partnership, or individual, or any name under which any known business is being carried on, or so nearly resembling the same as to deceive; provided, however, that a subsisting company, or partnership, or individual, or the person carrying on such business may consent that such name, in whole or in part, be granted to the new company;

Object.

(*b*) The objects, simply stated, for which the company is to be incorporated;

Head-office and place of service.

(*c*) The place within the Province of Ontario where the head-office of the company is to be situated, and where its principal books of account and its corporation records are to be kept and to which all communications and notices may be addressed;

Capital.

(*d*) The amount of the capital stock of the company;

Shares.

(*e*) The number of shares and the amount of each share ;

Names of applicants.

(*f*) The name in full, the place of residence and the calling of each of the applicants ;

Directors.

(*g*) The number, not less than three, of the board of directors, and the names of the applicants, not less than three, who are to be the provisional directors of the company.

Petition.

(2) The petition may be similar to, but in its essential features shall comply with, Schedule B to this Act, and shall be accompanied by a memorandum of agreement, executed in duplicate, which may be similar to, but which shall in its essential features comply with, Schedule A to this Act

Memo. of agreement.

Payments on shares.

(3) In case any amount has been paid in on shares taken, by transfer of property to a trustee, the Provincial Secretary may require such evidence as shall be satisfactory to him of such transfer and of the kind, nature and value of the property and the manner in which, and the person or persons or corporate body by whom the property transferred, or any other payment, is held in trust for the company with a view to its incorporation.

Petitioners to be *bona fide* subscribers for shares.

(4) Each petitioner shall be the *bona fide* holder in his own right of the share or shares for which he has subscribed in the memorandum of agreement.

(5) The petition may ask for the embodying in the letters patent of any provision which, otherwise under this Act, might be embodied in any by-law of the company when incorporated. 60 V. c. 28, s. 9.

Power to make general regulations as to notice, etc.

11. The Lieutenant-Governor in Council may, from time to time, make regulations with respect to the following matters, namely :

(*a*) The cases in which notice of application for letters patent or supplementary letters patent under this Act must be given ;

(*b*) The granting to one company power to carry on more than one kind of undertaking ;

(*c*) The forms of letters patent, supplementary letters patent, licenses, notices and other instruments and documents relating to applications and other proceedings under this Act ;

(*d*) The form and manner of the giving of any notice required by this Act ;

and such regulations shall be published in *The Gazette*. 60 V c. 28, s. 10.

Preliminary conditions to be established.

12. Before the letters patent are issued, the applicants shall establish to the satisfaction of the Provincial Secretary, or such other officer as may be charged by him to report thereon, the sufficiency of their memorandum of agreement and petition, and show that the proposed name is not open to objection under section 10 of this Act. 60 V. c. 28, s. 11.

Proof of matters under this Act.

13.—(1) The Provincial Secretary, the Assistant Provincial Secretary, or such other officer may for the purposes aforesaid, or for any other purpose under this Act, take any requisite evidence in writing under oath, or affirmation.

(*a*) Proof of any matter which may be necessary to be made under this Act, may be made by statutory declaration, or by affidavit, or by deposition before the Provincial Secretary, or Assistant Provincial Secretary, or other officer as aforesaid, or before any Justice of the Peace, or Commissioner for taking Affidavits, or Notary Public, who, for this purpose, are hereby authorized and empowered to administer oaths or to take affirmations. 60 V. c. 28, s. 12.

Name and incidental powers of company may be varied.

14. The Lieutenant-Governor may give to the company a corporate name wholly or partially different from the name proposed by the applicants in their petition, and may in the letters patent vary the powers of the company from the powers stated in the petition. 60 V. c. 28, s. 13.

Notice of issuing letters patent.

15. Notice of the granting of the letters patent shall be given forthwith by the Provincial Secretary in *The Gazette*, and from the date of the letters patent the petitioners and the persons who signed the memorandum of agreement and their successors, respectively, shall be a corporation by the name mentioned in the letters patent and shall be invested with all the powers, privileges and immunities which are incident to such corporation, or are expressed, or included in the letters patent and *The Interpretation Act*, and which are necessary to carry into effect the intention and objects of the letters patent and such of the provisions of this Act as are applicable to the company. 60 V. c. 28, s. 14.

Rev. Stat. c. 1.

First Meeting.

Meeting of company for organization.

16.—(1) The provisional directors of the company shall, by a registered letter addressed to each shareholder, call a general meeting of the company to be held within two months of the date of the letters patent, for the purpose of organizing the company for the commencement of business. Such first general meeting shall be held at such convenient place as the directors may determine.

(2) If the said meeting is not called by the provisional directors within the time required by this section, any three or more shareholders in the company shall have power to call

the meeting and to proceed to the organization of the company. 60 V. c. 28, s. 21.

Capital, Shares, Etc.

Increase of capital.

17.—(1) The company at any time after nine-tenths of the capital stock of the company has been subscribed and ten per centum thereon paid in, but not sooner, may, by by-law, provide for the increase of the capital stock of the company to any amount which it considers requisite for the due carrying out of the undertaking of the company.

(2) The by-law shall declare the number and value of the shares of the new stock, and may prescribe the manner in which the same are to be allotted; otherwise, the control of such allotment shall vest absolutely in the directors. 60 V. c. 28, s. 15.

Reduction of capital.

18.—(1) The company if it sees fit at any time, may, by by-law, provide for the decrease of the capital stock of the company to any amount which it may consider sufficient for the due carrying out of the undertaking of the company and advisable.

By-law for that purpose.

(2) The by-law shall declare the number and value of the shares of the stock as so decreased; and the allotment thereof or the rule or rules by which the same is to be made.

Liability of shareholders on decrease.

(3) The liability of shareholders to persons who are, at the time the stock is decreased, creditors of the company, shall remain as though the stock had not been decreased. 60 V. c. 28, s. 16.

Re-division of shares.

19. The company may at any time, by by-law, provide for the re-division of the existing shares into shares of smaller or larger amount. 60 V. c. 28, s. 17.

By-law to be confirmed by supplementary letters.

20. No by-law for increasing or decreasing the capital stock of the company, or re-dividing the shares, shall have any force or effect whatever unless and until it has been sanctioned by a vote of not less than two-thirds in value of the shareholders at a general meeting of the company duly called for considering the by-law, and has afterwards been confirmed by supplementary letters patent. 60 V. c. 28, s. 18.

Petition for supplementary letters patent.

21.—(1) At any time not more than six months after the sanction of such by-law, the company may petition the Lieutenant-Governor, through the Provincial Secretary, for the issue of supplementary letters patent to confirm the same.

By-law, etc., to be produced with petition.

(2) With the petition the company shall produce the by-law and establish to the satisfaction of the Provincial Secretary, or of such other officer as may be charged by him to report thereon, the due passage and sanction of the by-law, and if the petition

is in respect of the increase or decrease of capital, the *bona fide* character of the increase or decrease of capital thereby provided for.

Granting of supplementary letters patent.

(3) Upon due proof so made, the Lieutenant-Governor in Council may by supplementary letters patent confirm the by-law, and, with respect to an increase or decrease in capital, may, with the consent of the company, by the supplementary letters patent, fix the amount of such increase or decrease at such sum as to him may seem proper; and notice thereof shall be given forthwith by the Provincial Secretary in *The Gazette*; and thereupon, from the date of the supplementary letters patent, the shares shall be re-divided, or the capital stock of the company shall be and remain increased or decreased, as the case may be, to the amount, in the manner, and subject to the conditions set forth by such by-law and supplementary letters patent; and the whole of the stock as so increased or decreased shall become subject to the provisions of this Act in like manner (so far as may be) as though every part thereof had originally formed part of the stock of the company. 60 V. c. 28, s. 19.

Notice thereof.

Effect of such letters patent.

Preferential stock.

22.—(1) The directors may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law.

Special rights of preference shareholders.

(2) The by-law may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

Unanimous sanction required.

(3) No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders, present in person or by proxy at a general meeting of the company duly called for considering the same, or unanimously sanctioned in writing by the shareholders of the company; provided, however, that if the by-law be sanctioned by three-fourths in value of the shareholders of the company, the company may, through the Provincial Secretary, petition the Lieutenant-Governor in Council for an order approving the said by-law, and the Lieutenant-Governor may, if he sees fit, approve thereof, and from the date of such approval the by-law shall be valid and may be acted upon.

Special proviso.

Rights and liabilities of holders of preference stock.

(4) Holders of shares of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act, provided, however, that in respect of dividends and otherwise, they shall as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law.

Rights of creditors not impaired.

(5) Nothing in this section contained or done in pursuance thereof, shall affect or impair the rights of creditors of the company. 60 V. c. 28, s. 20

USE OF THE WORD "LIMITED."

Unabbreviated word "limited" to be inserted in all notices, etc.

23.—(1) The company shall keep painted, or affixed its name with the unabbreviated word "Limited" as the last word thereof, on the outside of every office, or place in which the business of the company is carried on, in a conspicuous position, in letters easily legible; and shall have its name with the said unabbreviated word in legible characters on its seal and shall have its name with the said unabbreviated word mentioned in legible characters in all notices, advertisements and other official publications of the company, and in all bills of exchange, promissory notes, indorsements, cheques and orders for money or goods purporting to be signed by or on behalf of such company, and in all bills of parcels, invoices and receipts of the company.

Directors liable on written contracts, which do not show limited liability.

(2) The directors of the company shall be jointly and severally liable upon every written contract or undertaking of the company on the face whereof the unabbreviated word "Limited" is not distinctly written or printed as the last word in the name of the company where it first occurs in such contract or undertaking.

Penalty for violation of preceding section.

(3) Every company which does not keep painted or affixed its name, with the unabbreviated word "Limited" as the last word thereof, in the manner directed by this section, shall incur a penalty of twenty dollars for every day during which such name is not so kept painted or affixed.

Penalty for permitting violation.

(4) Every director and manager of the company who knowingly and wilfully authorizes or permits such default, shall be liable to the like penalty.

Penalty for using or authorizing use of seal without word "limited" on it.

(5) Every director, manager or officer of the company, and every person on its behalf, who uses or authorizes the use of any seal purporting to be a seal of the company whereon its name, with the said unabbreviated word "Limited" as the last word thereof, does not appear, or who issues or authorizes the issue of any notice, advertisement or other official publication of such company, or who signs or authorizes to be signed on behalf of such company any bill of exchange, promissory note, indorsement, cheque, order for money or goods, or who issues or authorizes to be issued any bill of parcels, invoice or receipt of the company, wherein its name, with the said word as the last word thereof, is not mentioned in manner aforesaid, shall incur a penalty of two hundred dollars and shall also be personally liable to the holder of any such bill of exchange, promissory note, cheque or order for money or goods for the amount thereof, unless the same is duly paid by the company.

(6) This section shall not apply to any company not incorporated for commercial, mercantile, manufacturing, trading or business purposes or objects, where such company by its charter of incorporation is declared to be exempt from the provisions thereof, or to any company not incorporated for any of the said purposes, which, on proof thereof being shown to the Lieutenant-Governor in Council, is, on, from and after a date to be set forth in the order of the Lieutenant-Governor in Council in that behalf, declared to be exempt. 60 V. c. 28, s. 22. Proviso.

Change of Name.

24. In case it is made to appear to the satisfaction of the Lieutenant-Governor in Council that any company is incorporated under a name the same as, or so similar to that of an existing company, partnership, individual, or to any name under which any existing business is being carried on, as to deceive, it shall be lawful for the Lieutenant-Governor by an Order in Council to change the name of the company to some other name to be set forth in the order; and no such alteration of name shall affect the rights or obligations of the company; and all proceedings may be continued and commenced by or against the company by its new name, that might have been continued or commenced by or against the company by its former name. 60 V. c. 28, s. 23. Change of name if objectionable.

Incidental Powers of Companies.

25. The company shall, in addition to its other powers, possess power: Powers incident to incorporation.

(*a*) To alter, or change its common seal at pleasure; Seal.

(*b*) To take over, acquire, hold, use, sell and convey such personal property and movables, machinery, trademarks, patents, licenses, and franchises or rights thereunder as may be deemed necessary, or expedient for the purposes for which the company is incorporated; Personal property.

(*c*) To erect on its property such works, shops, mills, buildings, houses and structures, and to make such improvements of what kind soever as may be convenient or necessary for the due carrying out of its undertaking; Buildings.

(*d*) To construct and maintain, or aid in the construction and maintenance of such works and improvements as may be deemed necessary, or advantageous to the due carrying out of its undertaking; Construction and maintenance of useful works.

General powers.

(e) To exercise and enjoy all the privileges and immunities and to do all acts requisite, or incidental to the due carrying on of its undertaking;

Branches of business.

(f) To carry on any branch or branches of business incidental to the due carrying out of the objects for which the company was incorporated, and subsidiary thereto, and necessary to enable the company profitably to carry on its undertaking.

Real estate.

(g) To acquire by purchase, lease, or other title, and to hold, use, sell, alienate and convey any real estate necessary for the carrying on of its undertaking, and the company shall upon its incorporation become and be invested with all the property and rights, real and personal, theretofore held by or for it under any trust created with a view to its incorporation.

Restrictions as to holding real estate.

Provided, however, that, unless other special statutory enactments apply, no parcel of land, or interest therein at any time acquired by the company and not required for its actual use and occupation, or not held by way of security, or not situate within the limits, or within one mile of the limits of any city or town in this Province, shall be held by the company, or by any trustee on its behalf, for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the company shall no longer retain any interest therein unless by way of security; and further provided, that any such parcel of land, or any interest therein not within the exceptions hereinbefore mentioned, held by the company for a longer period than seven years, without being disposed of, shall be forfeited to Her Majesty for the use of this Province; provided also that the Lieutenant-Governor in Council may extend the said period from time to time not exceeding in the whole twelve years; and

Forfeiture.

further provided, that no such forfeiture shall take effect, or be enforced until the expiration of at least six calendar months after notice in writing to the company of the intention of Her Majesty to claim such forfeiture; and it shall be the duty of the company to give the Lieutenant-Governor in Council, when required, a full and correct statement of all lands at the date of such statement held by the company, or in trust for the company, and subject to these provisoes. 60 V. c. 28, s. 24.

Stock, Calls, Etc.

Allotment of stock.

26. If the letters patent or special Act make no other definite provision, the shares of stock of the company, so far as they are not allotted thereby, shall be allotted when and as the directors by by-law or otherwise ordain. 60 V. c. 28, s. 25.

27. The shares of stock of the company shall be deemed personal estate, and shall be transferable on the books of the company, in such manner only, and subject to all such conditions and restrictions as by this Act, or by the special Act, or by the letters patent or by-laws of the company may be prescribed. 60 V. c. 28, s. 26. Stock, personal estate.

28. The directors may refuse to allow the entry, in any such book, of any transfer of shares of stock whereof the whole amount has not been paid in; and whenever entry is made in such book of any transfer of stock, not fully paid in, to a person not being of apparently sufficient means, the directors present when such entry is authorized shall be jointly and severally, liable to the creditors of the company in the same manner and to the same extent as the transferring shareholder, but for such entry, would have been; but if any director present when such entry is allowed, forthwith, enters a written protest against the same, and within eight days thereafter causes such protest to be notified, by registered letter, to the Provincial Secretary, such director may thereby, and not otherwise, exonerate himself from such liability. 60 V. c. 28, s. 27. Directors may refuse transfer of stock in certain cases. Their liability if they allow transfers to persons without means. How director may exonerate himself.

29. No transfer of shares of stock, unless made by sale under execution, or under the order or judgment of some competent Court in that behalf, shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable, *ad interim*, jointly and severally with the transferor, to the company and its creditors, until entry thereof has been duly made in the books of the company. 60 V. c. 28, s. 28. Transfer valid only after entry.

30. No share shall be transferable until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon. 60 V. c. 28, s. 29. Restriction as to transfers.

31. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share; and the receipt of the shareholder in whose name the same stands on the books of the company shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, whether or not notice of the trust has been given to the company; and the company shall not be bound to see to the application of the money paid upon such receipt. 60 V. c. 28, s. 30. Company not to be liable in respect of trusts, etc.

32. The directors of the company may call in and demand from the shareholders thereof, respectively, the amount unpaid on shares of stock by them subscribed or held, at such times and places and in such payments or instalments as the letters patent, or this Act, or the by-laws of the company require or allow; and interest shall accrue at the legal Calling in instalments.

rate for the time being, upon the amount of any unpaid call, from the day appointed for payment of such call. 60 V. c. 28, s. 31.

Calls.
Ten per cent. within first year.

33. Not less than ten per centum upon the allotted shares of stock of the company shall, by means of one or more calls formally made, be called in and made payable within one year from the incorporation of the company; the residue when and as the by-laws of the company direct. 60 V. c. 28, s. 32.

Enforcement of payment of calls by action.

34. The company may enforce payment of all calls and interest thereon by action in any court of competent jurisdiction; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to state that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action has accrued to the company under this Act; and a certificate under the seal and purporting to be signed by any officer of the company, to the effect that the defendant is a shareholder, that such call or calls has or have been made and that so much is due by him and unpaid thereon, shall be received in all Courts as *prima facie* evidence to that effect. 60 V. c. 28, s. 33.

Forfeiture of shares.

35. If after such demand or notice as by the special Act, or by the letters patent or by-laws of the company is prescribed, any call made upon any share or shares is not paid within such time as by such Act, or by such letters patent or by-laws may be limited in that behalf, the directors in their discretion, by resolution to that effect, reciting the facts and duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made; and the same shall thereupon become the property of the company and may be disposed of as, by by-law or otherwise, the company may ordain. 60 V. c. 28, s. 34.

Trustees, etc., may vote.

Mortgagor of stock may vote.

36.—(1) Every executor, administrator, guardian or trustee, shall represent the stock in his hands, at all meetings of the company, and may vote accordingly as a shareholder; and every person who pledges his stock may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder.

Joint holders of stock.

(2) If stock be held jointly by two or more persons, any one of them present at a meeting may in the absence of the other, or others, vote thereon, but if more than one joint stockholder be present or be represented by proxy, they shall vote together on the stock jointly held. 60 V. c. 28, s. 35.

Liability, Etc., of Shareholders.

Liability of shareholders.

37.—(1) Each shareholder, until the whole amount of his shares of stock has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution, but not beyond the amount so unpaid of his said shares of stock, shall be the amount recoverable with costs, against such shareholder. 60 V. c. 28, s. 36, *first clause.*

Set-off.

(2) Any shareholder may plead by way of defence, in whole or in part, any set-off which he could set up against the company except a claim for unpaid dividends, or a salary or allowance as a president or a director of the company. 60 V. c. 28, s. 36 (*a*).

Shareholders not liable be-

(3) The shareholders of the company shall not as such be held responsible for any act, default or liability whatsoever, of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the company, beyond the unpaid amount of their respective shares in the capital stock thereof. 60 V. c. 28, s. 36 (*b*).

Trustees, etc., not personally liable.

38. No person holding shares of stock in the company as executor, administrator, guardian or trustee, shall be personally subject to liability as a shareholder; but the estates and funds in the hands of such person shall be liable in like manner and to the same extent, as the testator or intestate or the minor, ward, or person interested in the trust fund, would be, if living and competent to act and holding such stock in his own name. 60 V. c. 28, s. 37.

Mortgagees.

39. No person holding shares of stock as collateral security, shall be personally subject to liability as a shareholder; but the person transferring such shares as such collateral security shall be considered as holding the same, and shall be liable as a shareholder in respect thereof. 60 V. c. 28, s. 38.

Directors and their Powers, Etc.

Board of directors.

40. The affairs of the company shall be managed by a board of not less than three directors who shall be elected by the shareholders in general meeting of the company assembled at some place within this Province. 60 V. c. 28, s. 39.

Provisional directors.

41. The persons named as provisional directors in the special Act or in the letters patent shall be the directors of the company, until replaced by others duly elected in their stead. 60 V. c. 28, s. 40.

Qualification of directors.

42. No person shall hold office as a director unless he is a shareholder owning stock absolutely in his own right, and not in arrear in respect of any call thereon, and where any person who is a director ceases to be a *bona fide* holder of stock in the company, he shall thereupon cease to be a director. 60 V. c. 28, s. 41, *first clause.*

Yearly elections.

43.—(1) The election of directors shall take place at the annual meeting, all the members of the board retiring, and (if otherwise qualified) being eligible for re-election.

Ballot.

(2) Elections of directors shall be by ballot;

Vacancies.

(3) Vacancies occurring in the board of directors may, unless the by-laws otherwise direct, be filled for the unexpired remainder of the term, by the board, from among the qualified shareholders of the company;

President and officers.

(4) The directors shall, from time to time, elect from among themselves a president of the company; and shall also name, and may remove at pleasure, all other officers thereof. 60 V. c. 28, s. 41 (1-4).

Failure to elect directors, how remedied.

44. If at any time an election of directors is not made, or does not take effect at the proper time, the company shall not be held to be thereby dissolved; but such election may take place at any general meeting of the company duly called for that purpose; and directors shall continue in office until their successors are duly elected. 60 V. c. 28, s. 42.

Change by by-law of number of directors or of head office in Ontario.

45.—(1) A company may by by-law increase or decrease the number of its directors, or may change the company's head-office in Ontario.

Validation of by-law.

(2) No by-law, for either of the said purposes shall be valid or acted upon unless it has been sanctioned by a vote of not less than two-thirds in value of the shareholders at a meeting of the company duly called for considering the subject of the by-law, nor until a copy of the by-law, certified under the seal of the company, has been transmitted to the Provincial Secretary, and also has been published by the company once in *The Gazette.*

Notice.

(3) In case the head-office of the company is being changed as aforesaid, then the company shall forthwith give notice of the fact in such newspapers and for such time as the regulations made under section 11 of this Act may prescribe. 60 V. c. 28, s. 43.

Powers and duties of directors.

46. The directors of the company shall have full power in all things to administer the affairs of the company; and may make, or cause to be made for the company, any description of contract which the company may by law enter into. 60 V. c. 28, s. 44.

47. The directors may, from time to time, make by-laws not contrary to law, or to the letters patent of the company, or to this Act, to regulate— By-laws.

(*a*) The allotment of stock; the making of calls thereon; the payment thereof; the issue and registration of certificates of stock; the forfeiture of stock for non-payment; the disposal of forfeited stock and of the proceeds thereof; the transfer of stock; Stock.

(*b*) The declaration and payment of dividends; Dividends.

(*c*) The term of service not exceeding two years, and the amount of the stock qualification of the directors. Directors, service, etc.

(*d*) The appointment, functions, duties and removal of all officers, agents and servants of the company; the security to be given by them to the company; and their remuneration; Officers.

(*e*) The time at which, and place where the general meetings of the company shall be held; the calling of meetings, regular and special, of the board of directors, and of the company; the quorum; the requirements as to proxies; and the procedure in all things at such meetings; Meetings.

(*f*) The imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and Fines.

(*g*) The conduct in all other particulars of the affairs of the company; Conduct of affairs generally.

and may from time to time repeal, amend, or re-enact the same; but every such by-law, and every repeal, amendment, or re-enactment thereof, unless in the meantime confirmed at a general meeting of the company duly called for that purpose, shall only have force until the next annual meeting of the company; and in default of confirmation thereat, shall, at and from that time only, cease to have force; and in that case no new by-law to the same or the like effect shall have any force until confirmed at a general meeting of the company; provided, however, that the company shall have power either at the general meeting, called as aforesaid, or at the annual meeting of the company, to repeal, amend, vary or otherwise deal with any by-laws which have been passed by the directors, but no act done or right acquired under any by-law shall be prejudicially affected by any such repeal, amendment, variation or other dealing. 60 V. c. 28, s. 45. Confirmation of by-laws. By-laws may be varied.

48. No by-law for the payment of the president or any director, shall be valid or acted upon until the same has been confirmed at a general meeting. 60 V. c. 28, s. 46. Payment to president or directors.

49. If authorized by by-law, passed by the directors and sanctioned by a vote of not less than two-thirds in value of Borrowing powers.

the shareholders present in person or by proxy at a general meeting of the company duly called for considering the subject of such by-law, the directors of the company may:

(*a*) Borrow money upon the credit of the company;

(*b*) Limit or increase the amount to be borrowed;

Power to issue bonds or debentures, and

(*c*) Issue the bonds, debentures, or other securities of the company for the lawful purposes of the company, and no other, and may pledge or sell the same for such sums and at such prices as may be deemed expedient or be necessary; but no such bonds, debentures, or other securities shall be for a less sum than one hundred dollars each, and

to grant mortgages,

(*d*) Hypothecate, mortgage or pledge all or any of the real or personal property, rights and powers of the company to secure any such bonds, debentures or other securities and any indebtedness or sum or sums so borrowed for the purposes of the company. 60 V. c. 28, s. 47.

ANNUAL, GENERAL AND SPECIAL MEETINGS.

Mode of election.

Notice.

50. In default only of other express provisions in such behalf, by the special Act, or by the letters patent or by-laws of the company, notice of the time and place for holding general, including the annual, meetings of the company shall be given at least ten days previously thereto, in some newspaper published at or as near as may be to the head-office, and to the chief place of business of the company, if these differ; and also, in the case of companies having a capital exceeding $3,000, either by publishing the same in *The Gazette*, or by mailing the same as a registered letter duly addressed to each shareholder at his last known post-office address at least ten days previous to such meeting. 60 V. c. 28, s. 48.

Annual meeting.

51. A general meeting, to be known as the annual meeting of the company, shall be held at such time and place in each year as the letters patent or by-laws of the company may provide, and in default of such provisions in that behalf the annual meeting shall be held on the fourth Wednesday in January in every year, at such place as may be determined by the directors. 60 V. c. 28, s. 49.

Special meetings.

52. The directors may, whenever they think fit and they shall upon a requisition made in writing by the holders of not less than one-tenth of the subscribed capital stock of the company convene a special general meeting of the company. 60 V. c. 28, s. 50.

Object.

53. Any requisition made by the shareholders shall express the object of the special general meeting proposed to be called,

and shall be left at the head-office of the company. 60 V. c. 28, s. 51.

Duty of directors.

54. Upon the receipt of such requisition the directors shall forthwith proceed to convene a special general meeting. If they do not proceed to cause the same to be held within twenty-one days from the date upon which the requisition was left at the head-office of the company, the requisitionists, or any other shareholders amounting to the required one-tenth of the subscribed capital stock of the company may themselves convene such special general meeting. 60 V. c. 28, s. 52.

Notice for special meetings.

55. Ten days' notice at the least, specifying the place, the day and the hour of meeting, and the general nature of the business to be considered, shall be given to the shareholders by the directors, or by the requisitionists, as the case may be, in manner mentioned in section 50 of this Act, or in such other manner, if any, as the by-laws of the company may prescribe. 60 V. c. 28, s. 53.

Quorum.

56. No business shall be transacted at any such special general meeting called upon, or pursuant to requisition as aforesaid, unless a quorum of shareholders is present in person, or by proxy, at the time when the meeting proceeds to business; and such quorum shall be ascertained as follows, that is to say, if the shareholders at the time of the meeting do not exceed ten in number, the quorum shall be three, if they exceed ten there shall be added to the above quorum one for every four additional shareholders up to fifty, and one for every ten additional shareholders after fifty, with this limitation, that no quorum in any case shall exceed twenty. 60 V. c. 28, s. 54.

Dissolution of meeting.

57. If within one hour from the time appointed for such special general meeting, called upon or pursuant to requisition aforesaid, a quorum is not present, the meeting, shall be dissolved. 60 V. c. 28, s. 55.

Presiding officer.

58. The president of the company shall preside as chairman at every general meeting of the company. 60 V. c. 28, s. 56.

Chairman to be elected when necessary.

59. If there is no president, or if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting, the shareholders present shall choose some one of their number to be chairman. 60 V. c. 28, s. 57.

Adjournment by consent.

60. The chairman may, with the consent of the meeting, and subject to such conditions and restrictions as the meeting may decide, adjourn any meeting from time to time, and from place to place. 60 V. c. 28, s. 58.

Procedure as to resolutions.

61. At any general meeting, unless a poll is demanded, a declaration by the chairman that a resolution has been carried and an entry to that effect in the proceedings of the company, shall be *prima facie* evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such resolution. 60 V. c. 28, s. 59.

When poll is demanded.

62. If a poll is demanded it shall be taken in such manner as the by-laws prescribe, and in default thereof, then as the chairman may direct. In the case of an equality of votes, at any general meeting, the chairman shall be entitled to a second or casting vote. 60 V. c. 28, s. 60.

Votes.

63. At all general meetings of the company, every shareholder shall be entitled to as many votes as he holds shares in the company, and may vote by proxy. 60 V. c. 28, s. 61, *first part*.

Shareholders in arrear not to vote.

64. No shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the company. 60 V. c. 28, s. 61 (*a*).

Notices, Actions, Etc.

Mode of incorporation, etc., how to be set forth in legal proceedings.

65. In an action or other proceeding, it shall not be requisite to set forth the mode of incorporation of the company, otherwise than by mention of it under its corporate name, as incorporated by virtue of a special Act, or of letters patent, or of letters patent and supplementary letters patent, as the case may be; and the letters patent, or supplementary letters patent themselves, or any exemplification, or copy thereof under the Great Seal, shall be conclusive proof of every matter and thing therein set forth. 60 V. c. 28, s. 62.

Evidence of by-laws.

66. A copy of any by-law of the company, under its seal, and purporting to be signed by any officer of the company, shall be received as *prima facie* evidence of the by-law in all Courts in Ontario. 60 V. c. 28, s. 63.

Authentication of summons and notices.

67. Any writ, notice, order or proceeding requiring authentication by the company may be signed by any director, manager or other authorized officer of the company, and need not be under the seal of the company. 60 V. c. 28, s. 64.

Service of notices.

68. A notice to be served by the company upon a shareholder may be served either personally or by sending it through the post, in a registered letter, addressed to the shareholder at his place of abode as it last appeared on the books of the company. 60 V. c. 28, s. 65.

69. A notice or other document served by post by the company on a shareholder shall be held to be served at the time when the registered letter containing it would be delivered in the ordinary course of post: and to prove the fact and time of service it shall be sufficient to prove that such letter was properly addressed and registered, and was put into the post-office, and the time when it was put in, and the time requisite for its delivery in the ordinary course of post. 60 V. c. 28, s. 66.

Time of service.

Proof of service.

70. Any description of action may be prosecuted and maintained between the company and any shareholder thereof, and no shareholder shall, by reason of being a shareholder, be incompetent as a witness therein. 60 V. c. 28, s. 67.

Actions between company and shareholders

Books to be Kept and what to Contain.

71. The company shall cause the secretary, or some other officer especially charged with that duty, to keep a book or books wherein shall be kept recorded:—

Record books to be kept and what to contain.

(*a*) A copy of the letters patent incorporating the company and of any supplementary letters patent issued to the company; and if incorporated by special Act, the chapter and year of such Act;

(*b*) The names, alphabetically arranged, of all persons who are or have been shareholders in the company;

(*c*) The post-office address and calling of every such person while such shareholder;

(*d*) The number of shares of stock held by each shareholder;

(*e*) The amounts paid in, and remaining unpaid, respectively, on the stock of each shareholder;

(*f*) The date and other particulars of all transfers of stock in their order; and

(*g*) The names, post-office addresses and callings of all persons who are or have been directors of the company; with the several dates at which each person became or ceased to be such director. 60 V. c. 28, s. 68.

72. No director, officer or servant of the company shall knowingly make or assist to make any untrue entry in any such book, or shall refuse or neglect to make any proper entry therein; and any person violating wilfully the provisions of this section shall, besides any criminal liability which he may thereby incur, be liable in damages for all loss or injury which any person interested may have sustained thereby. 60 V. c. 28, s. 69.

Penalty for false entries.

Powers of judge as to entries in, omissions from, and rectification of books.

73.—(1) If the name of any person is, without sufficient cause, entered in or omitted from such book or books of the company, or if default is made or unnecessary delay takes place in entering in said books the fact of any person having ceased to be a shareholder of the company, the person or shareholder aggrieved, or any shareholder of the company, or the company itself may by application to a Judge apply for an order that the book or books be rectified, and the Judge may either refuse such application with or without costs to be paid by the applicant, or he may, if satisfied of the justice of the case, make an order for the rectification of the said book or books, and may direct the company to pay the costs of such motion or application and any damages the party aggrieved may have sustained. The Judge may in any proceeding under this section, decide on any question relating to the title of any person who is a party to such proceeding to have his name entered in or omitted from the said books of the company, whether such question arises between two or more shareholders, or alleged shareholders, or between any shareholders or alleged shareholders, and the company, and, generally, the Judge may in any such proceeding decide any question which it may be necessary or expedient to decide for the rectification of the said books.

Costs.

Decision as to title.

(2) The Judge may direct an issue to be tried in which any question of law may be raised.

Appeal.

(3) An appeal shall lie, as in ordinary cases, before such Judge.

(4) This section shall not deprive any Court of any jurisdiction it may have. 60 V. c. 28, s. 70.

Books to be open for inspection.

74. Such books shall during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of shareholders and creditors of the company, and their personal representatives or agents at the head-office, and every such shareholder, creditor, agent or representative, may make extracts therefrom. 60 V. c. 28, s 71.

Liability for refusal to allow inspection of books.

75. Any director or officer who refuses to permit any person entitled thereto to inspect such book or books, or make extracts therefrom, shall forfeit and pay to the party aggrieved the sum of one hundred dollars; and in case the amount is not paid within seven days after the recovery of judgment, the Court in which the judgment is recovered, or a Judge thereof, may direct the imprisonment of the offender for any period not exceeding three months unless the amount with costs is sooner paid. 60 V. c. 28, s. 72.

Books to be *prima facie* evidence.

76. Such books shall be *prima facie* evidence of all facts purporting to be thereby stated, in any action or proceeding against the company or against any shareholder. 60 V. c. 28, s. 73.

77. The directors shall cause proper books of account to be kept containing full and true statements Books of account to be kept.

(a) Of the company's financial and trading transactions;

(b) Of the stock-in-trade of the company;

(c) Of the sums of money received and expended by the company, and the matters in respect of which such receipt or expenditure takes place, and,

(d) Of the credits and liabilities of the company;

and also a book or books containing minutes of all the proceedings and votes of the company, or of the board of directors, respectively, and the by-laws of the company, duly authenticated, and such minutes shall be verified by the signature of the president, or other presiding officer of the company. 60 V. c. 28, s. 74. Minutes of proceedings.

ANNUAL STATEMENT AND SUMMARY, ETC.

78. At each annual meeting, or, at least, once in every year, and at intervals of not more than fifteen months, the directors shall, at a general meeting duly called, lay before the company a statement of the income and expenditure of the company for the past year, made up to a date not more than three months before such annual or general meeting, and shall also lay before the company such further information respecting the company's financial position and profit and loss account as the by-laws or the charter of the company may require. 60 V. c. 28, s. 75. Annual statement of income and expenditure.

79.—(1) The company shall, on or before the first day of February in every year, make out a summary in duplicate, verified as hereinafter required, containing as of the thirty-first day of December preceding, correctly stated, the following particulars:— Annual summary of the affairs of the company. Contents of statement.

(a) The corporate name of the company;

(b) The manner in which the company is incorporated whether by special Act, or by letters patent;

(c) The place where the head-office of the company is situated;

(d) The place, or places where, or from which the undertaking of the company is carried on;

(e) The name, residence and post-office address of the president and of the secretary, and of the treasurer of the company;

(f) The name, residence and post-office address of each of the directors of the company;

(g) The date upon which the last annual meeting of the company was held;

(*h*) The amount of the capital of the company and the number of shares into which it is divided;

(*i*) The number of shares subscribed for and allotted;

(*j*) The amount of stock (if any) issued free from call; if none is so issued, this fact to be stated;

(*k*) The amount issued subject to call;

(*l*) The amount of calls made on each share;

(*m*) The total amount of calls received;

(*n*) The total amount of calls unpaid;

(*o*) The total amount of shares forfeited;

(*p*) The total amount of shares which have never been allotted or subscribed for;

(*q*) The total amount for which shareholders of the company are liable in respect of unpaid stock held by them;

(2) The said summary may also, after giving the information hereinbefore required, give in a concise form, such further information respecting the affairs of the company as the directors may consider expedient.

List of shareholders.

(3) The summary shall also contain a list of persons who, on the 31st day of December previously, were shareholders of the company; and such list shall state the names alphabetically arranged, and the address and occupation of each such person; the amount of stock held by each; and the amount if any unpaid and still due by each such person;

Return as to crude petroleum.

(4) Every company so long as it carries on the business of warehousing crude petroleum shall state the following additional particulars in the summary:—

(i.) The total quantity of crude petroleum actually held by the company for the purpose of answering transportation and warehouse receipts, accepted orders, and certificates of crude petroleum.

(ii.) The total quantity of crude petroleum in respect of which the company as warehousemen or carriers are liable to make delivery to other persons.

[*As to returns by companies carrying on the business of warehousing crude petroleum see also Cap. 219, sec. 4.*]

Mode of writing the same.

(5) The summary, and every duplicate thereof required by this Act, shall be written, or printed on only one side of the sheet or sheets of paper containing the same.

Verification thereof.

(6) The summary shall be verified by the affidavit of the president and secretary, and if there are no such officers, or they, or either of them, are or is, at the proper time out of this Province, or otherwise unable to make the same, by the

affidavit of the president or secretary and one of the directors, or two of the directors, as the case may require; and if the president or secretary does not make or join in the affidavit, the reason thereof shall be stated in the substituted affidavit.

Posting thereof.

(7) One of the duplicate summaries with the affidavit of verification, shall be posted up in a conspicuous position in the head-office of the company in Ontario, on or before the 2nd day of February; and the company shall keep the same so posted, until another summary is posted under the provisions of this Act; and the other duplicate summary, verified as aforesaid, shall on or before the 8th day of February next after the time hereinbefore fixed for making the summary be transmitted, by registered letter, to the Provincial Secretary and be addressed to him at the Parliament Buildings, Toronto.

Deposit with Provincial Secretary.

Penalty for default

(8) If a company makes default in complying with the provisions of this section, the company shall incur a penalty of $20 for every day during which the default continues, and every director, manager or secretary of the company, who knowingly and wilfully authorizes or permits such default, shall incur the like penalty.

When section not to apply.

(9) This section shall not apply to any company until the 1st day of February next after the first 31st day of December, after the company has been organized, or has gone into actual operation, whichever shall first happen, and shall not be held to apply to any company which has ceased to carry on business; and upon its being proved that any company to which this Act applies did not transact any business (other than the payment of taxes or the making of a return, or the furnishing of any list, statement, or other information to the Government of Ontario, or to any officer or department thereof) during the year for which it is alleged a return in accordance with the requirements of law has not been made, such company shall be deemed to have ceased to carry on business within the meaning of this sub-section.

Further proviso.

(10) This section shall not apply to any company not incorporated for commercial, mercantile, manufacturing, trading, or business purposes, or objects, where such company by its charter of incorporation is declared to be exempt from the provisions thereof, or to any company not incorporated for any of the said purposes which, on proof thereof being shown to the Lieutenant-Governor in Council, is, on, from and after a date to be set forth in the order of the Lieutenant-Governor in Council in that behalf, declared to be exempt. 60 V. c. 28, s. 76.

Inspection.

The Court may appoint an inspector.

80.—(1) Upon an application by not less than one-fifth in value of the shareholders of the company, a

Judge may, if he deems it necessary, appoint an inspector to investigate the affairs and management of the company, who shall report thereon to the Judge, and the expense of such investigation shall, in the discretion of the Judge, be defrayed by the company, or by the applicants, or partly by the company and partly by the applicants as he may order, and, if he thinks fit, he may require the applicants to give security to cover the probable cost of the investigation, and he may make necessary rules and prescribe the manner in which and the extent to which the investigation shall be conducted; or the Judge may, if he deems it necessary, examine the officers or directors of the company under oath as to matters that come in question.

Examination by company.

(2) The company may by resolution passed at the annual meeting, or at a special general meeting called for the purpose, appoint an inspector to examine into the affairs of the company. The inspector so appointed shall have the same powers and perform the same duties as an inspector appointed by a Judge, with this exception, that instead of making his report to the Judge he shall make the same in such manner and to such persons as the company by said resolution directs.

Powers and duties of inspector.

Production of books and documents.

(3) It shall be the duty of all officers and agents of the company to produce for the examination of any such inspector all books and documents in their custody or power. Any such inspector may examine upon oath the officers and agents of the company in relation to its business, and may administer such oath accordingly. If any officer or agent refuses to produce any book or document hereby directed to be produced, or to answer any question relating to the affairs of the company, he shall incur a penalty not exceeding $20, in respect of each offence. 60 V. c. 28, s. 77.

Examination on oath.

Penalty for non-production.

Contracts, Dividends, Etc.

Contracts, etc., when to be binding on company.

81. Every contract, agreement, engagement or bargain made and every bill of exchange drawn, accepted or indorsed, and every promissory note and cheque made, drawn or indorsed on behalf of the company by any agent, officer or servant of the company, in general accordance with his powers as such under the by-laws or resolutions of the company, shall be binding upon the company; and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or indorsed, as the case may be, in pursuance of any by-law, resolution or special vote or order; nor shall the person so acting as agent, officer or servant of the company, be thereby subjected individually to any liability therefor. 60 V. c. 28, s. 78.

82. The company shall not under any circumstances use any of its funds in the purchase of stock in any other corporation, unless and until the directors have been expressly authorized by a by-law passed by them for the purpose and sanctioned by a vote of not less than two-thirds in value of the shareholders present in person or by proxy at a general meeting of the company duly called for considering the subject of the by-law. 60 V. c. 28, s. 79. Not to purchase stock in other corporations.

83. The directors of the company shall not declare or pay any dividend when the company is insolvent, or any dividend the payment of which renders the company insolvent, or diminishes the capital thereof; but if any director present when such dividend is declared, forthwith, or if any director then absent, within twenty-four hours after he has become aware thereof and able so to do, enters his written protest against the same, and within eight days thereafter causes such protest to be notified, by registered letter, to the Provincial Secretary, such director may thereby, and not otherwise, exonerate himself from liability. 60 V. c. 28, s. 80. Liability of directors declaring a dividend when company is insolvent, etc. How a director may avoid such liability.

84. No loan shall be made by the company to any shareholder, and if such loan is made, all directors and other officers of the company making the same, and in anywise assenting thereto shall be jointly and severally liable to the company for the amount thereof and also to third parties to the extent of such loan with legal interest, for all debts of the company contracted from the time of the making of the loan to that of the repayment thereof. 60 V. c. 28, s. 81. No loan by company to shareholder.

85. The directors of the company shall be jointly and severally liable to the labourers, servants and apprentices thereof for all debts not exceeding one year's wages due for services performed for the company while they are such directors respectively; but no director shall be liable to an action therefor, unless the company has been sued therefor within one year after the debt became due, nor yet unless such director is sued therefor within one year from the time when he ceased to be such director, nor yet before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against the directors. 60 V. c. 28, s. 82. Liability of directors for wages.

86. The company shall be subject to the provisions of any Act of the Legislature for the winding up of joint stock companies. 60 V. c. 28, s. 83. Winding up Acts to apply.

Auditors and their Duties.

87. If the special Act, letters patent or the by-laws of the company so direct, the accounts of the company shall Accounts may be audited.

be examined once at least in every year, and the correctness of the balance-sheet shall be ascertained, by an auditor. 60 V. c. 28, s. 84.

Appointment of first auditor.

88. Such auditor may be appointed by resolution at a general meeting of the company; if so appointed, he shall hold office until the next annual general meeting thereafter unless previously removed by a resolution of the shareholders in general meeting; subsequent auditors may be appointed by a resolution of the company in general meeting. 60 V. c. 28, s. 85.

Auditors may be shareholders.

89. The said auditor may be a shareholder of the company, but no person shall be eligible as an auditor who is interested, otherwise than as a shareholder, in any transaction of the company; and no director or other officer of the company shall be eligible during his continuance in office. 60 V. c. 28, s. 86.

Remuneration of auditors.

90. The remuneration of the auditor shall be fixed by the company in general meeting. 60 V. c. 28, s. 87.

Auditors re-eligible.

91. Any auditor shall be eligible for re-appointment. 60 V. c. 28, s. 88.

Auditors to examine accounts, etc.

92. Every auditor shall be supplied with a copy of the balance-sheet, and it shall be his duty to examine the same with the accounts and vouchers relating thereto. 60 V. c. 28, s. 89.

Access of auditors to books, etc.

93. Every auditor shall have a list delivered to him of all books kept by the company, and shall at all reasonable times have access to the books and accounts of the company. 60 V. c. 28, s. 90.

Auditors to make reports to shareholders.

94. The auditor shall make a report to the shareholders upon the balance-sheet and accounts, and in every such report he shall state whether, in his opinion, the balance-sheet is a full and fair balance-sheet, and properly drawn up so as to exhibit a true and correct view of the state of the company's affairs, and, in case he has called for explanations, or information from the directors, or officers of the company, whether such explanation, or information has been given by the directors, and whether it has been satisfactory. 60 V. c. 28, s. 91.

FEES, ETC.

Fees on letters patent, etc., to be fixed by Order-in-Council.

95.—(1) The Lieutenant-Governor in Council may, from time to time, establish, alter and regulate the tariff of the fees to be paid on applications under this Act; may designate the department or departments through which the issue of letters patent, or supplementary letters, or of licenses should be made; and may prescribe the forms of proceeding and record in

respect thereof, and all other matters requisite for carrying out the objects of this Act.

(2) Such fees may be made to vary in amount, under any rule or rules—as to nature of company, amount of capital and otherwise—that may be deemed expedient. May be varied.

(3) No step shall be taken in any Department towards the issue of any letters patent or supplementary letters patent, or license under this Act, until after all fees therefor have been duly paid. 60 V. c. 28, s. 92. Restriction.

96. The provisions of this and any other Act relating to matters preliminary to the issue of the letters patent shall be deemed to be directory only; and no letters patent, or supplementary letters patent, or license, notice, order or other proceeding by or on behalf of the Lieutenant-Governor in Council, Provincial Secretary, or other Government or departmental officer under this or any other Act shall be held to be void or voidable on account of any irregularity, or otherwise, in respect of any matter preliminary to the issue of the letters patent, or supplementary letters patent, license, notice, order or other proceeding or of any alterations in any petition or papers submitted in order to make them comply with this or any other Act, or with the departmental practice thereunder. 60 V. c. 28, s. 93. Certain informalities not to invalidate letters patent, etc.

Liability for False Statements.

97.—(1) If any person in any return, report, certificate, balance sheet, or other document required by or for the purposes of this Act, wilfully makes a statement false in any material particular, he shall be liable on conviction on indictment to imprisonment for a term not exceeding six months, with or without hard labour, and on summary conviction to imprisonment not exceeding three months, with or without hard labour, and in either case to a fine of $100 in lieu of or in addition to such imprisonment as aforesaid. False returns, etc.

(2) A person charged with an offence under this section, may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon may give evidence in the same manner and with the like effect and consequences as any other witness. 60 V. c. 28, s. 94.

[*As to the liability of directors and others for untrue statements in a prospectus advertisement or notice, see Cap. 216.*]

Forfeiture or Surrender or Revocation of a Charter, Etc.

98. If a company incorporated by letters patent does not go into actual operation within two years after incorporation, or, for two consecutive years, does not use its corporate powers Forfeiture of charter for non-user.

such powers, except so far as is necessary for winding up the company, shall be forfeited, and its name, in whole or in part, may be granted to another company, notwithstanding anything contained in section 10 of this Act; and, in any action of proceeding where such non-user is alleged, proof of user shall lie upon the company, provided, however that no such forfeiture shall affect prejudicially the rights of creditors as they exist at the date of such forfeiture. 60 V. c. 28, s. 97 *first part.*

Revocation of charter.

99. The charter of a company incorporated by letters patent, may, at any time, be declared to be forfeited, and may be revoked and made void by an order of the Lieutenant-Governor in Council on sufficient cause being shown to the Lieutenant-Governor in Council in that behalf, and such forfeiture, revocation and making void may be upon such conditions and subject to such provisions as to the Lieutenant-Governor may seem proper. 60 V. c. 29, s. 97(*a*).

Individual liability for whole of the company's debts if business is carried on with less than five members.

100. If a company carries on business when the number or its shareholders is less than five for a period of six months after the number has been so reduced, every person who is a shareholder in the company during the time that it so carries on business after such period of six months and is cognizant of the fact that it is so carrying on business with less than five shareholders shall be severally liable for the payment of the whole of the debts of the company contracted during such time, and may be sued for the same without the joinder in the action or suit of the company or of any other shareholder; but any shareholder who has become aware that the company is carrying on business when the number of its shareholders is less than five, may serve a protest in writing on the company, and may, by registered letter, notify the Provincial Secretary of such protest having been served, and of the facts upon which it is based, and such shareholder may thereby, and not otherwise, from the date of his said protest and notification, exonerate himself from liability; and if after notice from the Provincial Secretary the company refuses or neglects to bring the number of its shareholders up to five, such refusal or neglect may, upon the report of the Provincial Secretary, be regarded by the Lieutenant-Governor in Council as sufficient cause for the revocation of the company's charter. 60 V. c. 28, s. 98.

A charter may be surrendered.

101. The charter of a company incorporated by letters patent may be surrendered if the company proves to the satisfaction of the Lieutenant-Governor in Council:

(*a*) That it has no debts existing, or other rights in question, or

(*b*) That it has parted with its property, divided its assets rateably amongst its shareholders, and has no debts, or liabilities, or

(*c*) That the debts and obligations of the company have been duly provided for or protected, or that the creditors of the company or other persons holding them consent,

and that the company has given notice of the application for acceptance of surrender as may be required by regulations made under section 11 of this Act; and the Lieutenant-Governor in Council, upon a due compliance with the provisions of this section, may accept and direct the cancellation of the charter and may, by his order, fix a date upon and from which the company shall be deemed to be dissolved, and the company shall thereby and thereupon become dissolved accordingly. 60 V. c. 28, s. 99.

Extension of Powers.

Additional powers which may be granted by supplementary letters patent.

102. In case a resolution, authorizing an application by petition to the Lieutenant-Governor therefor, is passed by a vote of not less than two-thirds in value of the shareholders present in person or by proxy at a general meeting of the company, duly called for considering the subject of such resolution, the Lieutenant-Governor in Council may, from time to time, direct the issue of supplementary letters patent to the company embracing any or all of the following matters:

(*a*) Extending the powers of the company to any objects within the scope of this Act, which the company may desire;

(*b*) Providing for the formation of a reserve fund;

(*c*) Varying any provision contained in the letters patent, so long as the alteration desired is not contrary to the provisions of this Act;

(*d* Making provision for any other matter or thing in respect of which provision might be made by original letters patent under this Act. 60 V. c. 28, s. 101; c. 3, s. 3.

Amalgamation of Companies.

Amalgamation of companies.

103.—(1) Any two or more companies incorporated under the laws of this Province and having objects within the scope of this Act may, in the manner herein provided, unite, amalgamate and consolidate their stock, property, businesses and franchises, and may enter into all contracts and agreements therewith necessary to such union and amalgamation.

Joint agreement between directors proposing to amalgamate, etc.

(2) The directors of the companies proposing to so amalgamate or consolidate as aforesaid, may enter into a joint agreement, to be executed under the corporate seal of each of the said companies, for the amalgamation and consolidation of the said companies, prescribing the terms and conditions thereof,

the mode of carrying the same into effect, the name of the new company, of which the last word shall be the word "Limited," the number of the directors thereof, and who shall be the first directors thereof and their places of residence, the number of shares of the capital stock, the amount of par value of each share, and the manner of converting the capital stock of each of the said corporations into that of the new corporation, and how, and when directors of the new corporation shall be elected, with such other details as they deem necessary to perfect the new organization and the consolidation and amalgamation of the said companies, and the after management and working thereof.

To be submitted to shareholders of each company for consideration.

(3) The agreement shall be submitted to the shareholders of each of the said companies at a meeting thereof called in accordance with the by-laws and held separately for the purpose of taking the same into consideration.

Vote by ballot to be taken.

(4) At such meetings of shareholders, the agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same, and each share shall entitle the holder thereof to one vote, and the ballots shall be cast in person or by proxy; and if two-thirds of the votes of all the shareholders of each of such companies are for the adoption of the agreement, then that fact shall be certified upon the agreement by the secretary of each of such companies under the corporate seal thereof; and if the agreement is so adopted at the respective meetings of the shareholders of each of the said companies, the companies by their joint petition may, through the Provincial Secretary, apply to the Lieutenant-Governor in Council for letters patent confirming the said agreement.

Upon completion of consolidation, the new corporation to possess rights, powers, etc., and be subject to duties, etc., of each of united societies.

(5) With their joint petition, the companies shall deposit with the Provincial Secretary, an original of the agreement, and shall furnish such further and other documents and evidence in this behalf as the Provincial Secretary may require, and the Lieutenant-Governor in Council may by letters patent confirm such agreement, and on and from the date of the letters patent, confirming the said agreement, and from such date only, the said companies shall be deemed and taken to be amalgamated and consolidated and to form one company by the name in the said agreement and letters patent provided, and the consolidated company shall possess all the properties, real, personal and mixed, rights, privileges, and franchises and be subject to all the liabilities, contracts, disabilities and duties of each of the companies so consolidated.

Proviso as to rights of creditors, etc., of either of corporations.

(6) All rights of creditors to obtain payment of their claims out of the property, rights and assets of the company liable for such claims and all liens upon the property, rights, and assets of either of such companies shall be unimpaired by such consolidation, and all debts, contracts, liabilities and

duties of either of the said companies shall thenceforth attach to the consolidated company, and be enforced against it to the same extent as if the said debts, contracts, liabilities and duties had been incurred or contracted by it.

(7) No action or proceeding, by or against the said corporations so consolidated, or either of them, shall abate or be affected by such consolidation, but for all the purposes of such action or proceeding, such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof. Proviso as to actions against.

(8) The Provincial Secretary shall give such a notice respecting the amalgamation of the said companies as the regulations made under section 11 of this Act may prescribe. 60 V. c. 28. s. 102. Notice of amalgamation.

RE-INCORPORATION BY INCORPORATED COMPANIES.

104.—(1) Any company incorporated, for purposes or objects within the scope of this Act, or within the scope of this Act as it may be hereafter amended, whether under a special or a general Act, and being at the time of its application a subsisting and valid corporation, may apply for letters patent under this Act; and the Lieutenant-Governor in Council, upon proof that notice of the application has been inserted for four weeks in the *Ontario Gazette*, may direct the issue of letters patent incorporating the shareholders of the said company as a company under this Act, and thereupon all the rights or obligations of the former company shall be transferred to the new company, and all proceedings may be continued and commenced by or against the new company, that might have been continued or commenced by or against the old company, and it shall not be necessary in any such letters patent to set out the names of the shareholders; and after the issue of the letters patent, the company shall be governed in all respects by the provisions of this Act, except that the liability of the shareholders to creditors of the old company shall remain as at the time of the issue of the letters patent. Subsisting companies may apply under this Act.

(2) Where a company is re-incorporated under the preceding sub-section the Lieutenant-Governor may, by the letters patent, increase the capital stock of the company to any amount which the shareholders of the company applying for re-incorporation may, by a resolution passed by a vote of not less than two-thirds in value of those present in person or by proxy at a general meeting of the company duly called for considering the same, have declared to be requisite for the due carrying out of the objects of the company.

(3) The resolution may prescribe the manner in which the new stock is to be allotted; and in default of its so doing, the control of the allotment shall vest absolutely in the directors of the new company. R. S. O. 1887, c. 157, s. 72.

Existing companies may apply for letters patent with extended powers.

105. Where an existing company applies for the issue of letters patent under the provisions of the preceding section, the Lieutenant-Governor may by the letters patent extend the powers of the company to such other objects within the scope of this Act as the applicants desire, and as the Lieutenant-Governor thinks fit to include in the letters patent, and may by the said letters patent name the first directors of the new company, and the letters patent may be to the new company by the name of the old company or by any other name. R. S. O 1887, c. 157, s. 73.

LETTERS PATENT TO COMPANIES INCORPORATED BY SPECIAL ACT.

Letters patent for certain purposes may be granted to companies incorporated under special Acts.

106. Where any company has been incorporated by a special Act for purposes or objects within the scope of this Act, then, in case a resolution authorizing an application by petition to the Lieutenant-Governor therefor is passed by a vote of not less than two-thirds in value of the shareholders present in person, or by proxy, at a general meeting of the company, duly called for considering the subject of such resolution, the Lieutenant-Governor in Council may, from time to time, direct the issue of letters patent to the company, embracing any or all of the following matters:

(*a*) Extending the powers of the company to any objects within the scope of this Act, which the company may desire;

(*b*) Limiting or increasing the amount which the company may borrow upon debentures, or otherwise;

(*c*) Providing for the formation of a reserve fund;

(*d*) Varying any provision contained in the special Act, so long as the alteration is not contrary to the provisions of this Act;

(*e*) Making provision for any other matter or thing in respect of which provision might have been made had the company been incorporated under this Act. 60 V. c. 28, s. 103.

Certain powers may be granted by license to extra-provincial companies.

107.—(1) Any company, incorporated otherwise than by or under the authority of an Act of the Legislature of Ontario, desiring to carry on any of its business which is within the scope of this Act, within the Province of Ontario, may, through the Provincial Secretary, petition the Lieutenant-Governor in Council for a license so to do, and the Lieutenant-Governor in Council may thereupon authorize such company to use, exercise, and enjoy any powers, privileges and rights set forth in the said license.

Copy of Act or other instrument of incorporation

(2) No such license shall be issued until such company has deposited in the office of the Provincial Secretary a true copy of

the Act, charter or other instrument incorporating the company, verified in the manner which may be satisfactory to the Lieutenant-Governor in Council, together with a duly executed power of attorney, under its common seal, empowering some person therein named and residing in the Province of Ontario to act as its attorney and to sue and be sued, plead or be impleaded in any Court, and, generally, on behalf of such company and within the said Province, to accept service of process and to receive all lawful notices, and for the purposes aforesaid to do all acts and to execute all deeds and other instruments relating to the matters within the scope of the power of attorney, and such company may from time to time by a new or other power of attorney, executed and deposited as aforesaid, appoint another attorney within the Province for the purposes aforesaid to replace the attorney formerly appointed.

with power of attorney to be deposited with Provincial Secretary.

Power of Attorney.

(3) Such notice of the granting of the said license shall be given forthwith by the Provincial Secretary in *The Gazette* as the regulations made under section 11 of this Act hereof may prescribe.

Notice.

(4) The license, or any exemplification thereof under the Great Seal of Ontario, shall be sufficient evidence in any proceeding in any Court in this Province, of the due licensing of the company as aforesaid.

Evidence of having been licensed.

(5) A company licensed as aforesaid, shall on or before the 8th day of February in every year during the continuance of such license, make to the Provincial Secretary a statement, according to a form approved of by the Lieutenant-Governor in Council for the purpose, containing information similar to that required under section 79 of this Act, or so much hereof as may be prescribed in such form.

Return.

(6) If a company makes default in complying with the provisions of this section, the company shall incur a penalty of $20 for every day during which the default continues, and every director, manager, or secretary of the company, who knowingly and wilfully authorizes or permits such default, shall incur the like penalty.

(7) The Lieutenant-Governor in Council may, by an Order in Council, to be published by the Provincial Secretary in *The Gazette*, and otherwise as may be prescribed by the said regulations, suspend, or revoke and make null and void any license granted, under this section, to any company which refuses or fails to comply with any of the provisions of this section, and, notwithstanding such suspension or revocation, the rights of creditors of the company shall remain as at the time of such suspension or revocation. 60 V. c. 28, s. 105.

Penalty for default.

SCHEDULE A. *(Section 10).*

(To be executed in duplicate ; one duplicate to be deposited in the Office of the Provincial Secretary.)

THE.....COMPANY OF.....(LIMITED).

MEMORANDUM OF AGREEMENT AND STOCK-BOOK.

WE the undersigned do hereby severally covenant and agree each with the other to become incorporated as a company under the provisions of *The Ontario Companies Act* under the name of THE..... .....COMPANY OF..... .....(LIMITED), or such other name as the Lieutenant-Governor in Council may give to the Company, with a capital of.....dollars, divided into.....shares of .....dollars each.

AND WE DO hereby severally, and not one for the other, subscribe for and agree to take the respective amounts of the capital stock of the said Company set opposite our respective names as hereunder and hereafter written, and to become shareholders in such company to the said amounts.

In witness whereof we have signed.

Name of subscriber.	Seal.	Amount of subscription.	Date and place of subscription.		Residence of subscriber.	Name of witness.
			Date.	Place.		
		$				

60 V. c. 28, Sched. A.

SCHEDULE B.

(Section 10).

PETITION.

TO HIS HONOUR.....

..... ETC., ETC., ETC.

Lieutenant-Governor of the Province of Ontario in Council:

THE PETITION of..... .....

.....

.....

.....

.....

.....*Humbly sheweth as follows:—*

1. Your Petitioners are desirous of obtaining by letters patent, under the Great Seal, a charter, under the provisions of *The Ontario Companies Act* constituting Your Petitioners and such others as may become shareholders in the Company thereby created, a body corporate and politic under the name of THE..... COMPANY (LIMITED), or such other name as shall appear to Your Honour to be proper in the premises.

2. Your Petitioners have satisfied themselves and are assured that the corporate name under which incorporation is sought is not on any public ground objectionable, and that it is not that of any known company, incorporated or unincorporated, or of any partnership, or individual, or any name under which any known business is being carried on, or so nearly resembling the same as to deceive.*

3. Your Petitioners have satisfied themselves and are assured that no public or private interest will be prejudicially affected by the incorporation of Your Petitioners as aforesaid. †

4. Your Petitioners are of the full age of twenty-one years.

5. The object for which incorporation as aforesaid is sought by Your Petitioners is to .....

.....

.....

.....

6. The undertaking of the company will be carried on at (*or* from) ....., which is (*or* are) within the Province of Ontario.

7. The head-office of the Company will be at .....

* Add here when proper "except the name '.....' and Your Petitioners elsewhere shew that they have received the necessary consent in writing under section 10 of the said Act to the use of the name applied for."

† If otherwise, then the interests liable to be so affected shall be set out at length by affidavit to be briefly referred to here.

8. The amount of the capital stock of the Company is to be.... dollars.

9. The said stock is to be divided into ..... shares of..... .....dollars each.

10. The number of the Board of Directors of the Company is to be .....

11. The said.....
.....
are to be the provisional directors of the Company.

12. By subscribing therefor in a Memorandum of Agreement, duly executed, in duplicate, with a view to the incorporation of the Company, your petitioners have taken the amounts of stock set opposite their respective names, as follows :—

Petitioners.	Amount of stock subscribed for.
.....	$ .....
.....	$ .....
.....	$ .....
.....	$ .....
.....	$ .....
.....	$ .....
.....	$ .....
.....	$ .....
.....	$ .....
.....	$ .....
.....	$ .....
.....	$ .....

NOTE.—If any payment, in cash or otherwise, has actually been made by any petitioner on his stock, particulars thereof may be set out here.

YOUR PETITIONERS therefore pray that Your Honour may be pleased, by Letters Patent under the Great Seal, to grant a Charter to Your Petitioners constituting Your Petitioners and such others as have or may become subscribers in the Memorandum of Agreement and stock-book of the Company thereby created, a body corporate and politic for the due carrying out of the undertaking aforesaid.

And Your Petitioners, as in duty bound, will ever pray.

Signatures of witnesses.	Signatures of petitioners.
....	.....
.....	.....
....	.....
.....	....
.....	.....
.....	....
....	....
.....	.....
... .	... .
.....	.....
....	.....
....	....

Dated at..... ..... this.....day of..... 18 .

60 V. c. 28, *Sched. B.*

CHAPTER 192.

An Act respecting Telegraph Companies

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Powers for the construction of the line.

C. S. C. c. 67

1. Every telegraph association or company, subject to the legislative authority of this Province, and incorporated under chapter 67 of the Consolidated Statutes of Canada, or under any general Act passed subsequently thereto or hereafter passed authorizing the incorporation of such companies, may construct the lines of telegraph designated in its instrument of incorporation upon any lands purchased by the company, or the right to carry its line over which has been conceded to it by the parties having a right to make such concession, and along and upon any of the public roads and highways, or across any of the waters within this Province, by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, provided the same are not so constructed as to incommode the public use of such roads or highways, or to impede the free access to any house or other building erected in the vicinity of the same, or injuriously to interrupt the navigation of such waters. R. S. O. 1887, c. 158, s. 1.

Co. not to build bridge over navigable water.

2. Nothing herein contained shall confer on any such association or company the right of building a bridge over any navigable water. R. S. O. 1887, c. 158, s. 2.

Duties of company in transmitting despatches.

3. The owner of, or the company owning any telegraph line shall, except in cases provided for in the next section, transmit all despatches in the order in which they are received, under a penalty of not less than $20 nor more than $100, to be recovered, with costs of action, by the person or persons whose despatch has been postponed out of its order. R. S. O. 1887, c. 158, s. 3.

What messages entitled to preference.

4. Any message in relation to the administration of justice, arrest of criminals, the discovery or prevention of crime, and Government messages or despatches, shall always be transmitted in preference to any other message or despatch, if required by persons connected with the administration of justice, or any person thereunto authorized by the Provincial Secretary. R. S. O. 1887, c. 158, s. 4.

Government may assume the same temporarily.

5. Her Majesty may, at any time, assume, and for any length of time retain, possession of any such telegraph line and of all things necessary to the efficient working thereof, and may for the same time require the exclusive service of the operators and other persons employed in working such line, and the company shall give up possession thereof, and the operators and other persons so employed shall, during the time of such possession, diligently and faithfully obey such orders, and receive and transmit such despatches as they may be required to receive and transmit by any duly authorized officer of the Provincial Government, under a penalty not exceeding $100 for any refusal or neglect to comply with the requirements of this section, to be recovered by the Crown for the public uses of the Province, with costs. R. S. O. 1887, c. 158, s. 5.

Her Majesty may assume the property of the line.

6. At any time after the commencement of a telegraph line under this Act, and after two months' notice to the company, Her Majesty may assume the possession and property thereof, and thereupon the line and all the property, real or personal, essential to the working thereof, and all the rights and privileges of the company as regards the same shall be vested in the Crown. R. S. O. 1887, c. 158, s. 6.

Mode of settling the compensation in case of disagreement.

7. If a difference arises between the company and those who act for the Crown, as to the compensation which ought to be paid to the company for any telegraph line and appurtenances taken under section 6 of this Act, or for the temporary exclusive use thereof under section 5 such difference shall be referred to three arbitrators, one to be appointed on the part of the Crown, another by the company, and the third by the two arbitrators so appointed, and the award of any two of the said arbitrators shall be final; and in case of refusal or neglect by the company to appoint an arbitrator, or if the two arbitrators cannot agree upon a third arbitrator, then such arbitrator shall be appointed by any two Judges of the High Court, on application on the part of the Crown. R. S. O. 1887, c. 158, s. **7**.

Municipal corporations and Joint Stock Companies may take stock in telegraph companies. C. S. C. c. 67.

8. Any municipal corporation in this Province or any joint stock company incorporated under any Act of the late Province of Canada or of this Province, may subscribe for and hold stock in any telegraph company incorporated under chapter 67 of the Consolidated Statutes of Canada, or any general Act passed subsequently thereto or hereafter passed authorizing the incorporation of such companies, and may pay the amount of such subscription out of any municipal or other funds not specially appropriated to any other purpose, and such municipal corporation may levy money by rate, for paying any such subscription; and shall have such rights as a member of the company, and shall vote upon the stock held by it in such manner and by the intervention of such person or officer, as may be determined by the instrument of incorporation of the company. R. S. O. 1887, c. 158, s. 8.

CHAPTER 193.

An Act respecting Joint Stock Companies for the Construction or Purchase of Roads and other Works.

SHORT TITLE, s. 1.
ACT TO APPLY TO EXISTING COMPANIES, s. 2.
INCORPORATION OF ROAD COMPANIES ss. 3-29.
- Proceedings for incorporation, ss. 3-5.
- Restrictions on right to construct roads, ss. 6-13.
- Power to take lands and materials, ss. 14-28.
- Widening, etc., of road, s. 29.

UNION OF COMPANIES, ss. 30-31.
SALE OF ROADS, ss. 32-35.
POWERS OF COUNCILS, ss. 36-42, 145-149.
POWER TO TAKE MATERIALS FOR CONSTRUCTION OF ROADS, ss. 43-47.
TIME FOR COMPLETION OF ROADS, ss. 48, 49.
ABANDONMENT OF ROADS, ss. 50, 51.
TOLLS, 52-78.
- Commutation of tolls, 62-72.
- Exemption from toll, s. 74.

COMMISSION TO INQUIRE INTO TOLLS, s. 78.
REPAIR OF ROADS, ss, 79-115.
COMPELLING REPAIR.
- On requisition to County Judge, ss. 80-103.
- On requisition to County Council, ss. 104-115.

REMOVAL OF SNOW, s. 116.
SALE OF ROADS UNDER EXECUTION, ss. 117-121.
OFFENCES AND PENALTIES, ss. 122-139.
MISCELLANEOUS:
- Certain informalities in incorporation cured, s. 140.
- Annual report to County Council, s. 141.
- Books to be kept by company, ss. 142-144.
- After 21 years municipality may purchase stock of the company. ss. 145, 146.
- Planting trees, ss. 147, 148.
- Crossings, ss. 149, 150.
- Certain sections to apply to all road companies under former Acts, s. 151.
- Certain sections to apply to all road companies having a special charter, s. 151 (2).

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The General Road Companies Act.*" R. S. O. 1887, c. 159, s. 1.

Existing companies continued—how this Act shall apply to them.

2. All companies incorporated for such purposes as are in this Act mentioned, under any former general Acts relating to joint stock road companies, before this Act takes effect, shall subsist and continue, notwithstanding the repeal of such Acts, and such companies shall be subject to, and may avail themselves of the provisions of this Act, and in all cases of doubt or ambiguity this Act shall be deemed and taken to be declaratory of the meaning of the said Acts. R. S. O. 1887, c. 159, s. 2.

INCORPORATION OF ROAD COMPANIES.

Mode and objects of incorporation.

3.—(1) The Lieutenant-Governor in Council may, by letters patent under the Great Seal, grant a charter incorporating a company under *The Ontario Companies Act*

Rev. Stat. c. 191.

(*a*) For the purpose of constructing on, along, or over any public road or highway, or allowance for road, or on, along, or over any other land a planked, macadamized, gravelled or other road not less than two miles in length, and also any bridges, piers, or wharfs connected therewith, or

(*b*) For the purpose of purchasing any such road, and any bridges, piers, or wharfs connected therewith.

Rev. Stat. c. 191.

(2) Every company so incorporated shall be subject to this Act and to the provisions of *The Ontario Companies Act*, so far as the same are applicable and consistent with this Act. 60 V. c. 31, s. 1, *part.*

4.—(1) No company shall be so incorporated

No company to be incorporated until sufficient stock subscribed.

(*a*) Until stock has been subscribed for to an amount deemed sufficient to construct or purchase, as the case may be, the entire road and works for the construction or purchase of which the incorporation of the company is sought,

(*b*) Nor until the subscribers for stock or some of them have paid on account of the shares subscribed for ten per cent. of the entire amount of the proposed capital stock. 60 V. c. 31, s. 1, *part.*

Companies to be subject to Ontario Companies' Act.

5. Every company heretofore incorporated under any former general Act respecting joint stock road companies shall be subject to this Act and to *The Ontario Companies Act*, so far as the provisions of said Act are applicable and consistent with this Act: Provided always that the Lieutenant-Governor in Council may relieve any company incorporated before the 13th day of April, 1897, from compliance with any of the provisions of *The Ontario Companies Act*, as may be deemed expedient. 60 V. c. 31, s. 1, *part.*

Rev. Stat., c. 191.

As to taking property.

6. No company shall construct such road or other works through, over, along or upon any private property or property of the Crown, without having first obtained the permission of the owner or occupier thereof, or of the Lieutenant-Governor in Council, so to do, except as hereinafter provided. R. S. O. 1887, c. 159, s. 7.

When municipal by-law necessary.

7. No road shall be constructed or pass within the limits of any city, or of any incorporated town or village,

except by permission, under a by-law of the city, town or village, passed for that purpose. R. S. O. 1887, c. 159, s. 8.

Bridges when part of the road.

8. All bridges in the line of road between the termini of any road, which are not within the limits of any city, incorporated town or village, shall be deemed part of such road, unless specially excepted in the instrument of association of the company. R. S. O. 1887, c. 159, s. 9.

Highest grade.

9. No road shall be made of a higher grade than one foot elevation to twenty feet along the road, without the sanction of the county engineer of the county where the road or other work is situated or constructed, and if there be no such officer, then of some competent engineer appointed by the county council for that purpose. R. S. O. 1887, c. 159, s. 10.

As to line for which other companies have been chartered.

10. In case under any statute heretofore passed a company has been formed to construct any roads or bridges, piers or wharfs, connected therewith as aforesaid, and the stock of the company has been subscribed, and the work in course of completion within the time limited by the statute under which the charter was obtained, no company shall be formed under this Act to construct any line of road for which such prior charter was so obtained, so long as the charter remains in force. R. S. O. 1887, c. 159, s. 11.

Thirty days notice to be served on the Head of the Municipality, prior to any company commencing any work.

11. No company formed under this Act shall commence any work until thirty days after the directors have served a written notice upon the head of the municipality in the jurisdiction of which the road or other work connected therewith is intended to pass or to be constructed; and if the municipal council of such locality passes a by-law prohibiting, varying or altering such intended line of road, or the plan of such other work, such by-law shall have the same force and effect, and be as obligatory upon all persons, and upon such company, if the company proceeds in the construction of the road or other works, as if the provisions thereof had been inserted in the body of this Act. R. S. O. 1887, c. 159, s. 12.

If no by-law passed within thirty days, company may proceed.

12. If no by-law is passed within thirty days after service of the notice upon the head of the municipality, then the company may proceed with the intended road or other work without being liable to any interruption or opposition from any source whatever. R. S. O. 1887, c. 159, s. 13.

When old road may be closed up by by-law.

13. Where a new road has been opened, or the line of an old road has been changed, the municipality having jurisdiction as aforesaid may pass a by-law permitting or directing the old road, or part of a road, to be closed up and embraced within the enclosure of the person from whom ground was taken to form the new road, provided it does not exclude any person resid-

ing on or near the line of the old road from a convenient access to the new road. R. S. O. 1887, c. 159, s. 14.

Powers of company to explore the country and to take land and material.

14. A company formed under this Act, or any other company heretofore chartered under any Act of the Legislature of the late Province of Canada or of this Province for a like purpose, may explore the country lying between the termini of any road, or supposed to be adapted for the site of any other work connected with such road as aforesaid, and may designate, take and hold the requisite lands upon the line and within the limits of such road, or for such other work, according to the provisions hereinafter contained, and may take and carry away stone, gravel, sand, earth and other like materials, from any adjoining or neighbouring lands, and may also cut, make and keep in repair, upon such adjoining or neighbouring lands, such ditches, drains and water courses as are necessary for effectually draining or carrying off the water from such road or other work. R. S. O. 1887, c. 159, s. 15.

Drainage.

Cutting down timber.

15. Where such road passes through or by any wood or standing timber, such company may cut down the trees and underwood for one hundred feet on each side of the road, making compensation therefor as hereinafter provided; and for the purpose aforesaid, the company and their agents, servants and workmen, may enter into and upon the lands of any person, doing no unnecessary damage. R. S. O. 1887, c. 159, s. 16.

Entry on lands.

In case owner of property refuses to take compensation from the company, arbitrators to be appointed.

16. If the owner or occupier of any land over, through or upon which the company desire to construct any such road or other work connected therewith, or from which they desire to take materials, or upon which they intend to exercise any of the powers given to them by this Act, neglects or refuses, upon demand made by the directors in that behalf, to agree with them upon the price or amount of damages to be paid for or for passing through or over such land, and appropriating the same to the use of the company, or for materials taken, or for the exercise of any such power as aforesaid, the company may name one arbitrator, and the owner or occupier of such land may name another, and the said two arbitrators may name a third, and the said three arbitrators shall determine the amount which the company shall pay to such owner or occupier before taking possession of such land, or taking materials therefrom, or exercising such power as aforesaid. R. S. O. 1887, c. 159, s. 17.

If the party neglects to name an arbitrator, or arbitrators cannot agree on a third.

17. If such owner or occupier neglects to name an arbitrator for the space of twenty days after having been required so to do by the company, or if the said two arbitrators do not, within the space of twenty days after their appointment, name such third arbitrator, or if any arbitrator appointed as herein provided refuses or neglects, within the space of ten days after his appointment, to take upon him the duties

County Judge to appoint.

hereby imposed, then, upon the application of the company, or of the owner or occupier, the Judge of the County Court of the county within which the land lies may nominate a disinterested competent person, from any township adjoining the township in which the land lies, to act as an arbitrator for the person so neglecting to name an arbitrator, or to act in the place of the arbitrator so refusing or neglecting as aforesaid, or as the third arbitrator, and any award made by a majority of the said arbitrators shall be as binding as if the three arbitrators concurred in and made the same. R. S. O. 1887, c. 159, s. 18.

Regard to be had to benefits to accrue to owner.

18. In ascertaining the amount of compensation, the arbitrators shall have due regard to the benefits to accrue to the owner or occupier by the construction of the road or other work. R. S. O. 1887, c. 159, s. 19.

When determined, the company may tender the amount.

19. Upon the amount of the compensation to be paid being determined by the award of the arbitrators, the company may tender the amount to the owner or occupier, and he shall thereupon execute a conveyance of the land to the company, or such other document as may be requisite. R. S. O. 1887, c. 159, s. 20.

After which the company may enter and possess.

20. The company may after such tender, and whether a conveyance or other document be executed or not, enter upon and take possession of the land for the use of the company, and hold the same, or exercise such power as aforesaid in like manner as if the conveyance thereof or other document had been executed. R. S. O. 1887, c. 159, s. 21.

As to gardens, orchards, etc.

21. No road or other such work shall encroach upon any building or pass through or upon any pleasure ground, garden, yard or orchard, nor shall any materials be taken therefrom, nor shall any timber be taken from any enclosed land, without the consent of the owner. R. S. O. 1887, c. 159, s. 22.

Owner not to enclose, etc., in order to evade this Act.

22. After a survey of a road has been made, the owner or occupier of land through or along which the road is intended to pass shall not, by erecting any building or enclosing any part of such surveyed land as a yard, or by planting fruit trees or forming an orchard thereon, prevent the company taking possession of the land. R. S. O. 1887, c. 159, s. 23.

How arbitrators shall be appointed when the owners of the lands are absent or unable to sell, or the lands are mortgaged, etc.

23. In case the lands required by the company for the purpose of a road or other such work, or with regard to which such power is to be exercised as aforesaid, are held or owned by any persons, bodies politic, corporate or collegiate, whose residence is not within this Province or is unknown to the company, or in case the titles to the lands are in dispute, or the lands have been mortgaged, or in case the owners of the lands are unknown or unable to treat with the company for the sale

thereof, or for the exercise of such power by the company, or to appoint arbitrators, as aforesaid, or in case the owners of the lands are under age, the company may name one disinterested competent person, and the Judge of the County Court of the county within which the lands lie, on the application of the company, may name another person, from any township adjoining the township in which the lands lie, which persons, together with one other such person to be chosen by them, before proceeding to arbitrate, or (in the event of their disagreeing as to the choice of such other person) to be chosen by the Judge, shall be arbitrators to determine what amount the company shall pay for the lands, or for damages, and by whom the costs of the arbitration shall be paid, and the award of a majority of such arbitrators shall be binding. R. S. O. 1887, c. 159, s. 24.

A record of the award to be registered.

24. A record shall be made and signed by the arbitrators, or a majority of them, specifying the amount awarded and the costs; and the record shall be deposited in the registry office of the registry division in or along which the lands are situated, and the company may thereupon enter upon and take possession of the lands for the use of the company, and proceed with the construction of their road or other work in, along or over the same. R. S. O. 1887, c. 159, s. 25.

Costs where award does not exceed tender.

25. In case of arbitration under this Act, if the company, before the appointment of their arbitrator, tendered a sum equal to or greater than that awarded by the arbitrators, the costs of arbitration shall be paid by the opposite party, and may be deducted by the company from the amount of the award, before payment thereof, and in case such tender is proved to the satisfaction of the arbitrators, they shall state the fact and the amount thereof in their award. R. S. O. 1887, c. 159, s. 26.

Award to be paid on demand.

26. The company shall on demand pay to the several parties entitled to the same the amount so awarded, and in the case of persons under age the amount shall be paid to their guardian, or in case none has been appointed the same shall remain a charge against the company, to be paid over when such infancy ceases. R. S. O. 1887, c. 159, s. 27.

Meetings and proceedings of the arbitrators.

27. In every case of arbitration under this Act, the arbitrators appointed shall fix a convenient day for hearing the respective parties, and shall give them eight days' notice at least of the day and place; and having heard the parties or otherwise examined into the merits of the matter brought before them, the arbitrators or a majority of them shall, within thirty days of their appointment, make their award or arbitrament thereupon in writing, which award or arbitrament shall be final as to the amount in dispute. R. S. O. 1887, c. 159, s. 28.

Lands taken to be free of incumbrances.

28. All lands taken by such company, for the purpose of a road or other work as aforesaid, and purchased and paid for by the company in the manner hereinbefore provided, shall become the property of the company, free from all mortgages, incumbrances and other charges. R. S. O. 1887, c. 159, s. 29.

By-laws for widening or altering roads.

29. Wherever the directors are of opinion that it is desirable to widen, extend or alter the line of road as projected or constructed or to construct a side road to intersect the original main road, or to improve or repair a road or part thereof by substituting stone, gravel, plank or other suitable material, they may, from time to time, but subject to the acquired rights of any other company then incorporated under this or any other Act, by by-law provide for the widening, extending, or altering of such line of road, or for the construction of such side roads and the making of such improvements and repairs. 60 V. c. 31, s. 2.

UNION OF COMPANIES.

Union of companies.

30. In case the shareholders representing or holding at least two-thirds of the capital stock of any two or more companies for the construction or purchase of roads intersecting or contiguous to each other, consent by a resolution to that effect adopted at a general meeting of the shareholders of each company, specially called for that purpose, to the union of such companies, the directors of such companies may petition the Lieutenant-Governor through the Provincial Secretary, for the issue of supplementary letters patent for the incorporation of the said companies as a united company by such name and on such terms as may seem meet. 60 V. c. 31, s. 5, *part*.

Rights and liabilities of company formed by such union.

31. All the roads, estate, property and effects, with the rights and privileges of such two or more companies, shall, after the issue of such supplementary letters patent, be vested in and be used and enforced by the united company, designated in the supplementary letters patent, and such company shall be subject to and responsible for all debts, contracts and liabilities of the former companies. 60 V. c. 31, s. 5, *part*.

SALE OF ROADS.

Companies may sell their roads, works and privileges.

32. It shall be lawful for a company heretofore or hereafter incorporated for constructing a road, to sell the road and works constructed by them to any company heretofore or hereafter incorporated for purchasing a road, and the latter company shall, after the purchase, or after any purchase of the road or works under any power granted by the former company or under any legal process against the former company, stand in the place and stead of the former company, and possess all such powers and authority as the former company theretofore possessed and exercised in respect to the road

and works, and be subject to all and every the provisions of this Act; and section 35 of this Act shall apply to all such sales. R. S. O. 1887, c. 159, s. 60; 60 V. c. 31, s. 4.

Companies may sell their works and rights to municipalities.

33. A company formed under this or any former Act may sell to any municipal council representing the interests of the locality through or along the boundary of which such road passes, or in which the work is situate, and the municipal council may purchase the stock of the company, or any part of the road belonging to the company, at the value that may be agreed on between the company and the municipal council; and the municipality may hold the same for the use and benefit of such locality, and shall, after the purchase stand in the place and stead of the company, and possess all such powers and authority as the company theretofore possessed and exercised in respect to the road or part of road, or other work purchased. R. S. O. 1887, c. 159, s. 64.

Municipalities may sell roads, etc.

Application of proceeds.

34. The municipal council may sell any work or macadamized, plank, or other toll road which they have constructed or purchased, or any stock held in any road or other company, and apply the proceeds of such sale to the payment of existing debts contracted for the construction of the same, or for such stock; or if no debt exists for such work, road or stock, then to the general purposes of the municipality, or otherwise, as they may determine. R. S. O. 1887, c. 159, s. 65.

Sale of works to pass the rights of the Company with respect to such works, to the purchaser.

35. In case a road, bridge or pier, or wharf constructed by a joint stock company, incorporated under the laws of Ontario, has been heretofore or is hereafter sold either by the joint stock company or under some power granted by them, or under legal process against the company, the sale or sales shall in all cases, be deemed to have passed and to pass the roads, bridges and piers, or wharfs to the purchaser or purchasers thereof, with all the rights, privileges and appurtenances, and subject to all the duties and obligations which the law gave or imposed with reference to the road, bridge, pier or wharf, whilst the same continued the property of the joint stock company which had constructed the same. R. S. O. 1887, c. 159, s. 66.

POWERS OF MUNICIPAL COUNCILS.

Companies may search for and take materials for making or repairing roads.

36. A municipal council or company which has already acquired or made, or which hereafter acquires or makes, such macadamized, plank or other road, may search for and take materials for making and keeping the road in repair, in the same manner as companies for the construction of roads under this Act, and the price or damage to be paid to any person for such materials, or for anything done in pursuance of the powers hereby given, shall, if not agreed upon by the parties concerned, be settled by arbitration in the manner herein provided in the

case of lands or materials taken or required for the original construction of such road or other work. R. S. O. 1887, c. 159, s. 67.

Municipalities may acquire stock in such company.

37. A municipal council, having jurisdiction within the locality through or along the boundary of which such road passes, or in which such work is constructed, may subscribe for, hold, sell and transfer stock in any company formed under this or any former Act passed for the like purpose, and may from time to time direct the mayor, reeve, warden or other chief officer of the municipality on behalf thereof, to subscribe for such stock in the name of the municipality, and to act for and on behalf of the municipality in all matters relative to such stock, and the exercise of the rights of the municipality as a shareholder, and the mayor, reeve, warden or other chief officer shall, whether otherwise qualified or not, be deemed a shareholder in the company, and may vote and act as such, subject to any rules and orders in relation to his authority, made in that behalf by the by-laws of the municipal council or otherwise, and may vote according to his discretion in cases not provided for by the municipality. R. S. O. 1887, c. 159, s. 68.

Municipalities may raise money to pay for such stock.

38. The municipal council may pay all instalments upon the stock they subscribe for and acquire, out of any moneys belonging to the municipality, and which are not specially appropriated to any other purpose, and may apply the moneys arising from the dividends or profits on the said stock, or from the sale thereof, to any purpose to which unappropriated moneys belonging to the municipality may lawfully be applied. R. S. O. 1887, c. 159, s. 69.

Election of directors by municipalities controlling stock.

39. Where a municipal council holds stock in the company, and is by law entitled to vote for the election of directors, and holds a controlling amount of the stock in the company, such council shall by resolution appoint such number of directors only as will suffice to form a majority of the board of directors, and all members of such municipal councils, whether shareholders in their own right or not, and any ratepayer in the municipality not being a shareholder in his own right shall be eligible to be appointed directors on behalf of the municipality, and the shareholders other than such corporation shall elect the other directors. 55 V. c. 36, s. 1.

Municipalities may loan money to companies.

40. The municipal council of any locality through or along the boundary of which such road passes, or within which any such work connected therewith is constructed, may, out of the moneys belonging to the municipality and not appropriated to any other purpose, lend money to the company authorized to make the road or construct the work, or to any company heretofore chartered by Act of the Legislature for a like purpose, and upon such terms and conditions as may be agreed on between the company and the municipality making

the loan, and the municipality may recover the money so loaned and appropriate the same to the purposes of the municipality. R. S. O. 1887, c. 159, s. 71.

And issue debentures.

41. The municipal council may issue debentures for the payment of any loan negotiated by them with such company, in the same manner and subject to the same conditions as required by law with regard to the issuing of other debentures. R. S. O. 1887, c. 159, s. 72.

Application of the provisions of sects. 37-41 to municipal councils of cities and towns.

42. The provisions of the last preceding five sections shall, in so far as respects the municipal councils of cities and towns, apply to all cases of companies formed under this Act, or heretofore chartered by any Act of the Legislature, for the formation of roads or the construction of bridges within or without such cities and towns respectively. R. S. O. 1887, c. 159, s. 73.

MATERIALS.

Company may acquire gravel beds, etc.

Proviso for arbitration.

43. The directors of the company or the municipal council having the management of any road, may acquire, take and hold any gravel bed, and may take and carry away stone or gravel from any lands lying within the township through or along which their road or any portion thereof passes, for repairing the same, subject to arbitration in the manner herein provided, in case the owner of the gravel bed or materials cannot agree with the directors or council as to the compensation to be paid therefor. R. S. O. 1887, c. 159, s. 74.

Of what materials roads may be made.

44. A company formed for the construction of a turnpike road under this Act, or under any of the Acts in section 2 of this Act referred to, may in their discretion form the same in part or the whole, either of metal, gravel, timber, charcoal or any other suitable material for constructing a firm, substantial and smooth surface, whether the material be mentioned in the registered instrument of incorporation or not. R. S. O. 1887, c. 159, s. 75.

Roads or other works and materials for the same vested in company and their successors.

45. Every road or other work connected therewith, and all materials from time to time provided for constructing, maintaining, widening, extending or repairing the same, and all toll-houses, gates, and other buildings, constructed and acquired by or at the expense of any company acting under this Act, and used for their benefit and convenience, shall be vested in such company and their successors. R. S. O. 1887, c. 159, s. 76.

Road companies to lay down in grass all cleared lands belonging to them and adjoining their roads.

46. Every company incorporated under this Act or any of the Acts in section 2 of this Act referred to shall, whenever it may be necessary, sow with grass seed all cleared land or ground belonging to the company and adjoining their road or roads, and cause the same, so far as may be, to be

covered with grass or turf, and cause all thistles and other weeds growing on the land or ground to be cut down and kept constantly cut down, or to be rooted out of the same; and if the company fails so to do, the company shall thereby incur a penalty of $2 for each day on which they fail to comply with any of the requirements of this section, within eight days after having been required to comply with the same by a notice to be served on the company on the part of the reeve of the municipality of the township within which the land or ground lies. R. S. O. 1887, c. 159, s. 77.

Penalty for default.

On default municipality may do work.

47. If the company does not, within eight days, comply with the notice, the reeve may cause all such things to be done as the company were by the notice lawfully required to do, and the municipality may recover, to and for the use and purposes of the municipality, the expense of so doing, together with the penalty, and all costs and charges, from the company, in any Court having jurisdiction in civil cases to the amount sought to be recovered. R. S. O. 1887, c. 159, s. 78.

TIME FOR COMPLETION OF ROADS.

Roads, etc., to be completed within a certain period after incorporation of Companies.

48. Every company shall, within two years from the day of their becoming incorporated, complete every road or extension thereof, not more than five miles in length, and any other work undertaken by them, and for the completion whereof they have become incorporated, and in default thereof they shall forfeit all the corporate and other powers and authority which they have acquired, and all their corporate powers shall thenceforth cease and determine, unless further time is granted by a by-law of the county in which the road or the greatest portion thereof is situated. R. S. O. 1887, c. 159, s. 79.

Penalty for default.

Periods for completion in different cases.

49. If the road or extension thereof exceeds five miles in length, then the company shall complete in each and every year after the expiration of the first two years as aforesaid, not less than five miles of the road until the same is entirely finished, under pain (unless further time be granted as aforesaid) of forfeiture of their charter and of the corporate powers and authority thereby acquired, as far as concerns the portion of the road which remains unfinished. R. S. O. 1887, c. 159, s. 80.

ABANDONMENT OF ROADS.

Abandonment of road and assumption thereof by the council.

50.—(1) A company formed under this Act, or any of the Acts in section 2 of this Act referred to, may by by-law abandon the whole or any portion of their road.

Abandonment of part.

(2) After the abandonment of a portion of such road the municipal council of any municipality, within which the road or any part thereof lies, may assume such abandoned portion of the road as lies within the municipality, and have and

exercise the same jurisdiction over the same and be liable to the same duties as such council has or is subject to, in respect to the public roads within its jurisdiction.

Abandonment of a whole road.

(3) The abandonment of the whole road shall be signified by the head or president of the company, by a notice in writing, delivered to the municipal council of the county wherein the road or any part thereof lies; and until the delivery of such notice as aforesaid, the company shall be liable in any action for damages arising from the unsafe condition of the road, and after the abandonment the municipal council of any county within which the road or any part thereof lies, may assume such abandoned portion of the road as lies within the county, and have and enjoy all the rights, and be subject to all the responsibilities and liabilities, as provided in section 102 of this Act.

(4) Failing such action on the part of the county council the road shall then be subject to the same jurisdiction for the control and repair thereof as further provided in section 103 of this Act; but no such company shall be entitled to abandon any intermediate portion of their road without the consent of the municipal council of the county within which the portion of the road lies, such consent to be expressed by by-law of the municipal council; nor shall any road company or municipal council be entitled to collect tolls upon any remaining portion of the road, less than five miles in extent, if the road originally exceeded five miles in length. R. S. O. 1887, c. 159, s. 81.

Certain sections not to apply to private roads.

51. The several sections of this Act which provide for the resumption of roads by municipalities, the removal of material and buildings from the same and of intermediate portions thereof, shall not be held to apply to roads constructed by a company or corporation on private property, or acquired by a company from private owners. R. S. O. 1887, c. 159, s. 82.

TOLLS ON ROADS, ETC.

Tolls how to be fixed, paid and levied.

52. The president and directors of a company may from time to time fix, regulate and receive the tolls and charges to be paid by persons passing and repassing with horses, carts, carriages and other vehicles, and for cattle, swine, sheep or other animals driven upon, over and along the road of the company, or by persons passing over any bridge with such carriages or animals, or using any work constructed, made or owned by the company. R. S. O. 1887, c. 159, s. 83.

When tolls may be collected.

53.—(1) Whenever two or more miles of such road or extension thereof have been completed, tolls may be taken therefor, but tolls shall not be taken on any other work of the company until the same has been completed.

Bridges under municipal control.

(2) In case a bridge, whether under the jurisdiction of a municipal council or otherwise howsoever, intervenes or forms part of the line of the road, the same shall not be held to affect the rights of the company under this section, reserving always the rights and obligations of the municipality or other owner thereof over the bridge.

What shall be a sufficient completion of the road within the time limited.

(3) In case of companies constructing plank roads, the completion of the laying of the planks shall be deemed a compliance with the requirements of this Act for the purpose of erecting toll-gates, and it shall not be lawful for any inspecting engineer appointed as hereinafter provided to condemn such road, except as regards the plank roadway, until the expiry of eighteen months after the erection of toll-gates; and such companies shall be allowed eighteen months exemption from the operation of section 80 of this Act, as far as the completion of their ditches and side grading is concerned, to enable them to complete the same according to the plans and specifications of their works. R. S. O. 1887, c. 159, s. 84.

Limitation of tolls.

Rev. Stat. c. 238.

54.—(1) Subject to the provisions of *The Act exempting certain Vehicles, Horses and Cattle from Tolls on Turnpike Roads*, and of section 74 of this Act, tolls may be taken by any company at each time of passing each gate upon the road constructed or owned by the company, for any portion of such road on either side or on both sides of the said gate (not being more than five miles) to the next gate or gates on the same road, if any, and not exceeding five miles in the whole, or for the whole of the road if the length thereof does not exceed five miles and there is only one gate thereon, at the following rates per mile, that is to say: R. S. O. 1887, c. 159, s. 85, *part.*

(*a*) For every vehicle, whether loaded or otherwise, and for one horse or other beast drawing the same, one and one-half cents; and for every vehicle whether loaded or otherwise, drawn by two horses or other beasts and the horses or other beasts drawing the same, two cents; and for every additional horse or other beast drawing such vehicle, one cent; 58 V. c. 31, s. 1 (1), *part.*

(*b*) For every horse with or without a rider, one cent;

(*c*) For each head of neat cattle, one cent;

(*d*) For every score, or number less than a score, of sheep or swine, one cent; and

(*e*) In addition to the above rates, one cent at each time of passing each gate for any portion of the road on either side or both sides thereof for every five hundred pounds over and above six thousand, which a loaded vehicle weighs when the tires are less than four inches wide. R. S. O. 1887, c. 159, s. 85 (*b-d*); 58 V. c. 31, s. 1 (2).

Special rates for short roads.

(2) On any toll road now established and which is not less than two miles or more than three miles long where one toll

only is charged for using the whole length of the road, a charge of three cents for one horse or other animal and any vehicle drawn thereby may be made at each time of passing a gate, or five cents for passing and return on the same day if required, and a charge of five cents may be made for a pair of horses or other animals and any vehicle drawn thereby at each time of passing a gate. 58 V. c. 31, s. 1 (3).

(3) Whenever in computing the toll to be paid, the computation results in a fraction of a cent, such fraction shall be counted as a cent. 58 V. c. 31, s. 1 (1), *part.*

Wide tires on certain vehicles.

55. The wheels of every vehicle loaded with masts, spars hewn or round timber, or otherwise, when the load exceeds in weight three tons, shall, when used upon or passing over the road constructed or owned by any company to which this Act applies, be provided with tires not less than four inches wide, under penalty of paying one cent at each time of passing each gate for any portion of the road on either side or both sides thereof for every five hundred pounds of such load in excess of three tons. 58 V. c. 31, s. 2.

Tolls on intersecting roads not owned by same company.

56. (1)—Where a toll road is intersected by or connected with another toll road, not owned or in the possession of the same company or municipal corporation, the tolls to be charged upon either of the said roads from the point of intersection or connection, shall be based upon the mileage of the road from the point of intersection or connection to its termination in the direction in which the person liable for toll is proceeding; and shall be calculated at the rate per mile charged by the company for travelling along the entire length of its road.

(2) It shall be incumbent on such person to produce a ticket from the last toll-gate on the intersecting or connecting road as evidence of his having travelled only from the intersection or connection. 60 V. c. 31, s. 6.

Tolls at bridges may, with consent of county council, exceed the said rates.

57. A company formed under this or any former Act may, with the sanction of the council of the county having jurisdiction in the locality, charge a higher rate of toll than is hereby authorized, at any toll-gate erected at a bridge upon or connected with a road constructed by the company; and the council, in sanctioning such additional toll, may take into account the cost of the bridge, and may calculate the toll as if for so many additional miles of road as might have been constructed by the like expenditure. R. S. O. 1887, c. 159, s. 88.

Collection of extra tolls.

58. Such last mentioned tolls shall be collected in the same manner, and persons evading the same shall be liable to the same penalties as herein provided with respect to other tolls. R. S. O. 1887, c. 159, s. 89.

Companies authorized to erect toll and check-gates, etc.

59. Every such company may erect such number of toll-gates, check-gates, and side-bars in, along or across the said roads, and upon any other such work respectively, and fix, regulate and collect such tolls not exceeding the rates hereinbefore provided, to be collected at each gate, check-gate, or side-bar, as they deem expedient, and may from time to time alter the tolls, toll-gates, check-gates and side-bars, and may erect and maintain such toll-houses, toll-gates, check-gates, side-bars and other buildings and erections as are necessary and convenient for the due management of the business of the company. R. S. O. 1887, c. 159, s. 90.

Crossing toll road.

60. (1)—No tolls shall be taken for merely crossing a road or for travelling thereon not more than half a mile in crossing from one transverse road to the transverse road which is nearest to the one from which such crossing was made.

No toll payable by farmer or gardener going to work on his own farm.

(2) No toll shall be payable by any farmer or gardener residing on the line of such road when going to or returning from his work on his farm or garden, nor for any of his cattle or other stock when being driven or taken from one farm or garden owned or occupied by him to another part of the same farm or garden when such farm or garden also adjoins such road.

Proviso.

Provided that when such farm or garden is not continuous along such road, such farmer or gardener shall not be entitled to travel on said road without toll as aforesaid or drive or take his stock more than one-half mile on any part of such road not adjoining or in front of his farm or garden. 58 V. c. 31, s. 3.

Tickets to be given at check-gates to pass principal gate, and *vice versa*.

61. In case a company deems it necessary or convenient to erect a check-gate on any part of their road, they shall not demand toll at both the check-gate and the gate to which it acts as a check; but tickets shall be issued at the check-gate, on payment of the toll demanded, clearing the principal gate, and *vice versa;* and the distance regulating the rates of toll shall not be calculated between any of the check-gates and the principal gates on such road, but only between the principal gates themselves. R. S. O. 1887, c. 159, s. 92.

Directors may commute for tolls.

62. The directors of a road company may, from time to time, commute with any person whose place of abode adjoins or is within half a mile of the gate nearest to his place of abode on such road. R. S. O. 1887, c. 159, s. 93.

Commuting tolls payable by persons residing on a toll road.

63. Any person desiring to commute for a fixed annual sum the tolls payable by him upon using any toll road, may give notice in writing to the company or municipal corporation owning or controlling the road, requiring the company or municipal council to commute the tolls payable at any toll gate or toll gates on the road, in respect of vehicles and ani-

mals owned by or in the possession of the person desiring to commute at a gross amount per annum from the date at which the amount of the commutation shall be settled; and if such person and the said company or municipal council owning or controlling the road, are unable to agree upon the amount to be paid, the same shall, on the application of such person, be determined by the Judge sitting in the Division Court of any division into which any part of the said road extends, whose decision shall be final. 57 V. c. 46, s. 1; 58 V. c. 31, s 5 (1-3).

Notice of application to Judge.

64. Any person making application under the preceding section, shall give at least ten days' prior written notice thereof, to the company or municipal corporation owning or controlling the road, by leaving the said notice with the person in charge of the toll gate or one of the toll gates on the said road, in respect to which commutation is sought, and the notice shall state the name of the applicant in full, his place of residence, occupation, and post-office address, and the time and place of the sitting of the Division Court at which the said application will be made. 57 V. c. 46, s. 2; 58 V. c. 31, s. 5 (4).

Judge to hear and determine question summarily.

65. The Judge of said Division Court on proof of the due service of the said notice, shall, at the sittings mentioned therein, hear the parties to the application and take evidence on oath, if required, and shall dispose of the matter in a summary way, and shall give his decision thereon in writing to such of the parties as shall apply for the same, and the disposition of the costs of the proceedings shall be in the discretion of the Judge, who shall make such order in the premises as appears to him to be reasonable and just. 57 V. c. 46, s. 3.

Matters to be considered by Judge.

66. The Judge may upon the hearing have regard to:—(*a*) an approximate estimate of the amount of toll paid by the applicant during the twelve months next preceding the application, and the probable travel for the twelve months succeeding the date of such decision; (*b*) the number of horses or other animals, and the number and nature of the vehicles owned or used by the applicant, in respect of which toll may be demanded; (*c*) the distance from the gate or gates at which the property owned or occupied by the applicant is situated; (*d*) the cost of that portion of the road travelled over by the applicant and the benefits and advantages derived by him from the construction of such road, and (*e*) such other considerations as may be necessary to do justice in the premises. 57 V. c. 46, s. 4.

How commutation to be fixed.

67. The commutation shall be based upon the mileage rates of toll authorized by this Act, and where the distance proposed to be travelled over by the applicant is less than the whole length of the road, the amount of commutation shall be based

upon the actual distance which the applicant proposes to use, and he shall be entitled for such commutation rate to use any portion of the road that may be covered thereby. 58 V. c. 31, s. 6 (1).

Order of Judge to continue in force from year to year.

68. The order of the Judge shall continue in force from year to year, at the same rate and until rescinded upon the application of either party, after the expiration of one year from the date thereof. 58 V. c. 31, s. 6 (2).

Re-consideration of order of commutation.

69. If at any time during the currency of such order it is made to appear to the Judge who granted the same that by reason of altered or unforeseen circumstances, the actual user of the road by the person so commuting is so increased or so decreased as to render the sum fixed by such order manifestly unjust, either party may, by leave of the said Judge, obtain a reconsideration of the order in the same manner as is herein provided for the original application, and upon such reconsideration the said Judge may make such amended or other order as he deems just between the parties. 57 V. c. 46, s. 6.

Pass to be given on payment of amount fixed by Judge.

70. Upon the production of the order of the Judge fixing the amount to be paid by the applicant by way of commutation as aforesaid, and on payment of the amount named in the said order or upon payment of the amount agreed upon as the case may be, the company or corporation owning or controlling the road shall give to the person so commuting an annual ticket or pass for the toll-gate or toll-gates in respect of which commutation has been made, and upon the production of such ticket or pass by the person named therein, or by his servants, or the members of his family, all vehicles, horses and other animals, in respect of which toll would otherwise be payable, if owned by or in the possession of the person commuting as aforesaid, shall be permitted to pass through the said gate or gates without payment of toll during the period for which commutation has been made. 57 V. c. 46, s. 7; 58 V. c. 31, s. 6 (3).

Penalty for transferring pass, etc.

71. Any person who fraudulently transfers a pass given under the provisions of this Act, or who uses or attempts to use the same so as to enable vehicles, horses, or other animals, other than those mentioned in the preceding section, to pass through any toll-gate or over any toll-road, without payment of toll, shall be liable on summary conviction thereof to a fine of not less than $5 and not more than $20, or to imprisonment for any period not exceeding thirty days. 57 V. c. 46, s. 8.

Extra tolls.

72. No such order for commutation shall be construed to affect the right of the company or corporation owning or controlling the road, to demand and enforce payment of the extra tolls authorized by section 55 of this Act. 57 V. c. 46, s. 5.

73. No gate-keeper shall be bound to give change for a larger amount than $1. R. S. O. 1887, c. 159, s. 94. As to money change.

74. The following persons shall be exempt from the payment of any duties or tolls on embarking or disembarking from or upon any pier, wharf, quay or landing-place, or passing any turnpike roads or bridges, or passing any toll-gate or road made or improved under this or any former Act: Exemption from toll.

1. Her Majesty's officers and soldiers being in proper staff, or regimental or military uniform, dress or undress, and their horses (but not when passing in any hired or private vehicle unless when on duty or proceeding to or from the same);

2. Recruits marching by route;

3. Prisoners under military escort;

4. Enrolled pensioners in uniform, when called out for training or in aid of the civil power;

5. Carriages and horses belonging to Her Majesty or employed in her service when conveying such persons or their baggage, or returning therefrom;

6. Persons, horses or carriages going to or returning from a funeral;

7. Any person with horse or carriage going to or returning from his usual place of religious worship on the Lord's day; *See also Cap. 238, sec. 2.*

8. Any farmer residing on the line of such road passing any toll-gate opposite to and immediately adjoining his farm, when going to or returning from his work on such farm; *See also Cap. 238, sec. 3.*

9. Every person with a vehicle laden solely with manure brought from any city, town or incorporated village, and employed to carry such manure into the country parts for the purpose of agriculture, and the horse or horses or other beasts of draught drawing such vehicle, passing any turnpike gate or toll-gate, on such road within twenty miles of such city, town or incorporated village, as well in going from such city, town or incorporated village, as in returning thereto if the vehicle be then empty. R. S. O. 1887, c. 159, s. 95. *See also Cap. 238, sec. 4.* Vehicles laden with manure to pass free of toll through turnpike gates.

75. Tolls may be charged on vehicles carrying the mails upon a road or bridge constructed under this or any former Act, or under any special or private Act of incorporation; but as regards all roads and bridges constructed by the Government or Board of Works of the late Provinces of Canada or Upper Canada, and transferred to any company on condition that the mail should pass free over the same, an exemption from toll shall continue in favour of the mails. R. S. O. 1887, c. 159, s. 96. Tolls may be charged on mail carriages, etc.

Exception as to certain roads.

Exception limited on the roads last mentioned.

76. In the case of such last mentioned road or bridge there shall be no such exemption in favour of any mail stage or other vehicle drawn by two horses and carrying the mail, and containing or having more than four passengers travelling thereby, or in favour of any mail stage or other vehicle drawn by four horses and carrying the mail, and containing or having more than eight passengers travelling thereby; but every mail stage or vehicle drawn by two horses and containing more than four passengers, and every mail stage or vehicle drawn by four horses and containing or having more than eight passengers travelling thereby, shall for every extra passenger beyond four or eight respectively be liable at each gate to a toll of two cents. R. S. O. 1887, c. 159, s. 97.

Rate of toll if mail carriage has more than 4 or 8 passengers respectively.

As to roads under lease before the 14th June, 1853.

77. Nothing herein contained shall affect the rate of toll which any party is entitled to collect under any lease or contract executed before the 14th day of June, 1853. R. S. O. 1887, c. 159, s. 98.

Issue of commission under Rev. Stat., c. 19, to inquire as to toll roads.

78. The Lieutenant-Governor in Council may from time to time appoint a commission of one or more persons for examining into the tolls chargeable and charged on roads or bridges within the Province, whether owned by a company or by individuals, to which this Act applies, or which have been constructed or held thereunder, or which collect tolls by virtue thereof or otherwise, and generally as to the costs of such roads or bridges and of their maintenance, and all such other matters respecting such roads or companies as the Lieutenant-Governor in Council shall direct; and *The Act respecting Inquiries concerning Public Matters* shall be deemed to apply to such commission and the proceedings thereof. 58 V. c. 31, s. 8; 59 V. c. 43, s. 1.

Rev. Stat. c. 19.

REPAIR OF ROAD.

Company to keep roads in repair.

79. After a road or portion of a road, bridge, or other such work, constructed or acquired by a company or municipality under this or any former Act, has been completed and tolls established thereon, the company or municipality shall keep the same in repair. R. S. O. 1887, c. 159, s. 99.

Proceedings to compel repair on requisition to County Judge.

Power of County Court Judge to order examination of roads out of repair.

80. If such company or municipality suffers a portion of their road on which tolls have been taken to get out of repair, the Judge of the County Court in the county in which such road is situated, may, upon the requisition of six freeholders residing within one mile from the road, or upon the requisition of any municipal council within such county, stating that the road is so much out of repair as to impede or endanger Her Majesty's subjects and others travelling thereon,

direct a competent engineer, (not being a shareholder in the road company or an officer in the municipal council owning the road), to examine the road; but the requisition shall not be presented to the County Judge until at least six days' written notice thereof, (signed by one or more of the said freeholders, or by the head of such council if notice is given by a municipal council,) has been given in the manner provided by section 82 of this Act. R. S. O. 1887, c. 159, s. 100.

Engineer to be sworn, etc.

81. Where an engineer has been so directed by the Judge of the proper County Court to examine any road, the engineer, shall, before proceeding to make his examination, be sworn before the County Judge, or some Justice of the Peace for the county, carefully and impartially to examine into the state of the road, without favour or affection for either party; and the County Judge or Justice of the Peace shall grant a certificate that the engineer has been so sworn before him, which certificate shall be evidence that the engineer has been so sworn. R. S. O. 1887, c. 159, s. 101.

Engineer to notify Company if road out of repair.

82.—(1) The engineer so appointed shall, upon receiving such directions immediately inspect and examine the road, and if upon such examination the road is found so much out of repair as to impede or endanger Her Majesty's subjects and others travelling thereon, as stated in the requisition, he shall notify the president of the company or head of the municipality to which the road belongs, by leaving a written notice at the office or place of business of the president or head of the municipality, if there is such office or place of business within the county wherein the road is situated, and the office or place of business is known to the engineer, and if not so known, then by leaving the notice with any of the keepers of the toll-gates belonging to the company or municipal council.

(2) The notice shall state that in pursuance of directions from the Judge of the County Court he has inspected their road and found it to be out of repair, and shall specify the particular portions or portion of the road which he finds out of repair, and require them to take notice thereof, and to cause the same to be repaired within a certain time, to be named in the notice; and the time shall be such as in the opinion of the engineer will be sufficient for making the required repairs.

(3) The engineer may make a special report to the Judge of the County Court, that the road inspected by him is as to the whole or as to a certain portion thereof, so much out of repair as in his opinion to justify an order for the cesser of the right to tolls, in respect to the whole or to the portion of the road described, and upon service of a copy of the special report on the president of the company or head of the municipality to which the road or roads

belong, in the manner hereinbefore provided, neither the directors of the company nor the municipal council nor any person authorized by them shall demand or take any toll from any person travelling with or without any beast or vehicle for passing through the nearest toll-gates, whereat tolls were being collected at the time of the special report on the road, or on either side of the portion or portions of the road so out of repair, under the penalty mentioned in section 88 of this Act, until the engineer or an engineer approved by the Judge of the County Court has again examined the road and certified it to be in good and efficient repair, or unless the Judge of the County Court otherwise orders, under proceedings to be taken and had, similar to the case of directors disputing that their road is out of repair under the provisions of section 84 of this Act. R. S. O. 1887, c. 159, s. 102.

Proceedings on expiration of time limited in notice.

83.—(1) At the expiration of the time limited in the notice for the repairing of the road, the engineer shall again examine the road, and if he finds the same repaired in a good and efficient manner, he shall certify the same if required by the directors or municipal council.

(2) If he does not find it so repaired, he may, in his discretion, by a permission in writing, allow further time for repairing the same without discontinuing the taking of tolls.

(3) If he does not think proper to grant such permission, or if having granted it he does not find the road properly repaired at the expiration of time limited in such permission, then until such repairs are completed neither the directors nor municipal council (as the case may be) shall demand or take any toll from any person travelling with or without any beast or vehicle, for passing through the nearest toll gates whereat tolls were being collected at the time of the notice on either side of the portion or portions of road so notified as out of repair, under the penalty mentioned in section 88 until the engineer has again examined the road, and certified it to be in good and efficient repair. R. S. O. 1887, c. 159, s. 103.

Proceedings if it be disputed that road is out of repair.

84.—(1) If the directors of the company or the municipal council dispute their road being so out of repair, as reported by the engineer in the notice so given, the directors or municipal council may, within five days next after the service of the notice by the engineer, make application either verbally or in writing to the Provincial Instructor in Road-making.

(2) The Provincial Instructor in Road-making shall forthwith, after such application, by a summons under his hand, require the attendance of the engineer and the directors or municipal council at such time being within ten days next after such application, and at such place as may be fixed in the summons.

(3) The Provincial Instructor in Road-making shall hear and examine under oath or affirmation such witnesses as may be offered on behalf of either party, and after hearing the evidence shall decide and certify whether the road or portion so reported out of repair is or is not so out of repair.

(4) If the Provincial Instructor in Road-making decides that the road is so out of repair as certified by the engineer, then, after such decision, the directors or municipal council shall cease to take any toll at the toll-gate as hereinafter mentioned until the repairs are fully completed.

(5) The costs of the hearing and examination shall be in the discretion of the Provincial Instructor in Road-making.

(6) After such application by the directors or municipal council, and until the decision of the Provincial Instructor in Road-making, the Judge may in his discretion allow the directors or municipal council to collect tolls or may prohibit the collection of tolls at the gate or gates on either side of the portion of road so reported by the engineer to be out of repair. R. S. O. 1887, c. 159, s. 104; 60 V. c. 45, s. 77.

Neglect to repair, and cesser of right to tolls.

85.—(1) After the expiration of the time limited in the notice or permission referred to in sections 82 and 83 (or in case of a reference to the Provincial Instructor in Road-making, as provided in section 84 of this Act, then after the decision of the said Provincial Instructor, if the decision is against the directors or municipal council), and until such repairs are completed, neither the directors of the company nor the municipal council, nor any person authorized by them, shall demand or take any toll from any person travelling with or without any beast or vehicle for passing through the nearest toll-gates whereat tolls were being collected at the time of the notice, on either side of the portion or portions of road so out of repair, under the penalty mentioned in section 88 of this Act, until an engineer, approved by the Judge of the County Court, has again examined the road and certified it to be in good and efficient repair.

Materials not to be removed from road.

(2) After the notice or decision of the County Judge, or the Provincial Instructor, as the case may be, in the manner aforesaid, and until the repairs have been completed as directed by the engineer, no company nor any person shall be entitled or permitted to destroy, take, remove, or carry away from such road any earth, stone, gravel, plank, or other material forming any part of the road, or having been used in the construction of the same, nor any toll-house, toll-gate, toll-bar, or any appendages thereto belonging.

Penalties.

(3) Any company or any person destroying, taking away, or removing such earth, stone, gravel, plank or other material, toll-house, toll-gate, toll-bar, or any appendages thereto belonging, contrary to the provisions of this Act, shall be liable to prosecution by the municipal council of the municipality

wherein the road lies and whereon such earth, stone, gravel, plank or material, toll-house, toll-gate, toll-bar, or appendages belonging thereto are situate, and shall, on conviction in the manner provided in section 132 of this Act, incur the penalties in the said section mentioned; which penalties when recovered shall be paid over to the municipal council bringing the action, and shall form part of the public funds of the municipality. R. S. O. 1887, c. 159, s. 105.

Partial want of repair.

86.—(1) In case of the sudden damage or destruction of any portion of a road, or of a bridge or culvert, caused by freshet or fire, or in case the directors or municipal council desire to take down any bridge or culvert for the purpose of rebuilding the same, the engineer, if required to examine the road in accordance with this Act, shall, in case the remaining portions of the road are in a suitable state of repair, allow a reasonable time for the repair of such portion of the road, or the erection or construction of such bridge or culvert, and shall give notice in writing to the directors or municipal council of the time so allowed to repair, erect or construct the same; and the directors or municipal council may collect tolls during the time specified in the notice for the repair of the road or the erection or construction of the bridge or culvert.

(2) In all cases wherein the directors or municipal council are entitled to take toll in virtue of the last preceding sub-section, such directors or municipal council, within a limited time after such sudden damage or destruction has occurred as aforesaid, to be fixed by the engineer, shall provide a temporary passage to safely enable any person travelling with or without a beast or vehicle over the road to pass by the portion of road, bridge or culvert so being out of repair or being taken down for the purpose of rebuilding the same. R. S. O. 1887, c. 159, s. 106.

Neglect to repair, and cesser of right to tolls.

87.—(1) In case the directors or municipal council neglect or refuse to erect or construct such bridge or culvert, or repair such portion of road as aforesaid, within the time specified in the notice so given by the engineer, or refuse or neglect to provide such temporary passage for the use of the travelling public as in the next preceding section required, the portion of road so damaged or whereon the bridge or culvert so damaged or destroyed as aforesaid existed, shall be deemed to be out of repair, and the engineer shall thereupon give to the directors or municipal council a notice in the manner provided in section 82 of this Act.

(2) The notice shall set forth that the time fixed for the repair of the portion of road, bridge or culvert has expired, and that the repairs have not been completed, or that the temporary passage has not been constructed within the time fixed for constructing the same, and that henceforth until the repairs have been fully completed, the directors or municipal council

shall not demand or take toll at the gate or gates at or on either side of the portion or portions of road, bridge or culvert so out of repair, under the penalties imposed by the next succeeding section of this Act. R. S. O. 1887, c. 159, s. 107.

Penalty for taking toll when the road is out of repair.

88. If after the expiration of the time limited in the notice or permission referred to in sections 82 and 83 (or the notice referred to in the last preceding section, or the decision of the County Judge or Provincial Instructor in Road-making, as the case may be), and before the required repairs have been completed, any person acting as a keeper of such toll-gate demands or takes toll, or refuses to allow a person travelling as aforesaid to pass through the toll-gates without payment thereof, he shall, upon conviction before a Justice of the Peace for the county in which the toll-gate is situated, upon the oath of one credible witness forfeit, and pay a sum of not less than $1 nor more than $4 for every such offence, to be collected or enforced in the manner prescribed for the collection or enforcement of other penalties under this Act. R. S. O. 1887, c. 159, s. 108.

Costs of examination of the road.

89. If the engineer, on his first examination of the road, finds it to be in good repair, the costs attending the requisition to the County Judge and the examination of the road, shall be paid by the freeholders who made the requisition; but if he finds it to be out of repair as aforesaid, the costs of the requisition to the County Judge and of the visits and examination of the engineer, and all subsequent costs and expenses, shall be borne by the company or municipality bound to repair the road, and shall be recoverable from the company or municipality, either by the engineer or by the freeholders making the requisition to the County Judge, if they have paid the same to the engineer; and the costs shall include a fair remuneration to the engineer for his services, and all his necessary disbursements. R. S. O. 1887, c. 159, s. 109.

Another engineer may be appointed in certain cases.

90. If the engineer first appointed by the County Judge becomes, from any cause, unable to make or complete the examination, or to do or complete any proceeding required of him by this Act, in relation to such requisition as aforesaid, then the Judge of the proper County Court, being satisfied thereof, may, upon the application of any of the parties interested, appoint some other engineer to make or complete such examination, or do or complete such proceeding, act or thing, as effectually to all intents and purposes as the engineer first appointed might have done, and the costs and disbursements of the engineer so appointed may be recovered in like manner. R. S. O. 1887, c. 159, s. 110.

In case of question as to sufficient repair, directors to appoint an arbitrator.

91.—(1) Where the directors of the company or municipal council, after the service of a notice to repair given by the engineer in the manner hereinbefore provided, have put the

road into such repair as that in their judgment Her Majesty's subjects are not impeded or endangered in travelling thereon, and the engineer refuses or neglects to accept the repairs as sufficient, the directors, or municipal council may appoint an arbitrator, and give notice thereof in writing to the persons signing the requisition upon which the order for examination of the road in question was issued, or to any two of them, calling upon them to appoint an arbitrator in the matter on their behalf, within six days after the service of the notice, and to notify the directors or municipal council of such appointment; and in default thereof, the sheriff of any county within which such road lies, shall, within four days after a request in writing made upon him by the directors or municipal council, appoint such second arbitrator, and the two arbitrators so appointed shall forthwith appoint a third arbitrator in the matter.

(2) In no case shall the engineer, or a member of the company or council concerned, be appointed or act as arbitrator.

(3) A list of the persons signing the requisition shall be furnished by the Judge upon a written request made to him by the directors or municipal council. R. S. O. 1887, c. 159, s. 111.

In certain cases Judge to appoint third arbitrator.

92. If, after the two arbitrators have been appointed as aforesaid, they fail or neglect for the space of six days to appoint a third arbitrator, the Judge of the County Court of the county within which the road lies, shall, within four days after a request in writing made upon him by either of the two arbitrators appointed as above, appoint a third arbitrator. R. S. O. 1887, c. 159, s. 112.

Oath to be taken by arbitrators.

93. The arbitrators, before proceeding to try the matter of the arbitration, shall take and subscribe the following oath (or in case of those who by law affirm, make and subscribe the following affirmation), before any Justice of the Peace:

"I, *A. B.*, do swear (*or* affirm) that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises according to the evidence: So help me God."

which oath or affirmation shall be filed with the award. R. S. O. 1887, c. 159, s. 113.

Proceedings on arbitration.

94.—(1) The arbitrators shall, within six days after the appointment of the third arbitrator, examine the road, and at a sitting to be held by them as convenient as may be to the portion of the road so examined, shall examine under oath or affirmation such witnesses as may be presented for examination on behalf of either party to the arbitration.

(2) Due notice of such sitting shall be given to the directors of the company or to the municipal council, and to any two of the persons signing the requisition, and any such sitting may be adjourned from time to time.

(3) In case the arbitrators are of opinion that the then state of the road, if in a condition not to impede or endanger Her Majesty's subjects and others travelling thereon, is so in consequence of the action of the frost or snow, or condition of the weather, and not from suitable and proper repairs having been made at the expense of the said company or municipal council, they shall adjudge the costs of the arbitration against the directors of the company or municipal council, and shall make an award in writing setting forth the condition of the road, and whether the same is in such condition so as not to impede or endanger Her Majesty's subjects and others travelling thereon, and whether such condition arises from the action of frost or snow, or condition of the weather, or from suitable and proper repairs having been made at the expense of the directors of the company or municipal council. Case of repair by weather.

(4) In case the road is not in a proper state of repair they shall set forth what repairs are necessary to be made, and shall allow a reasonable time for so repairing the road, taking into consideration the facilities for obtaining the material to repair the road as required, and the arbitrators may permit the directors of the company or municipal council to levy, or may prohibit them from levying tolls, while the repairs are being completed, as to them may seem fit and proper. R. S. O. 1887, c. 159, s. 114. Repairs necessary to be set out by arbitrators.

95. The award shall be in duplicate, one copy whereof shall forthwith be filed in the office of the First Division Court of the county in which the road, or the greater part of it is situated, and the other copy shall be served upon the president of the road company or upon the head of the municipal council, as the case may be; and the award of the arbitrators, or of any two of them, shall be final and binding on all parties. R. S. O. 1887, c. 159, s. 115. Award to be in duplicate.

96. At the expiration of the period so fixed by the arbitrators, or sooner if required by the directors of the company or municipal council, the arbitrators shall examine the road, and if the repairs are completed as by their award required, they shall deliver a certificate to that effect to the directors of the company or municipal council, or if they find the repairs not completed they may, if they consider it just, extend the time for the completion of the repairs so required to be done by the award from time to time to such period as they deem proper, and notice of such extension shall be given to the directors of the company or the head of the municipality: and the arbitrators may permit the directors or the municipal council to levy, or may prohibit them from levying, tolls while the repairs are being completed, as to them seems just and proper. R. S. O. 1887, c. 159, s. 116. Examination and delivery of certificate of repair of the road to the directors, etc.

97. In case the arbitrators refuse or neglect to examine the road within two days next after being required by the Provision in case of failure of arbitrators to examine.

directors or municipal council so to do, by written notices signed by the head of the company or municipal council, and served personally upon the arbitrators or left at each of their last and most usual places of abode, the directors or municipal council shall be entitled to levy and collect tolls in the same manner as if the arbitrators had examined and certified the road to be in a fit and proper state of repair. R. S. O. 1887, c. 159, s. 117.

Costs of arbitration.

98. The arbitrators shall, subject however to the provisions of sub-section 3 of section 94 of this Act relating to the costs of the arbitration, assess and award the payment of the costs of the arbitration by the directors of the road company, or the municipal council, or the petitioners, or in such proportion as against one or all of them, as to the arbitrators seems just, and shall file a copy of the award for such costs in the First Division Court of the county in which the road, or the greater part of it, lies, and the award shall thereupon become a judgment of the said Court, and the payment of the costs may be enforced by execution in the same manner as a judgment of the said Court. R. S. O. 1887, c. 159, s. 118.

Decision of majority binding.

99. In case of difference between the three arbitrators, the decision of any two of them shall be conclusive. R. S. O. 1887, c. 159, s. 119.

Fees to arbitrators.

100. A fee not exceeding $4 per diem, for the time necessarily expended by them in the matter of the arbitration, shall be paid to each of the arbitrators making the award, and shall be included in their award as part of the costs of the arbitration. R. S. O. 1887, c. 159, s. 120.

If road not repaired within three months after notice, tolls at certain gates not to be levied.

101. In case the company or municipal council owning the road, as aforesaid, does not cause the portion or portions of the road so out of repair, as aforesaid, to be put in a proper state of repair within three months next after the expiration of the time fixed in the written notice to repair, so given by the engineer in the manner above provided, the company or municipal council, as the case may be, shall not demand or take any toll from any person travelling with or without beast or vehicle, for passing through the nearest two toll-gates on or on either side of the portion or portions of the road so out of repair, under the penalty mentioned in section 88 of this Act, until the engineer has again examined the road, and certified it to be in good and efficient repair; and for every additional three months' time respectively thereafter during which the said portion or portions of the road is or are not put in a proper state of repair, to be certified by the engineer or arbitrators in the manner provided herein, the company or municipal council shall forfeit the right to demand or take toll for two additional toll-gates, being those on either

side of the toll-gates in respect to which they had last before forfeited the right to take toll. R. S. O. 1887, c. 159, s. 121.

Neglect to repair and forfeiture of road to municipal councils.

102. If the company permit or allow their road to remain out of repair for the period of nine months next after the time fixed by the engineer or arbitrators (as the case may be), as in this Act provided, to repair the same, the company shall forfeit all right to their road, and the municipal council of the county through which the road or any part thereof passes may enter upon and take possession of the same, and exercise the same jurisdiction over the same as the road company owning the road was entitled to under this Act, and the municipal council may repair the same in accordance with the award of the engineer or arbitrators in reference to the same; and after the repairs have been made by the municipal council, may levy and collect tolls thereon, and possess and enjoy all the rights and powers, and be subject to all the duties and requirements of this Act, in reference to such toll roads. R. S. O. 1887, c. 159, s. 122.

Repairs by municipal councils.

103. In case the municipal council of the county does not think fit and proper, within the period of one month next after the expiration of the aforesaid nine months, to assume, by by-law, the road for the purposes of repairing the same, and levying tolls thereon, the municipal council of any municipality which would, under the provisions of the Municipal Acts at the time in force be required to maintain and keep the road in repair as a common and public highway, shall be liable to the same duties as the municipal council has, or is subject to, in respect to the public roads within its jurisdiction. R. S. O. 1887, c. 159, s. 123.

Proceedings to compel repair on requisition to the County Council.

Appointment of engineer by county council

104.—(1) Every county council may name and appoint by by-law an engineer to carry out the provisions of sections 105 to 115 of this Act, and such engineer shall be and continue an officer of such corporation until his appointment is repealed by by-law and another appointed in his stead, who shall have authority as well to take as to continue any proceeding already commenced under this Act. 53 V. c. 42, s. 1 (1).

"Engineer," meaning of.

(2) The word "engineer" in sections 104 to 115 of this Act shall mean civil engineer, land surveyor, or such person as any county council may deem competent to perform the duties required under this Act. 53 V. c. 42, s. 1 (2).

Examination of roads when out of repair, upon requisition.

105. Wherever a road, or portion of a road or bridge, constructed or acquired by a company subject to this Act, on which tolls have been taken is suffered by such company to get out of repair, the engineer may upon the requisition

of five or more freeholders residing within one mile from the road, or upon the requisition of any municipal council within such county, stating that the road is so much out of repair as to impede or endanger Her Majesty's subjects and others travelling thereon, examine the road or bridge. 53 V. c. 42, s. 2.

Notice of requisition to be given to company.

106. Such examination shall not be made until at least three clear days' written notice of such requisition (signed by the said freeholders or two of them, or by the head of such council) has been given to the company by leaving the same with any of the keepers of the toll-gates belonging to the company. 53 V. c. 42, s. 3.

Engineer to examine road and notify company of want of repair.

107. The engineer, after two clear days after the notice so to be given has been left with the keeper of the toll-gate, shall inspect and examine the road or bridge; and, if upon such examination the road or bridge is found so much out of repair as to impede or endanger Her Majesty's subjects and others travelling thereon, as stated in the requisition, he shall notify the president of the company to which the road belongs, by leaving a written notice at the office or place of business of the president, if there is such office or place of business within the county wherein the road is situated and the office or place of business is known to the engineer, and if not so known then by leaving the notice with any of the keepers of the toll-gates. 53 V. c. 42, s. 4.

Contents of notice to company.

108. The notice by the engineer shall state that in pursuance of a requisition from [*naming the freeholders or the municipal council upon whose requisition he has acted*] he has inspected the road or bridge and found it to be out of repair and shall specify the particular portions or portion of the road or bridge which he finds out of repair, and require them to take notice thereof, and to cause the same to be repaired within a certain time to be named in the notice; and the time shall be such as in the opinion of the engineer will be sufficient for making the required repairs; and such notice shall include a statement of the cost and charges of such engineer, the same not being such as to be inconsistent with the fees established by law to be taken by land surveyors on proceedings in courts, and the same shall be subject to taxation by the Judge of the County Court at the instance of the company or owner. 53 V. c. 42, s. 5.

Engineer to re-examine road on expiration of time limited.

109. At the expiration of the time limited in the notice for the repairing of the road, the engineer shall again examine the road, and if he finds the same repaired in a good and efficient manner, he shall certify the same if required by the directors. 53 V. c. 42, s. 6.

Tolls to cease until road repaired.

110. If he does not find the road properly repaired at the expiration of the time limited, then until such repairs are completed the directors shall not demand or take any toll from any person travelling with or without any beast or vehicle, or passing through the nearest toll-gates whereat tolls were being collected at the time of the notice on either side of the portion or portions of road so notified as out of repair, under the penalty mentioned in section 88 of this Act, until the engineer has again examined the road, and certified it to be in good and efficient repair. 53 V. c. 42, s. 7.

Effect of special report by engineer.

111. The engineer may make a special report such as is mentioned in subsection 3 of section 82 of this Act, which, upon service thereof on the directors of the company to which the road or roads belong, shall have the effect in such subsection mentioned, until such engineer has again examined the road and certified it to be in good and efficient repair, or unless the Judge otherwise orders as in said subsection mentioned. 53 V. c. 42, s. 8. *See* 60 V. c. 45, s. 77.

Powers of engineer and appeal to County Judge.

112. The engineer shall have the authority given by sections 85, 86, 87, 88 and 89 of this Act to an engineer appointed by the County Judge. His action shall be subject to appeal to the Provincial Instructor in Road-making; the proceedings for which appeal shall be the same (as nearly as may be) as the proceedings on an application to the said Provincial Instructor as set forth in section 84 of this Act. 53 V. c. 42, s. 9; 60 V. c. 45, s. 77.

Application of ss. 91-101.

113. Sections 91 to 101 of this Act inclusive shall apply in the same manner and to the same extent as if the engineer had been appointed by the County Judge under section 80. 53 V. c. 42, s. 10.

Sections 104 to 115 to apply to roads owned by individuals.

114. Sections 104 to 115 of this Act shall apply where the road is owned by a private individual or private individuals in the same manner as when it is owned by a company, and the word "company" in said sections shall be construed to include an owner or owners whether forming a company or not. 53 V. c. 42, s. 11.

Where company has special charter or Act of incorporation.

115. Sections 104 to 114 of this Act shall apply where a road or portion of a road or bridge on which tolls have been taken, constructed or acquired by a company having a special charter or Act of incorporation is suffered by such company to get out of repair, except that in such case the engineer to examine the road or bridge shall be an engineer appointed by the County Court Judge (or by the senior County Court Judge if there are in the county more County Court Judges than one) instead of by the County Council, and such engineer shall be appointed as provided by sections 80 and 81 of this

Act, and the subsequent proceedings may be as provided by either sections 82 to 103 or sections 104 to 114 of this Act. 55 V. c. 36, ss. 2, 3.

ENFORCING REMOVAL OF SNOW.

Enforcing the levelling or removal of snow on toll roads.

116.—(1) Upon the written requisition of six freeholders residing within one mile of any toll road during the months of December, January, February and March, the engineer of the county shall examine and inspect such road, and if he finds that by reason of the accumulation of snow or ice thereon, the road has become obstructed so that persons cannot travel safely and conveniently thereon with horses and vehicles, and has been so obstructed for a period of one week, he shall give notice to the company or municipality owning such road that until the snow is removed or levelled as required by such notice, no toll shall be taken upon such road or at the gates thereon specified in the notice, and thereafter no tolls shall be taken upon such road or at such gates, but the road shall be free until the engineer has given his certificate in writing that the snow has been so removed or levelled in compliance with his order.

(2) The engineer, after giving such notice shall, when required in writing by the company or municipality owning the road, make an examination and inspect the same, and if he finds that his order has been complied with, shall give the certificate mentioned the preceding subsection.

(3) The notice of the engineer may be served in the manner mentioned in subsection 1 of section 82 of this Act. 60 V. c. 32. s. 1.

SALE OF ROADS UNDER EXECUTION.

The interests of companies may be sold under execution.

117. The right and interest of a joint stock road company in or to a road or any part or parts thereof may be sold under execution against the company. R. S. O. 1887, c. 159, s. 124.

If purchaser repays council, making repairs, the road and right to collect toll to become vested in him.

118.—(1) The purchaser at such sale may, at any time within two years from the time of the sale, reimburse and pay to the municipal council which has made any outlay for the repair and maintenance of the road or the part or parts thereof so purchased, the amount expended by the council; and thereupon the head of the municipal council shall grant to the said purchaser a certificate to that effect, under his hand and the seal of the council, and upon, from and after the registration of the certificate in the registry office for the registry division in which the road or any part

thereof is situate, the road, or the part or parts thereof so purchased shall become vested in and be the property of the purchaser, and the provisions of sections 102 and 103 shall thenceforth cease to apply to or in respect of the road, or the part or parts thereof so purchased, as aforesaid, and the purchaser shall have the same right to collect tolls and all such other rights and privileges, and be subject to the same duties and obligations in respect to the road, or the part or parts thereof so purchased, as if the sale had taken place before the right to collect tolls had been suspended.

If purchaser does not repair the road, it is to revert to municipality.

(2) Unless the purchaser within twelve months from and after the time when he has reimbursed and paid to the municipal council the amount of the outlay as above provided, causes the road, or such portion or portions thereof as are out of repair within the meaning of this Act, to be put in a proper state of repair, and procures the certificate of the engineer that the same has been done, and thereafter keeps the road, and every portion thereof, in a proper state of repair within the meaning of this Act, the purchaser shall forfeit his property in the road, or in the part or parts thereof so purchased by him as aforesaid, and the same shall again become vested in the municipality or municipalities in the same way as if this section and the next preceding one had not been enacted. R. S. O. 1887, c. 159, s. 125 (1, 2).

Arbitration enactments to apply.

119. All the enactments in this Act hereinbefore contained in reference to arbitration shall apply to the preceding section. R. S. O. 1887, c. 159, s. 125 (3).

Application of ss. 117-119.

120. The preceding three sections shall apply to all roads or parts or portions of roads, the outlay upon which was, before the 29th day of March, 1873, reimbursed and paid to the municipal council, as provided in section 118 of this Act. R. S. O. 1887, c. 159, s. 126.

Certain purchasers to keep roads in repair.

121. Any purchaser of a road or any part or portion of a road who has heretofore reimbursed and paid to any municipal council the amount of outlay as provided by the Acts heretofore in force, and has complied with the provisions of the said Acts, shall hereafter keep the road, and every portion thereof, in a proper state of repair within the meaning of this Act; and in the case of failure to keep the road in a proper state of repair within the meaning of this Act, the purchaser shall forfeit his property in the road, or in the part or parts thereof so purchased by him as aforesaid, and the same shall again become vested in the municipality or municipalities, as if this section had not been enacted. R. S. O. 1887, c. 159, s. 127.

OFFENCES AND PENALTIES.

Owner or lessee of toll road to display red light on gates when closed.

122. Every person or municipal or other corporation, being the owner, lessee, or having control of any road or bridge upon which tolls are collected, shall cause a bright red light to be displayed upon every gate or toll bar on such road whenever the gate or bar is closed, during any period between sunset and sunrise, and in default shall be liable in an action for damages sustained by any person by reason of such default, and shall also incur a penalty of not less than $5 and not more than $20 for every such offence, which penalty may be recovered with costs in any court having jurisdiction to that amount by any person who may sue therefor. 60 V. c. 30, s. 1.

Penalty for taking more than the proper toll.

123.—(1) If any person, being either the renter or collector of tolls at any gate on any road, takes a greater toll than is authorized by law, he shall for every such offence forfeit and pay the sum of $20 to be recovered in the same manner as other penalties imposed by this Act. R. S. O. 1887, c. 159, s 129.

Application of penalty.

(2) The penalty for any offence against this section shall be payable to the complainant if the complainant is the person from whom excessive toll has been taken, and where the complainant is not the person from whom excessive toll has been taken, one-half of the penalty shall be payable to the complainant and one-half to such person. 59 V. c. 43, s. 2.

Penalty for passing or attempting to pass gates, etc. without payment of toll.

124. If any person not exempted by law from paying toll, wilfully passes or attempts to pass any toll-gate, check-gate or side-bar lawfully established, without first paying the legal toll, he shall forfeit a sum not exceeding $20 and costs, to be recovered in the same manner as other fines and forfeitures may be levied under this Act; and in case no sufficient distress can be found to satisfy a warrant issued against the goods and chattels of the offender, such offender shall then be committed to the common gaol of the county for any period not exceeding one month. R. S. O. 1887, c. 159, s. 130.

Imprisonment in first instance in certain cases.

125. In case the offender after conviction neglects or refuses to pay the amount of the fine and costs, and it is by affidavit made to appear, to the satisfaction of the acting Justice, that the offender has no goods or chattels within the jurisdiction of such Justice, a warrant of commitment may issue, and the person convicted may be imprisoned thereon in the first instance upon any conviction under the last preceding section of this Act, without issuing any warrant of distress against goods and chattels. R. S. O. 1887, c. 152, s. 131.

126. If any person, subject or liable to the payment of any toll by virtue of this or any former Act, neglects or refuses, after demand thereof, to pay the same, the person authorized to collect such toll may by himself, or taking such assistants as he thinks necessary, seize or distrain any horse, cattle, carriage or other thing in respect of which such toll is imposed, together with their respective bridles, saddles, gear, harness or accoutrements (except the bridle or reins of any horse or other beast separate from such horse or beast), or any carriage in respect of the horses or cattle drawing the carriage on which such toll is imposed, or any of the goods and chattels of the person so required to pay. R. S. O. 1887, c. 159, s. 132.

Mode of enforcing payment of tolls in case of refusal to pay.

127. If the toll so neglected or refused to be paid, and the reasonable charges of such seizure and distress, are not paid within the space of four days next after such seizure and distress made, the person so seizing and distraining, after having given four days' public notice thereof, may sell the horse, beast, cattle, carriage and things so seized and distrained, or a sufficient part thereof, returning to the owner thereof upon demand the overplus of the money arising from the sale (if any), and what remains unsold after such tolls and the reasonable charges occasioned by the seizure, distress and sale, have been deducted. R. S. O. 1887, c. 159, s. 133.

If toll not paid within four days after seizure, sale to take place.

128. If any person, after proceeding on such road with any waggon, carriage or other vehicle or animal liable to pay toll, turns out of the road into any other road or field or piece of land for the purpose of avoiding the payment of toll, and enters upon the said road beyond any of the said gates or check-gates by crossing the road or otherwise without paying toll, whereby the payment of toll is evaded, such person, or the owner of such vehicle or animal, shall for every such offence forfeit and pay the sum of $2 and costs; and any one Justice of the Peace for the county in which such part of the road is situated shall, on conviction of the offender, fine him in the said penalty and costs, and shall cause the same to be levied as aforesaid. R. S. O. 1887, c. 159, s. 134.

Penalty on persons using a road and turning off the same in order to avoid payment of toll.

129. If any person with intent to aid in the evasion of toll, knowingly permits or suffers any other person proceeding on a toll road to pass through any lands adjoining such road and occupied by such first mentioned person, or through any gate thereon with any carriage, sleigh, horse, mare, gelding, or any other animal liable to the payment of toll for the purpose of enabling the person so proceeding on such toll road to pass through said lands and to enter upon such toll road beyond any of the said gates or check gates and proceed thereon without paying toll and thereby evade payment of the toll, the person so offending and also the person riding or driving or the owner of the animal or carriage the payment whereon is so evaded, shall, on conviction before any one Justice as afore-

Owner allowing persons to evade tolls by passing over his lands.

said, incur a penalty not exceeding $4 and not less than $1 to be levied as aforesaid, with costs. 58 V. c. 31, s. 4.

Penalty on persons leaving horses, etc., on the road so as to avoid payment of toll.

130. If any person leaves upon a toll road any horse, cattle, or carriage by reason whereof the payment of any toll or duty is evaded or lessened, or takes off any horse or cattle from any vehicle, either before or after having passed through any toll-gate, or, after having passed through any toll-gate, adds or puts any horse or other beast to any such carriage and draws therewith upon any part of any such road, so as to increase the number of horses or other beasts drawing the vehicle after the same has passed through such toll-gate, whereby the payment of all or any of the tolls has been evaded, he shall forfeit and pay a sum not exceeding $4, to be levied as aforesaid, with costs. R. S. O. 1887, c. 159, s. 136.

Penalty on persons falsely claiming exemption.

131. In case any person falsely represents himself to any toll-gatherer, or gate-keeper, as being entitled to any exemption mentioned in this or any other Act, or evades the payment of toll by any false representation or other fraudulent act, he shall forfeit to the company or municipality owning the road the sum of $4 and costs, to be recovered summarily before a Justice of the Peace in the manner provided by this Act for the recovery of other penalties. R. S. O. 1887, c. 159, s. 137.

132. In case any person—

Penalty on persons removing materials used in constructing road.

(*a*) Removes any earth, stone, plank, timber or other materials used or intended to be used in or upon any road for the construction, maintenance and repair thereof; or

Or driving off the metal and on the soft part of the road.

(*b*) Drives any loaded wheel carriage or other loaded vehicle upon that part of any road constructed under this or any former Act, between the stones, plank or hard road and the ditch, further than may be necessary in passing another vehicle, or in turning off or upon such road; or

Damaging bridges, etc.

(*c*) Causes any injury or damage to be done to the bridges, culverts, posts, rails or fences; or

Hauling timber, etc., so as to injure road.

(*d*) Hauls or draws upon any part of any such road, any timber, stone or other thing carried principally or in part upon wheeled carriages or upon sleighs, so as to drag or trail upon such road to the prejudice thereof; or

Leaving any carriages on the road.

(*e*) Leaves any waggon, cart or other carriage upon such road without some proper person in the custody or care thereof, longer than may be necessary to load and unload the same, except in case of accident, and in cases of accident for any longer time than may be necessary to remove the same; or

Laying timber, stones, rubbish.

(*f*) Lays any timber, stones, rubbish or other thing whatsoever upon the road, to the prejudice, interruption and danger of any person travelling thereon; or

(*g*) Having blocked or stopped any cart, waggon or other carriage in going up a hill or rising ground, causes or suffers to remain on such road any stone or other thing with which such cart or carriage had been blocked or stopped; or

Leaving stones in the road used to block carriage.

(*h*) Pulls down, damages, injures or destroys any lamp or lamp-post put up, erected or placed in or near the side of such road, or any toll-house erected on such road, or wilfully extinguishes the light of any such lamp; or

Injuring lamp-posts, etc.

(*i*) Wilfully pulls down, breaks, injures or damages any table of tolls put or fixed at any gate, check-gate or bar, on any part of such road, or any sign-board erected by any company upon any road or bridge constructed by them; or

Damaging table of tolls, etc.

(*k*) Wilfully or designedly defaces or obliterates any of the letters, figures or marks thereon, or on any finger post or mile post or stone; or

Defacing mile posts, etc.

(*l*) Throws any earth, rubbish or any other matter or thing into any drain, ditch, culvert or other watercourse made for draining any such road; or

Throwing rubbish into drains.

(*m*) Without permission carries away any stones, gravel, sand or other materials, dirt or soil from any part of such road, or digs any holes or ditches on the allowance for the same; or

Carrying away any stones, gravel, etc.

(*n*) Allows any swine to run at large to the injury of the road;

Allowing swine to run at large.

every such person shall, upon conviction thereof in a summary way before any Justice of the Peace in or near the place where the injury has been done, be sentenced to pay all damages sustained by such company, which damages shall be ascertained by the Justice on hearing the complaint, and shall also be sentenced to pay a fine of not more than $10 nor less than $1 together with all costs; which damages, fines and costs shall be paid within a time to be limited by the Justice, and in default thereof the same shall be levied as hereinafter provided. R. S. O. 1887, c. 159, s. 138.

133. The company may impound all swine found running at large on plank roads owned by it, and the pound keepers of municipalities on the line of such roads shall receive such animals, and shall be entitled to be paid the usual fees, and in default of payment may sell the animals in the usual way, notwithstanding that such animals may be free commoners under the by-laws of their municipalities. R. S. O. 1887, c. 159, s. 139.

Further protection against swine running at large.

134. No company or municipality, or contractor, sub-contractor, or person employed by such company or municipality, contractor or sub-contractor, shall leave or place upon the graded part of any road constructed or acquired by such company, or municipality, under this Act or any former Act, whether such part of the road is or is not macadamized,

Company and their servants not to impede the free use of the whole graded portion of the road.

gravelled or planked, any stone, gravel, plank, timber or other materials whatsoever so as to prevent the public from using or to impede the free use of the whole of such graded portion of road; and for any offence against this section, such company, municipality, contractor or sub-contractor, or other person shall be responsible for all damages arising from the offence; and such contractor, sub-contractor or other person shall also incur a penalty of not less than $1 nor more than $20, to be recovered summarily before a Justice of the Peace in the manner provided by this Act for the recovery of other penalties. R. S. O. 1887, c. 159, s. 140.

Penalties.

Application of penalties.

135. The penalty for any offence against the last preceding section in the case of roads owned by companies, shall be paid to the municipality within which the road is situate; and in the case of roads owned by municipalities, one-half of the penalty shall be paid to the complainant, and the residue to the Provincial Treasurer for the public uses of this Province. R. S. O. 1887, c. 159, s. 141

Recovery of fines and forfeitures under this Act.

136. Every fine and forfeiture authorized to be summarily imposed by this Act, may be recovered upon information and complaint before any Justice of the Peace of the county within which the same has been incurred, and may be levied and collected by distress and sale of the offender's goods and chattels, under the authority of a warrant of distress for that purpose, to be issued by the Justice before whom the conviction is had, and in case there are no goods or chattels to satisfy the warrant, the offender may be committed to the common gaol of the county for any period not exceeding one month; but nothing in this section contained shall interfere with the provisions made in section 125 of this Act, for issuing a warrant of commitment in the first instance upon conviction for any offence therein mentioned. R. S. O. 1887, c. 159, s. 142.

Person not appearing on summons may be arrested, or the case may be heard *ex parte*.

137. In any proceeding or prosecution before a Justice of the Peace under this Act, the Justice may summon the person complained against to appear at a time and place to be named in the summons, and if he does not appear, then upon proof of the due service of the summons upon such person, either personally or by leaving a copy thereof at his usual place of abode, the Justice may proceed either to hear and determine the case *ex parte*, or to issue his warrant for apprehending and bringing the person before himself or some other Justice of the Peace, or the Justice may, if he thinks fit, without previous summons, issue the warrant, and the Justice before whom the person appears or is brought shall hear and determine the case. R. S. O. 1887, c. 159, s. 143.

Application of fines, etc., when not otherwise provided.

138. Each fine and forfeiture collected under this Act shall, unless otherwise provided, be paid to the treasurer of the com-

pany or municipality owning the road or other work in respect of which such fine and forfeiture have been imposed for the use of such company or municipality. R. S. O. 1887, c. 159, s. 144.

Actions to be brought within six months.

139. No action shall be brought for any matter or thing done in pursuance of this Act, unless such action is brought within six months next after the fact committed, and the defendant in any such action may plead not guilty by statute, and on the trial give this Act and the special matter in evidence. R. S. O. 1887, c. 159, s. 145.

MISCELLANEOUS.

Incorporation of Companies formed and having proceeded with construction *bona fide* under former Acts confirmed.

140. Notwithstanding any irregularity in the formation, registration or management of any company for the construction or purchase of any road or other work connected therewith under the provisions of any Act passed before the 14th day of June, 1853, and notwithstanding all the requirements of any such Act had not been strictly complied with, all such companies which had theretofore *bona fide* proceeded in the construction or purchase of any road or other work, shall be held to be duly organized, formed, registered, constituted and managed under such Act: but nothing in this section contained shall be construed to confirm the establishment or management of such company when any irregularity has occurred in the formation, registration or management of the same, unless such company had *bona fide* proceeded with the construction of or had purchased such road or work before the said 14th day of June, 1853. R. S. O. 1887, c. 159, s. 146.

Directors to report annually.

141.—(1) The directors of every company incorporated under this or any former Act shall, in the month of January in each year, report to the Lieutenant-Governor in Council and also to the municipal council of the county having jurisdiction within the locality through or along the boundary of which the road passes, or wherein the other work has been constructed—

(*a*) The cost of the work;

(*b*) The amount of all money expended;

(*c*) The amount of the capital stock, and how much paid in;

(*d*) The whole amount of tolls expended on such work;

(*e*) The amount received during the year from tolls and all other sources, stating each separately;

(*f*) The amount of dividends paid;

(*g*) The amount expended for repairs; and

(*h*) The amount of debts due by the company, specifying the object for which such debts respectively were incurred.

(2) The return required by this section shall be verified by a statutory declaration of one of the directors of the company.

(3) Any violation of this section shall subject the company violating the same to a penalty of $50 for each violation, and of the additional sum of $25 for each month during which any such company neglects to make such return; such penalty to be recovered under the provisions of this Act and paid over to the Treasurer of this Province. R. S. O. 1887, c. 159, s. 147.

Company to keep regular books.

142. Every company formed under this or any former Act shall keep regular books of account, in which shall be entered a correct statement of the assets, receipts and disbursements of the company. R. S. O. 1887, c. 159, s. 148.

Books to be open to inspection.

143. Such books shall be at all times open to the inspection of any person who may for that purpose be appointed by the Commissioner of Public Works of this Province, or by the municipality having jurisdiction as aforesaid. R. S. O. 1887, c. 159, s. 149.

And afford the officers of the municipality all information required.

144. Every such inspector may take copies or extracts from the books, and may require and receive from the keeper of such books, and also from the president and each of the directors of the company, and from all the other officers and servants thereof, all such information as to such books, and the affairs of the company generally, as the inspector deems necessary for the full and satisfactory investigation into and report upon the state of the affairs of the company. R. S. O. 1887, c. 159, s. 150.

After 21 years from the completion of the work the proper municipality may purchase the stock of the company at its current value.

145. After twenty-one years from the time of completing any such road or any other work authorized to be constructed by a company under this or any former Act, any municipal authority representing the interests of the locality through or along the boundary of which the road passes, or in which the work is situated, may purchase the stock of the company at the current value thereof at the time of purchase, and hold the same for the use and benefit of the said locality: Provided always that such municipal authority may purchase on the terms aforesaid and for the purpose aforesaid the stock of such road company before the expiration of twenty-one years from the time of the completion of such road, but in such case allowance shall be made for any prospective profits which would be likely to accrue to the owners of the stock between the time of purchase and the expiration of twenty-one years from such completion. R. S. O. 1887, c. 159, s. 151.

Proviso.

146. If the company and the municipality cannot agree upon the value, the same shall be ascertained by arbitrators to be appointed and to act in the manner hereinbefore provided in other cases; and the municipal authority shall thenceforth stand in the place and stead of the company, and shall possess all such powers and authority as the company had theretofore possessed and exercised. R. S. O. 1887, c. 159, s. 152.

Value of stock to be determined by arbitrators.

147. The council of a municipality through which a toll road runs, that has been constructed under this Act, or the owner of any land lying adjacent to the road, may set out shade and ornamental trees alongside the road, in the same manner and with the same rights as if the road were an ordinary highway. R. S. O. 1887, c. 159, s. 153.

Shade trees may be set out on toll roads.

148. The council of a municipality through which the road runs, or any person by the permission and direction of the council, may plant shade and ornamental trees, and may grade, level, cut down, or fill up the land, alongside of the road, and may build sidewalks of plank, gravel, or other material thereon, as if the road were an ordinary road or street. R. S. O. 1887, c. 159, s. 154.

Land by side of toll road may be used for certain purposes as if such road were an ordinary road.

149. The council of a municipality through which any such road runs, shall have authority to make stone, wood or other crossings across such road, and may dig up the road for the purpose of making sewers, and may construct water courses across or alongside the road, and may construct culverts and approaches over water courses or ditches crossing or alongside of the road from streets, lanes or buildings in the municipality, and may raise or lower the road, or change the grade thereof when necessary in order to connect with other roads or streets, and shall have all other rights and privileges with regard to side-walks, culverts and approaches to the road as if the same were an ordinary highway or street, but the council shall in every such case without unnecessary delay replace the road in as good condition as it was before such work was undertaken, and shall keep in proper repair all such crossings. R. S. O. 1887, c. 159, s. 155.

Council of Municipality may make crossings, etc., on road.

150. The last preceding three sections of this Act shall apply to and be held binding on any lessee or any owners of such road whether a joint-stock company or otherwise. R. S. O. 1887, c. 159, s. 156.

Sections 147-149 to apply to lessees and owners of roads.

151.—(1) The provisions contained in sections 11 to 29, 30 to 34, 36 to 42, 44, 45, 48 and 52 to 146 of this Act, all inclusive, shall extend and apply to all road companies, and to all toll roads whereon tolls are levied and collected, whether such roads may have been constructed under this Act or any Act in section 2 of this Act referred to, or may

Certain secs. to apply to all toll roads.

have been constructed by or belong to the municipality of any county, and to all toll roads which may have been purchased from the Government of the late Province of Canada and are owned or held by private companies or municipal councils, and also to all toll roads owned, leased, held or in the possession of any person or persons. R. S. O. 1887, c. 159, ss. 128, 157 (1); 52 V. c. 27, s. 1.

Certain secs. to apply to all Road Cos. having a special charter.

(2) The provisions contained in sections 14 to 29, 30 to 34, 36 to 45, 52, 53, 59 to 73, 75 to 139, 145 and 146, all inclusive, and this provision, shall extend to road companies having any special charters, but no other sections of this Act shall apply to such companies. R. S. O. 1887, c. 159, s. 157 (2).

CHAPTER 194.

An Act respecting Joint Stock Companies for the construction of works to facilitate the transmission of Timber down Rivers and Streams.

SHORT TITLE, s. 1.
GRANT OF POWERS by LETTERS PATENT, ss. 2-10.
BY-LAWS, ss. 11-14.
PROPERTY NOT TO BE INTERFERED WITH WITHOUT LEAVE, s. 15.
CONSENT TO FORMATION OF COMPANY, WHEN REQUIRED, s. 16.
RECOVERY OF PAYMENTS MADE FOR SHAREHOLDERS, s. 17.
TERMINATION OF COMPANY'S EXISTENCE, ss. 18-20, 62-64.
Property to vest in Crown, s. 18.
Company to continue for purpose of winding up, s. 19.
Distribution of capital, s. 20.
DIRECTORS TO REPORT YEARLY TO COMMISSIONER OF PUBLIC WORKS, s. 21.
BOOKS TO BE KEPT BY COMPANY, s. 22.
Inspection of books, s. 23.
ARBITRATION PROCEEDINGS, ss. 24-35.
MILL-SITES NOT TO BE TAKEN WITHOUT CONSENT OF OWNER, s. 36.
WHERE NO DAMAGES RECOVERABLE FOR OVERFLOWING LANDS, s. 37.
NAVIGABLE WATERS NOT TO BE OBSTRUCTED, s. 38.
RIGHTS AS TO WATER-POWERS CREATED BY COMPANY'S WORKS, s. 39.
TOLLS, ss. 40-49.
OFFENCES AND PENALTIES:
Impeding operations of company, s. 50.
Recovery of penalties, s. 51.
Appropriation of penalties, ss. 52-54.
Limitation of actions, s. 55.
MISCELLANEOUS:
Commissioner's power to take evidence, s. 56.
Time for completion of works, s. 57.
Repair of works, ss. 58, 59.
Union of companies, s. 60.
Dissolution of companies, s. 61.
Limitation of existence of companies, s. 62.
Extension of existence of companies, s. 63.
Provision as to companies incorporated before March 5, 1881, s. 64.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Timber Slide Companies Act.*" R. S. O. 1887, c. 160, s. 1.

Certain powers may be granted to timber slide companies. Rev. Stat. c. 191.

2. In case the Lieutenant-Governor in Council thinks fit, he may confer upon any company heretofore or hereafter incorporated, under *The Ontario Companies Act* or any Act for which the same was substituted, for the purpose of acquiring or constructing and maintaining any dam, slide, pier, boom or other work necessary to facilitate the transmis-

sion of timber down any river or stream in this Province, or for the purpose of blasting rocks, or dredging or removing shoals or other impediments, or of otherwise improving the navigation of such river or stream for the said purpose, the powers authorized by this Act, and every such company shall thereupon become subject to all the provisions of this Act. R. S. O. 1887, c. 160, s. 2.

When letters patent may be issued.

3. The letters patent conferring the powers authorized by this Act shall not be issued to any company until proof has been furnished that one-half of the proposed capital has been subscribed in good faith, and that at least ten per centum thereof (or five per centum of the whole capital) has been paid in to the credit of trustees for the company, and remains at their credit in some one or more of the chartered banks of this Province, nor until notice of the application for a charter has been served upon all timber limit owners and other parties known to be interested in the works proposed to be constructed, who shall also have the option at any time before the issue of a charter of becoming shareholders in the company in proportion to their interests involved. R. S. O. 1887, c. 160, s. 3; 53 V. c. 43, s. 6.

Report to be transmitted to Provincial Secretary by applicants.

4. The applicants for a charter shall, with their application, transmit to the Provincial Secretary a report to be laid before the Commissioner of Crown Lands, in case the Provincial Secretary or other officer charged by the Lieutenant-Governor in Council with the duty of reporting thereon deems that the other requirements preliminary to the issue of the charter have been duly complied with, and shall also cause a copy of the report to be laid before the municipal council of the county in which the works are proposed to be situated; or if the works are situate in more than one county, then before the municipal councils of the counties in or on the boundaries of which the works are proposed to be situated; or if the proposed works are in unsurveyed lands not contained within the bounds of any incorporated county, then before the Commissioner of Public Works alone. R. S. O. 1887, c. 160, s. 4; 53 V. c. 43, s. 1.

Rate of dividend may be stated in Letters Patent.

5. The Lieutenant-Governor may, in the letters patent, state a rate of dividend, not exceeding fifteen per centum, which the directors shall be at liberty to pay to the shareholders, if the revenues of the company otherwise justify such payment, and in such case the Commissioner of Crown Lands, shall, in considering the tolls to be allowed, have regard to such rate, but no such rate shall be so fixed for a longer period than ten years. R. S. O. 1887, c. 160, s. 5; 53 V. c. 43, s. 1.

Limitation of company's existence.

6. The existence of any company incorporated under this Act may be limited to a term of years to be fixed by the letters patent. R. S. O. 1887, c. 160, s. 6.

Particulars of notice in *Gazette*.

7. The notice of application in the *Gazette* need not state the objects of the company with the same detail as is required in the report, but shall give such a description thereof as will reasonably inform the public of the works to be undertaken. R. S. O. 1887, c. 160, s. 7.

Contents of report.

8. The report shall contain—

1. A detailed description of the works to be undertaken and an estimate of their cost;

2. An estimate from the best available sources of the quantity of different kinds of timber expected to come down the river or stream yearly after the works have been completed; and

3. A schedule of the tolls proposed to be collected. R. S. O. 1887, c. 160, s. 8.

Publication of schedule of tolls.

9. The schedule of tolls so proposed to be collected shall be published for one month from the date of the report containing such schedule in some paper published in the county or counties, district or districts in which, or nearest to which, the works are situate. 53 V. c. 43, s. 2.

Commissioner to consider and approve report before issue of charter.

10. Thirty days after the first day of publishing such schedule of tolls, and not less than thirty days after the said report has been laid before the municipal council or councils, as the case may be, the Commissioner of Crown Lands shall consider the said report, and in case he approves of the proposed works he shall report such approval to the Lieutenant-Governor, who may thereupon direct the issue of a charter. 53 V. c. 43, s. 3.

By-laws to regulate transmission of timber.

11. Every company may make by-laws, and from time to time alter and amend the same, for the purpose of regulating the safe and orderly transmission of timber over or through the works of the company, and the navigation therewith connected. R. S. O. 1887, c. 160, s. 10.

Copies of proposed by-laws to be annexed to reports of company.

12. Copies of the proposed by-laws shall be annexed to the reports required to be made by the company by section 4 of this Act, and the proposed by-laws with such variations as are made therein by the Commissioner of Crown Lands at any time before the issue of the letters patent, shall, upon the issue of the letters patent, become the by-laws of the company without further action or adoption by the company, and copies of all new by-laws, and of all amended by-laws, with reference to the said subjects, shall be annexed to the annual reports required by section 21 of this Act. R. S. O. 1887, c. 160, s. 11; 53 V. c. 43, s. 1.

When by-law to come in force.

13. No new by-law, or amended by-law, shall have any force until one month after it has been included in the report; but if at the end of one month the by-law has not been disallowed as it may be by the Commissioner of Crown Lands, it shall have full force and be binding upon the company, and upon all persons using the works, unless the Commissioner in the meantime shall have under his hand enlarged the time for considering the same. R. S. O. 1887, c. 160, s. 12; 53 V. c. 43, s. 1.

Restrictions as to by-laws.

14. No such by-law shall impose any penalties, or shall contain anything contrary to the true meaning and intention of this Act. R. S. O. 1887, c. 160, s. 13.

Company not to interfere with property without leave.

15. No such company shall construct such works over or upon or otherwise interfere with or injure any private property, or the property of the Crown, without first having obtained the consent of the owner, or occupier thereof, or of the Crown, except as is in this Act provided. R. S. O. 1887, c. 160, s. 14.

Consent to formation of company, when required.

16. No such company shall be formed under the provisions of this Act to improve any river or stream, for the improvement of which any other company has been formed either under this Act, or any other Act of the Legislature, or upon which there is constructed any Provincial work, without the consent of such other company or of the Lieutenant-Governor in Council respectively, which consent shall be formally expressed in writing, and shall be filed in the office of the Provincial Secretary. R. S. O. 1887, c. 160, s. 15.

Recovery of payments made for shareholders.

17. In all cases where a shareholder has not paid ten per centum on the share or shares held by him, but some other person pays the same on his behalf, the person so paying may recover the amount as a debt, in any competent Court, although not previously authorized to pay the money on behalf of such shareholder. R. S. O. 1887, c. 160, s. 16.

On expiration of company's existence, property to vest in the Crown.

18. Upon the expiration of the period limited for the existence of the company, if such period is limited by the letters patent, all the dams, slides, piers, booms and other works constructed by the company, for the transmission of timber down any river or stream, or for the improvement of the navigation of such river or stream, shall become the property of Her Majesty for the public uses of the Province, and the company, or the shareholders thereof, shall have no right to receive any compensation therefor. R. S. O. 1887, c. 160, s. 17.

Company's existence to continue for the purpose of winding up.

19. Notwithstanding the expiration of the said period, the company shall continue to exist for the purpose of taking such proceedings as may be requisite for winding up and settling its affairs, and for getting in its assets, and dis-

tributing the same amongst its shareholders and the company may, for the purposes aforesaid, sue and be sued as if the period of its corporate existence had not expired; but after such period the words "in liquidation" shall be added to the name of the company, and shall be a part of such name. R. S. O. 1887, c. 160, s. 18.

Distribution of capital and profits.

20. No distribution of capital shall be made under the next preceding section until three years after the expiration of the said period limited as aforesaid for the existence of the company, but this shall not prevent the distribution amongst the shareholders of the annual profits received from investments, and after the said period section 83 of *The Ontario Companies Act* shall not apply to the company. R. S. O. 1887, c. 160, s. 19.

Rev. Stat. c. 191, s. 83.

Directors to report yearly to the Commissioner of Crown Lands.

21. The directors of every company incorporated under this Act shall, annually, in the month of January, make a report to the Commissioner of Crown Lands, which report shall be under the oath of the treasurer of the company, and shall specify—

What the report is to contain.

1. The cost of the work;

2. The amount of all money expended;

3. The amount of the capital stock, and how much paid in;

4. The whole amount of tolls expended on the work;

5. The amount received during the year from tolls and all other sources, stating each separately, and distinguishing the tolls on different kinds of timber;

6. The amount of dividends paid;

7. The amount expended for repairs; and

8. The amount of debts due by the company, specifying the objects for which the debts respectively were incurred. R. S. O. 1887, c. 160, s. 20; 53 V. c. 43, s. 1.

9. A detailed description of any extension or improvement of the works or of any new works proposed to be undertaken in the following year, together with an estimate of the cost thereof. 53 V. c. 43, s. 8.

10. A detailed description of any repairs or renewals that may require to be made after the 31st day of December in the year to which said report relates and before the time of settling the tolls, together with an estimate of the cost thereof, and in case such repairs or renewals are actually made before the settling of the tolls, the cost thereof may be taken into consideration in fixing such tolls, and such estimated cost of such repairs or renewals shall be advertised along with the schedule of tolls as provided in section 9 of this Act. 59 V. c. 44, s. 1.

Every company to keep regular books of account.

22. Every company shall keep regular books of account in which shall be entered a correct statement of the assets receipts and disbursements of the company, and such books shall be at all times open to the inspection and examination of any shareholder. R. S. O. 1887, c. 160, s. 21,

Inspection of books.

23. The Commissioner of Crown Lands may appoint a person to inspect and examine such books and every person so appointed may take copies or extracts from the same, and may require and receive from the keeper of such books, and also from the president and each of the directors of the company, and all the other officers and servants thereof, all such information as to such books and the affairs of the company generally, as the person so appointed deems necessary for the full and satisfactory investigation into and report upon the state of the affairs of the company, so as to enable him to ascertain whether the tolls levied upon the work are greater than this Act allows to be levied. R. S. O. 1887, c. 160, s. 22; 53 V. c. 43, s. 1.

When matters respecting compensation to be submitted to arbitration.

24. If upon demand made by the directors of the company the owner or occupier of any land, over, through or upon which the company desires to construct such work, or which would be flooded or otherwise interfered with, or upon which any power given by this Act to the company is intended to be exercised, neglects or refuses to agree upon the price or amount of damages to be paid for, or for passing through or using such land, or for flooding or otherwise interfering with the same, and for appropriating the same to and for the use of the company, or for the exercise of such power as aforesaid, the company may name one arbitrator, and the owner or occupier of the land may name another arbitrator, and the two arbitrators may name a third, to arbitrate and determine upon the amount which the company shall pay before taking possession of such land or exercising such power, and the decision of any two of the said arbitrators shall be final. R. S. O. 1887, c. 160, s. 23.

Arbitrators to consider advantages as well as disadvantages.

25. In ascertaining the amount aforesaid, due regard shall be had by the arbitrators to the benefits which will accrue to the party demanding compensation by the construction of the intended works. R. S. O. 1887, c. 160, s. 24.

Upon tender of the sum awarded, the company entitled to a conveyance.

26. The company may tender the sum awarded to the party claiming compensation, who shall thereupon be bound to execute a conveyance of the land to the company, or such other document as may be requisite; and the company, after such tender, whether a conveyance or other document has been executed or not, may enter upon and take possession of the land to and for the uses of the company, and may hold the same, or exercise such power as aforesaid, in the same manner as if a conveyance thereof or other document had been executed. R. S. O. 1887, c. 160, s. 25.

When the Judge, etc., to name an arbitrator.

27. If such owner or occupier neglects to name an arbitrator for the space of twenty days, after having been notified so to do by the company, or if the two arbitrators do not within the space of twenty days after the appointment of the second arbitrator agree on a third arbitrator, or if any one of the arbitrators refuses or neglects, within the space of ten days after his appointment, to take upon himself the duties thereby imposed, then, upon the application of the company, or of the other party, the Judge of the County Court of the county within which the land lies, shall nominate a disinterested competent person, from any township adjoining the township in which the land is situate, as arbitrator for the owner or occupier so neglecting to name an arbitrator after having been duly notified by the company as aforesaid, or as third arbitrator, or as arbitrator; and every arbitrator so appointed by the Judge of the County Court, shall hear and determine the matter to be submitted to him, with all convenient speed, after he has been so nominated as aforesaid; and any award made by a majority of the arbitrators shall be as binding as if the three arbitrators had concurred in and made the same. R. S. O. 1887, c. 160, s. 26.

How company to proceed in the case of lands of absentees.

28. In case any lands required by the company for the purpose of such work, or with regard to which such power is to be exercised as aforesaid, are held or owned by any person, body politic, corporate or collegiate, whose residence is not within this Province or is unknown to the company, or in case the title to such lands is in dispute, or in case such lands are mortgaged, or in case the owner or owners of such lands are unknown, or unable to treat with the company for the sale thereof, or the exercise of any such power as aforesaid by the company, or to appoint arbitrators as aforesaid, the company may nominate and appoint one indifferent person and the Judge of the County Court where the lands are situate, on the application of the company, may nominate and appoint one other disinterested competent person from any township adjoining the township in which the lands are situate, who, together with one other person to be chosen by the persons so named before proceedingto business, or, in the event of their disagreeing as to the choice, with one other person to be appointed by the Judge as aforesaid before the others proceed to business, shall be arbitrators to award, determine, adjudge and order the respective sums of money which the company shall pay to the party entitled to receive the same, for the lands or damages as aforesaid, and the decision of a majority of the arbitrators shall be binding. R. S. O. 1887, c. 160, s. 27.

Amount of award to be paid on demand.

29. When demanded, the company shall pay or cause to be paid to the several parties entitled to the same, the amount so awarded. R. S. O. 1887, c. 160, s. 28.

A record of the award to be drawn up and registered.

30. A record of the award shall be made up and signed by the arbitrators, or a majority of them, specifying the amount awarded and the costs of arbitration, which may be settled by the arbitrators, or a majority of them; and the record shall be deposited in the registry office of the registry division in or along which the lands are situate, and the company may thereupon enter upon and take possession of the land to and for the uses of the company, and may proceed with the construction of the works affecting the same. R. S. O. 1887, c. 160, s. 29.

Costs of reference to be paid by the company, etc.

31. The expenses of any arbitration under this Act shall be paid by the company, and by them be deducted from the amount of the award on payment thereof to the parties entitled to receive the same, if the company, before the appointment of their arbitrator, had tendered a sum equal to or greater than that awarded by the arbitrators, otherwise the expense shall be borne by the company, and the arbitrators shall specify in their award by which of the parties the said costs shall be paid. R. S. O. 1887, c. 160, s. 30.

When lands taken to become the property of the company.

32. All lands which have been taken by the company, for the purpose of such work, and have been purchased and paid for by the company, in the manner hereinbefore provided, shall become the property of the company, free from all mortgages, incumbrances and other charges. R. S. O. 1887, c. 160, s. 31.

How arbitrators to proceed.

33. The arbitrators so appointed shall fix a convenient day for hearing the respective parties, and shall give eight days' notice at least of the day and place; and having heard the parties or otherwise examined into the merits of the matter so brought before them, the said arbitrators or a majority of them shall, within thirty days after their appointment, make their award thereupon in writing, which award shall be final as to the amount in dispute. R. S. O. 1887, c. 160, s. 32.

If timber slides, etc., erected by others be assumed by the company, how compensation to be made.

34. In case there is already established by any person other than a company formed under this Act or some other Act of this Province, or some Act of the late Province of Canada, any slide, pier, boom, or other work intended to facilitate the passage of timber down any water, for the improvement of which a company is formed under this Act, such company may take possession of the works; and the owners thereof, or (if the works have been constructed on the property of the Crown) the persons at whose cost they have been constructed, may claim compensation for the value of the works either in money or in stock of the company, at the option of the owner or the person at whose cost the same was constructed, and may become shareholders in the company for an amount equal to the value of the works (such value to be ascertained by arbitrators appointed in the manner hereinbefore provided); and all the provisions of

sections 28 to 32 of this Act shall apply to such work in the same manner and to the same extent as to lands acquired by such company. R. S. O. 1887, c. 160, s. 33.

Formalities to be observed by company acquiring existing works.

35. In case such company purchases or takes possession of the works as aforesaid, and does not make or construct any other works than those so acquired, the company shall furnish the Commissioner of Crown Lands with the report in section 8 mentioned, but need not cause a copy to be laid before the county council. R. S. O. 1887, c. 160, s. 34; 53 V. c. 43, s. 1.

Mill sites, etc., not to be taken without the consent of the owner.

36. Nothing herein contained shall authorize a company formed under this Act to take possession of, or in anywise injure any mill site upon which there are existing mills or machinery, or hydraulic works other than those intended to facilitate the passage of timber; and no company formed under this Act shall commence any work which interferes with or endangers such occupied mill site, without the assent in writing of the proprietor thereof previously obtained, or an award of arbitrators appointed as herein provided, to the effect that the proposed works will not injure such mill site, which assent or award shall be registered in the same manner as the instrument of incorporation of such company. R. S. O. 1887, c. 160, s. 35.

Sections 15 & 16 of Rev. Stat. c. 140, to apply.

37. The provisions of sections 15 and 16 of *The Act respecting Mills and Mill Dams* shall extend to similar land overflowed by any of the works constructed by any company formed under this Act. R. S. O. 1887, c. 160, s. 36.

Navigable waters not to be obstructed. Tolls to be on timber only.

38. Nothing herein contained shall authorize a company formed under this Act to obstruct any waters already navigable, or to collect tolls other than those upon timber. R. S. O. 1887, c. 160, s. 37.

Rights of parties as to water powers created by the company.

39. If by reason of a dam erected by a company formed under this Act, any fall or water power is created, the company shall in nowise have any title or claim to the use of such water power; nevertheless, if the owner or occupier of the land adjoining has made a claim for compensation for damages arising from such dam, the arbitrators may take into account the increased value of his property by reason of the water power so created. R. S. O. 1887, c. 160, s. 38.

Principle on which tolls to be calculated.

40. The tolls for the first year shall be calculated upon the estimates hereinbefore required to be made of the cost of the works, and the quantity of different kinds of timber expected to pass down the stream, and the tolls in all future years shall be calculated upon the cost of the works and the quantity of different kinds of timber expected to pass down the

stream, and the receipts and expenditure, according to the accounts of the then next preceding year, as rendered in accordance with the provisions of section 21 and the following sections of this Act; and the tolls shall be so calculated that, after defraying the necessary cost of maintaining and superintending the works and running, driving, booming, towing, sorting, and rafting logs and other timber, and providing an equal annual sinking fund, which, invested at six per centum, shall be sufficient to pay back to the shareholders the amount of their paid-up stock at the end of the time limited for the existence of the company, and collecting the tolls, the balance of the receipts may as nearly as possible be equal and in no case exceed $10 for every $100 expended and invested in the said works, and if in any year the receipts from tolls are such, that, after defraying all the current expenses, there remains a clear profit of more than $10 upon every $100 of the capital expended, there shall nevertheless be divided amongst the shareholders no greater dividend than after the rate of $10 for every $100, and the remainder shall be carried over to the receipts of the following year unless a higher rate is authorized by the letters patent or by Order in Council; and unless the Commissioner of Crown Lands is of opinion that injustice will be done to any of the persons interested, such surplus may, in case of a deficiency, be applied in whole or in part upon any deficiency which may be found to have existed in the year preceding the year in which the surplus accrued. R. S. O. 1887, c. 160, s. 39; 59 V. c. 44, s. 2.

Commissioner may refer accounts, etc., to an expert.

41. The Commissioner of Crown Lands shall have power by instrument under his hand to refer the taking of the accounts or the consideration of any matter or thing that he may deem necessary in order to the proper adjustment of the tolls to an accountant or expert or any other person of skill, and in such case said accountant, expert or person of skill shall have all the powers conferred or intended to be conferred upon a person appointed to examine the books under authority of section 23 of this Act. 59 V. c. 44, s. 3.

Tolls.

42. The tolls to be collected upon different kinds of timber shall bear to each other the following proportions:

	$ cts.
Red and white pine, tamarac, spruce and hemlock, square or waney board, per thousand cubic feet.	06
Oak, elm, or other hardwood, square or flatted, or waney board	09
Saw-logs, 17 feet and under, per thousand feet, board measure	01
Red and white pine, tamarac, spruce, and hemlock, round or flatted over 17 ft and under 30 feet long	01 1/4

Red and white pine, tamarac, spruce, and hemlock, round or flatted, 30 ft. and upwards in length.	01 1/2
Sawed lumber	03
Staves, per 1,000 ft	15
Cords of wood, shingle bolts, and other lumber, per cord of 128 ft	02
Spars, per piece	03
Masts, per piece	05
Railway ties other than cedar, in 8 or 16 feet lengths, per length of 8 feet	1/18
Cedar, round or flatted, 8 ft long or under, per piece	1/24
Cedar, round or flatted, over 8 feet and under 17 feet long	1/12
Cedar, round or flatted, over 17 feet and under 23 feet long	1/8
Cedar, round or flatted, over 25 feet and under 35 feet long	1/5
Cedar, round or flatted, 35 feet and upwards	1/3

55 V. c. 37, s. 2.

Annual account to be rendered by company to contain a schedule of tolls.

43 The annual account required to be rendered by every company shall contain a schedule of the tolls calculated as aforesaid, which it is proposed to collect in the following year, which schedule shall be published in manner provided by section 9 hereof prior to the first day of March in each year, and if it has not been notified to the president of the company, on or before the fifteenth day of April in each year, that the schedule of tolls has been disallowed by an order of the Commissioner of Crown Lands, such tolls so published shall be the lawful tolls for that year; but if it appears to the Commissioner of Crown Lands that the proposed schedule of tolls has not been calculated according to the true intent and meaning of this Act, then the Commissioner may, by an instrument under his hand, alter or vary the schedule of tolls so as to make them correspond with the true meaning of this Act; and the amended schedule of tolls shall be notified to the president of the company, and shall by him be published immediately thereafter for two weeks in such newspaper, and shall be the lawful tolls for that year. Should no change be made by the commissioner a notice of that fact shall be published for two weeks in such newspaper. 53 V. c. 43, s. 4.

Company may demand of owner statement of quantity of timber liable to toll.

Penalty for refusal or false statement.

44. Every company may demand from the owner of any timber intended to be passed through any portion of the works of the company, or from the person in charge of the same, a written statement of the quantity of every kind of timber and of the destination of the same, and of the sections of the works through which it is intended to pass, and if no written statement is given when required, or a false statement is given, the whole of the timber, or such part of it as has been omitted by a false statement, shall be liable to double toll. And in case any owner or person in charge, knowingly

When false estimate is given as to quantity liable to toll.

or wilfully, falsely returns a larger quantity than it is his intention or the intention of such proprietor or person in charge to pass over any of said sections, the company shall be entitled in addition to any other remedies it may have, to collect tolls on the difference between the quantity so falsely estimated and the quantity actually passing over the works. R. S. O. 1887, c. 160, s. 42; 59 V. c. 44, s. 4.

On what timber toll may be taken.

Right of company to examine.

45. Every company may demand and receive the lawful toll upon all timber which has come through or over any of the works of the company; and the company by its servants, shall have free access to all such timber for the purpose of measuring or counting the same. R. S. O. 1887, c. 160, s. 43.

May sue for tolls.

46. If the just tolls are not paid on demand, the company may sue for the same in any Court of competent jurisdiction, and recover from the owner of the timber the amount of the tolls and the costs of suit. R. S. O. 1887, c. 160, s. 44.

If full toll tendered, company liable to costs.

47. If the owner of the timber objects to the amount of tolls demanded, and tenders a sum which he claims to be the true and just amount of the tolls, the company shall pay the costs of the action, unless the judgment obtained is for a greater amount than the sum so tendered. R. S. O. 1887, c. 160, s. 45.

Toll to be apportioned to the extent of the works used.

48. If timber has not come through or over the whole of the works of the company, but only through or over a part thereof, the owner of the timber shall only be liable to pay tolls for such sections of the whole works as he has made use of, if in the schedule of tolls the work is divided into sections, and if not, then to pay such a portion of the whole toll as the distance the timber has come through the works, bears to the whole distance over which the works extend. R. S. O. 1887, c. 160, s. 46.

When and how timber may be seized for tolls.

49.—(1) If the true owner of any timber which has passed through any of the works of the company cannot be ascertained, or if there are reasonable grounds to apprehend that the tolls thereon have not been paid by the owner or reputed owner or person in charge, any mayor, reeve or Justice of the Peace having jurisdiction within the locality through or adjoining which such navigation extends, or where the timber may be found, if within twenty miles of any such works, shall, upon the oath of any director or servant of the company that the just tolls have not been paid, issue a warrant for the seizure of such timber, or so much thereof as will be sufficient to satisfy the tolls, which warrant shall be directed to any constable or any person sworn in as a special constable for that purpose, at the discretion of the magistrate, and shall authorize the person to whom it is directed, if the tolls are not paid within fourteen days from the date thereof, to sell the said timber, and out of the proceeds to pay to the company the just tolls,

together with the costs of the warrant and sale, rendering the surplus on demand to the owner. R. S. O. 1887, c. 160, s. 47.

Seizure of timber for tolls in streams.

(2) Where the works through which any timber is passed are in whole or in part constructed upon or along any river or stream tributary to any river or stream which flows into the Georgian Bay, Lake Huron, or Lake Superior, or upon or along any of such last named rivers or streams, the right of seizure for tolls in the preceding subsection provided for shall continue while the timber remains in the said last named river or stream, whether the timber be within the said twenty miles or otherwise. And where such works are constructed upon or along any river or stream in the Province of Ontario, tributary to the Ottawa River, the right of seizure for tolls, shall continue while the timber remains in such tributary river or stream, whether within the said twenty miles or not. But this subsection shall not extend the time for such seizure beyond thirty days. 53 V. c. 43, s. 7.

OFFENCES AND PENALTIES.

Impeding the operations of the company.

50. If any person resists or impedes any of the servants of the company in the transmission of any timber through any such works, or in carrying out any regulations of the company for the greater safety and regularity of such transmission, or resists any such servants who may require access to any raft or other timber to ascertain the just tolls thereon, or in any way molests the company or its servants in the exercise of any rights secured to them by this Act, such person shall, upon conviction thereof in a summary way before a Justice of the Peace having jurisdiction in the locality in or adjoining which the offence has been committed, be sentenced to pay a fine of not more than $10 nor less than $1, together with all costs, to be paid within a time to be limited by the Justice, and in default to be levied as next hereinafter provided. R. S. O. 1887, c. 160, s. 48.

How Justices to proceed in prosecutions under this Act.

51. In any proceeding or prosecution before any Justice of the Peace under this Act, the Justice may summon the party complained against to appear at a time and place to be named in the summons, and if he does not appear accordingly, then, upon proof of the due service of the summons upon such party, either personally or by leaving a copy thereof at his usual place of abode, or with any adult person belonging to the raft to which such party is attached, the Justice may either proceed to hear and determine the case *ex parte*, or issue his warrant for apprehending and bringing the party before himself or some other Justice of the Peace, or the Justice may, without previous summons, issue such warrant, and the Justice before whom the parties appear or are brought shall proceed to hear and determine the case. R. S. O. 1887, c. 160, s. 49.

How fines, etc., recoverable.

52. The fines and forfeitures authorized to be summarily imposed by this Act may be recovered upon information and complaint before any Justice of the Peace of the county within which the same have been incurred, and shall be levied and collected by distress and sale of the offender's goods and chattels, under the authority of a warrant of distress for that purpose, to be issued by the Justice before whom the conviction has been had. R. S. O. 1887, c. 160, s. 50.

If no goods, offender to be imprisoned.

53. In case there are no goods or chattels to satisfy such warrant, the offender shall be committed to the common gaol of the district or county for any period not exceeding one month. R. S. O. 1887, c. 160, s. 51.

Fines, etc., to be paid to the treasurer of the company.

54. All fines and forfeitures collected under the authority of this Act shall be paid to the treasurer of the company owning the work in respect of which such fines and forfeitures have been imposed, for the use of the company. R. S. O. 1887, c. 160, s. 52.

Limitation of actions.

55. Any action against any person for any matter or thing done in pursuance of this Act, shall be brought within six months next after the fact committed, and not afterwards; and the defendant therein may plead not guilty by statute, and give this Act and the special matter in evidence on the trial. R. S. O. 1887, c. 160, s. 53.

Commissioner may take evidence on oath.

56. The Commissioner of Crown Lands may administer oaths and take evidence upon oath as to all such matters and things as come before him under this Act, and may by writing authorize any person to whom any matter or thing under this Act shall be referred to administer oaths and take evidence upon oath for the purposes of this Act. 59 V. c. 44, s. 5.

Time for completion of works,

57. Every such company shall, within two years from the day of their becoming incorporated, complete each and every work undertaken by them, and mentioned in the report required prior to the incorporation of the company, and for the completion whereof the company is incorporated; in default whereof they shall be liable to forfeit the right to all the corporate and other powers and authority which they have in the meantime acquired; and the Attorney-General may cause proceedings to be taken in the name of the Crown to set aside the said charter by serving notice upon the company, and the Lieutenant-Governor in Council may, after an opportunity to be heard has been given to the company, declare that their corporate powers shall cease and determine at a date to be named in and by such Order in Council, and from and after such date all the corporate powers of such company shall cease and determine unless prior to the taking of proceedings by the Attorney-General as aforesaid, further time is granted by a by-law of the county or counties, in or

Default in completing works.

adjoining which the work is situate, or by order of the Commissioner of Crown Lands, or unless on any work or part or parts of such work appearing to be unnecessary, the same is dispensed with by such by-law or by the Commissioner of Crown Lands; and if any company formed under this Act abandons for the space of one year any works completed by them, so that the same are not in sufficient repair and cannot be used for the purpose proposed in the instrument of incorporation of the company, then the corporate powers of the company shall cease and determine, unless the maintenance of the work or any part or parts so abandoned becomes unnecessary owing to the clearance or removal of the timber from the immediate neighborhood thereof, or unless the abandonment of the same is permitted by such by-law or by the Commissioner of Crown Lands. 59 V. c. 44, s. 6.

Abandonment

58. After any works constructed by a company under this Act have been completed and tolls established, the company shall keep the same in good and sufficient repair; and if such works have not been constructed according to the description given thereof in the report required by section 8 of this Act, or have become insufficient or out of repair, any person interested in the navigation may serve upon any servant of the company a notice of such insufficiency, and if within a reasonable time after the service of such notice the necessary repairs have not been completed, the company shall be liable for the damage which any person may sustain from the continuance of such insufficiency; but no company formed under this Act shall be held liable for any damage incurred after the time limited for the existence of the company has expired, or so long as their works are in accordance with the description or specification thereof in the original instrument required to be registered, or in any description or specification subsequently approved of and registered, nor for any damage arising from the accidental destruction or injury of their works, but only for the damage which may arise from the wilful neglect of the company after notice served upon one of its servants, as hereinbefore provided. R. S. O. 1887, c. 160, s. 55.

Works to be kept in good repair.

59.—(1) The Judge of the County or District Court, or where there is no resident Judge in the district in which the portions of the works to be repaired are situate, the Stipendiary Magistrate of the district, on the complaint of any person interested in the driving or transmission of timber or logs down any river or stream, over the works of any timber slide company upon which tolls are collected, that the works are clearly inadequate by reason of being out of repair, shall appoint an inspector to examine the works of the company, and to report on the state of repair thereof, and the Judge or Stipendiary Magistrate shall, after report of the inspector, order and direct what repairs are necessary and shall be made by the company, and the time by which the same shall be

Inspection of works of timber slide companies.

made and completed. If the company neglects or refuses to make such repairs in obedience to the decision of the Judge or Stipendiary Magistrate by such time, the person so interested as aforesaid may make them, and the cost and expense thereof, or such portion thereof as the Judge or Stipendiary Magistrate determines, shall be a lien and charge in favour of such person on the works and tolls of the company.

(2) No order shall be made in any one year for repairs upon any one work or improvement which will cost more than $100.

(3) The Judge or Stipendiary Magistrate may require the applicant to deposit with the Clerk of the County or District Court or with such Stipendiary Magistrate, such sum as will in the opinion of such Judge or Stipendiary Magistrate be sufficient to pay the fees and expenses of the inspector, to be allowed by such Judge or Stipendiary Magistrate, at a rate not exceeding $5 per day and actual travelling expenses, and the said sum in the discretion of the said Judge or Stipendiary Magistrate, when the said works are found to be clearly inadequate by reason of being out of repair, may be made a lien or charge in favour of the person paying the same, on the works and tolls of the company.

(4) The applicant shall, before the application comes on to be heard, file with the Judge or Stipendiary Magistrate a bond signed by himself in the penal sum of $100, and by two sufficient sureties (who shall duly qualify) each in the sum of $50, conditioned to pay to the company such costs connected with such application and subsequent proceedings as the company may become entitled to.

(5) Where the portions of the works complained of as clearly inadequate by reason of so being out of repair extend into two districts, the application for the appointment of an inspector may be made to the resident Judge or the Stipendiary Magistrate of either district.

(6) Four days' notice of any application to be made hereunder or by virtue hereof shall be sufficient and the notice may be served for the company upon the president, secretary or superintendent, manager or acting manager, of the company and shall be sufficient where there are telegraphic facilities if sent by telegraph.

(7) The costs attendant upon the application or applications (upon the County Court or Division Court scale as the Judge or Stipendiary Magistrate may direct), shall be in the discretion of the Judge or Stipendiary Magistrate, and he may direct by and to whom the same or any part thereof shall be payable, and the order of the Judge or Stipendiary Magistrate as to payment of costs may be enforced by execution to be issued thereon in case of default.

(8) The word "inspector" where used in this section shall mean any person appointed by the Lieutenant-Governor to act as inspector of the works of timber slide companies, and he shall be paid for his services in the manner hereinbefore provided. 55 V. c. 37, s. 1.

When companies may be united.

60. Any two companies formed for the construction of works on any streams contiguous to each other, may unite and form one consolidated company, on such terms as to them seem meet; and the name of the united companies to be then assumed shall thenceforth be the corporate name thereof, and the united companies may then exercise and enjoy all the rights, and shall be subject to all the liabilities of other companies formed under the provisions of this Act, and which the separate companies had and enjoyed or were subject or liable to before the union thereof. R. S. O. 1887, c. 160, s. 56.

When the Lieutenant-Governor in Council may declare a company dissolved.

Arbitration in such case.

61. Whenever it is found expedient for the public service, the Lieutenant-Governor in Council may declare any company formed under this Act to be dissolved, and may declare all the works of such company to be Provincial Works, upon payment to such company of the then actual value of the works, to be decided by arbitrators, one of whom shall be appointed by the Commissioner of Crown Lands, and one by the company, and if they do not agree to an award, the Judge of the County Court for the county in or adjoining which the works are situate, shall be the third arbitrator, and in settling the amount to be paid to the company for the works, the amount of the sinking fund accumulated at the time of the valuation towards the payment of the capital stock shall be deducted therefrom. R. S. O. 1887, c. 160, s. 57; 53 V. c. 43, s. 1.

Letters Patent may limit term of existence of certain companies.

Rev. Stat. c. 191.

62. Where a company heretofore incorporated under chapter 153 of the Revised Statutes of 1877, or under chapter 68 of the Consolidated Statutes of Canada, applies for the issue of letters patent under section 104 or section 105 of *The Ontario Companies Act*, the Lieutenant-Governor may, by the letters patent, confer upon the said company any of the powers authorized by this Act, and may by such letters patent limit the term of existence of the said company, and every such company obtaining letters patent as aforesaid, shall be subject to the provisions of this Act. R. S. O. 1887, c. 160, s. 58.

Existence of Company may be extended by supplementary letters patent.

63.—(1) The Lieutenant-Governor may, by supplementary letters patent extend the term of existence of any company incorporated for a limited period under this Act, for such a number of years, as by Order in Council made previous to the expiry of such period he may direct, and the provisions of this Act having regard to the expiration of the term of existence of a

company shall thereupon apply to such term as so extended. R. S. O. 1887, c. 160, s. 59.

(2) In case any extension or improvement of the works or any new works proposed to be undertaken are, after submission to the municipal council or councils as the case may be as provided in section 4 and after the time limited by section 10 of this Act, approved by the Commissioner of Crown Lands, he shall report such approval to the Lieutenant-Governor who may thereupon direct the issue of supplementary letters patent authorizing the construction of such extension or improvement or such new works as the case may be. 53 V. c. 43, s. 9.

Special provisions as to companies incorporated before March 5, 1881.

Rev. Stat. 1887, c. 157, s. 72.

Rev. Stat. c. 191, s. 104.

Rev. Stat. 1877, c. 153.

64. Sections 40, 58 and 61 of this Act, shall not apply to any company incorporated before the 5th day of March, 1881, unless and until such company has become or becomes re-incorporated under section 72 of *The Ontario Joint Stock Companies' Letters Patent Act*, or section 104 of *The Ontario Companies Act*; but in lieu of the said sections 40, 58 and 61 the provisions of sections 57, 73 and 75 of chapter 153 of the Revised Statutes of 1877, shall apply to any company incorporated as aforesaid and not re-incorporated, and sections 3, 8 to 10, 12 to 26, and 29 to 40 of the said chapter 153 shall also continue to apply to every such company. R. S. O. 1887, c. 160, s. 60.

CHAPTER 195.

An Act respecting Joint Stock Companies for the construction of Piers, Wharfs, Dry Docks and Harbours.

APPLICATION OF ACTS, 1.
INCORPORATION, ss. 1-2.
CONSENT OF MUNICIPALITY TO BE OBTAINED BEFORE WORK IS PROCEEDED WITH, s. 3.
PROPERTY NOT TO BE TAKEN WITHOUT CONSENT OF OWNERS, s. 4.
COMPANY MAY BORROW MONEY ON SECURITY OF THE WORK, s. 5.
TOLLS, ss. 6-8.
MUNICIPAL COUNCILS MAY TAKE STOCK IN COMPANIES, ss. 9-11.
ANNUAL REPORT TO THE MUNICIPALITY, s. 12.
SALE OF WORKS TO PASS RIGHTS OF COMPANY TO THE PURCHASER, s. 13.
AFTER 21 YEARS, MUNICIPALITY MAY PURCHASE STOCK, s. 14.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation of companies.

1.—(1) Every company incorporated after the 1st day of July, 1897, for the purpose of constructing a pier or wharf, or for dredging or deepening or making a harbour, or for the erection of a dry dock and marine railway connected therewith, shall be incorporated under *The Ontario Companies Act*.

Rev. Stat. c. 191.

Application of Act.

(2) Every company for the purpose aforesaid, incorporated before the 1st day of July, 1897, under *The Revised Statutes of Ontario*, 1887, chapter 161, or any Act consolidated therein, or incorporated after the said date under *The Ontario Companies Act*, shall be subject to the provisions of this Act and of *The Ontario Companies Act* so far as the provisions of *The Ontario Companies Act* are applicable and consistent with this Act. Provided always, that the Lieutenant-Governor in Council may relieve any company incorporated before the 1st day of July, 1897, from compliance with any of the provisions of *The Ontario Companies Act* as may be deemed expedient. 60 V. c. 33, s. 1 *part*, 4.

Rev. Stat. c. 191.

Stock to be subscribed for.

2. No such company shall be incorporated until such stock has been subscribed to an amount deemed sufficient to complete the work contemplated. 60 V. c. 33, s. 1, *part*.

Consent of municipality to be obtained.

3. Before a company proceeds with its work, it shall obtain the consent of the municipality within which the

work is proposed to be made, and the municipality may fix the limit and boundary of a proposed harbour. R. S. O. 1887, c. 161, s. 4.

Company not to take private or Crown property, without consent; nor interfere with companies chartered before 5th Dec., 1859.

4. No company so formed shall take private property without the consent of the owner, or take or interfere with property belonging to the Province without the approval of the Lieutenant-Governor in Council, or obstruct any harbour in use, or interfere with a company chartered or a board of Commissioners incorporated for the construction of a harbour on the 5th day of December, A. D. 1859. R. S. O. 1887, c. 161, s. 5.

Company may borrow money on security of work.

5. The company may borrow money on the security of such work, not exceeding one-half the value thereof. R. S. O. 1887, c. 161, s. 22.

Company may demand tolls, when, and amount, etc.

6.—(1) When any pier, wharf or harbour is so far completed as to be capable of receiving and sheltering vessels, and of safely loading and unloading the same, the company may demand and take as toll or as wharfage to and for their own use and benefit, on all goods, wares and merchandise shipped on board or landed out of any vessel, boat or other craft from or upon any such pier or wharf within the bounds of every such harbour, not exceeding the following, that is to say:

	$ cts.
Pot or Pearl Ashes.....per barrel	0 06⅔
Pork, Whiskey, Beef, Salt, Lard or Butter, "	0 05
Flour ..... "	0 03⅓
Lard or Butter.....per firkin or keg	0 01⅔
Grain of all kinds.....per bushel	0 01⅔
Horned Cattle or Horses.....each	0 06⅔
Calves, Sheep or Swine..... "	0 01⅔
Merchandise.....per ton	0 60
Sawed Lumber, per 1,000 feet board measure..	0 25
Square or round Timber....per 100 cubic feet.	0 15
Saw Logs.....	0 02½
Pipe Staves.....per M.	0 40
West India Pipe Staves..... "	0 10
Unenumerated articles.....per ton	0 40
Boats of 12 tons or under.....each	0 20
" over 12 tons and not over 50..... "	0 40
" over 50 tons..... "	0 60

R. S. O. 1887, c. 161, s. 23.

Revision of tolls.

(2) The said tolls or charges may from time to time be changed or revised by the Lieutenant-Governor in Council, and due notice of such change or revision shall be given by publication thereof in *The Ontario Gazette*. 60 V. c. 33, s. 3.

7. The president and directors of the company shall, subject to the approval of the Lieutenant-Governor, fix and regulate, from time to time, the tolls, rates, dues or wharfage to be received from all vessels entering their harbour or lying at their pier or wharf, and for loading and unloading all goods, wares or merchandise in such harbour, as to them seems meet; but such tolls, rates, dues or wharfage shall not in any case exceed the amount herein specified. R. S. O. 1887, c. 161, s. 24. President and directors to fix tolls, etc.

8. The company, or their agent, officers or servants may detain any goods, wares or merchandise, or any vessel, boat or craft, until the legal tolls or charges thereon have been paid, and may sell any vessel or boat for the charges for repairs thereof, when such charges have remained unpaid for the space of thirty days, and in cases where the charges for wharfage or storage dues on goods, wares or merchandise have remained unpaid for the space of one year, the company, their agents, officers or servants, after giving ten days' notice of sale, may, by public auction, sell such goods, wares or merchandise, or such part thereof as may be necessary to pay such dues, and shall return the overplus, if any, to the owner or owners thereof. R. S. O. 1887, c. 161, s. 25. Company may detain vessels and goods, sell the same to pay tolls and other dues.

9. Any municipal council having jurisdiction in the locality in which any such work is to be constructed, may subscribe for, obtain, hold, and transfer stock in the company, and may from time to time direct the mayor, reeve, warden, or other chief officer of the municipality, to subscribe for such stock in the name of the municipality, and to act for the municipality in all matters relative to such stock and the exercise of the rights of the municipality as a shareholder, and such chief officer shall, whether otherwise qualified or not, be deemed a shareholder in the company, and may vote and act as such, subject to the rules and orders in relation to his authority, which may be made in that behalf, by the municipal council, but voting according to his discretion in cases not provided for by the council. R. S. O. 1887, c. 161, s. 26. Municipal councils may hold stock in company.

10. A municipality taking stock may pay for the same out of any moneys belonging to the municipality, and not specially appropriated to any other purpose, and may apply the moneys arising from the dividends or profits on the stock or from the sale thereof, to any purpose to which unappropriated moneys belonging to the municipality may lawfully be applied. R. S. O. 1887, c. 161, s. 27. Municipality may pay for stock out of unappropriated moneys of municipality.

11. A company may sell to any municipality representing the interest of the locality in which the work is situate, and any such municipality may purchase the stock of the company at the value agreed on between them, and the municipality shall hold the same for the use and benefit of the locality; and shall, in all respects thereafter, stand in the place of the Municipalities may purchase stock.

company, and shall possess all such powers and authority as the company had theretofore possessed and exercised. R. S. O. 1887, c. 161, s. 28.

Directors to make annual report to municipality.

12. The directors of every company shall annually, in the month of January, report to the municipality within which the work is situate, under the oath of the treasurer of the company—

1. The state and nature of their work ;

2. The amount of all money expended ;

3. The amount of their capital stock, and how much is paid in ;

4. The amount of dividends paid and the amount expended for repairs ; and

5. The amount of debts due by the company. R. S. O. 1887, c. 161, s. 19.

Sale of works to pass the rights of the company to the purchaser.

13. In case a pier or wharf constructed by a joint stock company incorporated under the laws of Ontario, has heretofore been or is hereafter sold either by the joint stock company or under some power granted by them, or under legal process against the company, the sale or sales shall, in all cases, be deemed to have passed and to pass the piers or wharfs to the purchaser or purchasers thereof, with all the rights, privileges and appurtenances, and subject to all the duties and obligations which the law gave or imposed with reference to the pier or wharf, whilst the same continued the property of the joint stock company which had constructed the same. R. S. O. 1887, c. 161, s. 29.

Municipality, after 21 years, may purchase the stock of company.

14. A municipal council representing the interests of the locality in which the work is situate, may, after twenty-one years from the time of the work being so far completed as that tolls were and have been collected thereon, purchase the stock of the company at the current value thereof at the time of purchase, and shall hold the same for the use and benefit of the locality ; and the municipality shall thenceforth stand in the place of the company, and the council thereof shall possess all such powers and authority as the company had theretofore possessed and exercised. R. S. O. 1887, c. 161, s. 30.

CHAPTER 196.

An Act respecting Joint Stock Companies for the Erection of Exhibition Buildings.

INCORPORATION, ss. 1-3.
MUNICIPALITIES MAY TAKE STOCK, s. 4.
BORROWING POWERS, s. 5.
MUNICIPALITIES MAY LEND MONEY TO THE COMPANY, s. 6.
LIMITATION OF ACTIONS, s. 7.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation of companies.

1.—(1) Every company incorporated after the 13th day of April, 1897, for the purpose of purchasing and holding lands and erecting suitable buildings thereon for the holding of periodical fairs or exhibitions for agricultural purposes, shall be incorporated under *The Ontario Companies Act.*

Application of Act.

(2) Every company for the purpose aforesaid, incorporated before the 13th day of April, 1897, under *The Revised Statutes of Ontario, 1887,* chapter 162, or under any Act consolidated therein, or incorporated after the said date under *The Ontario Companies Act,* shall be subject to the provisions of this Act, and also to *The Ontario Companies Act* so far as the provisions of *The Ontario Companies Act* are applicable and consistent with this Act. Provided always that the Lieutenant-Governor in Council may relieve any company incorporated before the said date from compliance with any of the provisions of *The Ontario Companies Act* as may be deemed expedient. 60 V. c. 34, s. 1, *part.*

Rev. Stat. c. 191.

Conditions to be complied with prior to incorporation.

2. No such company shall be incorporated until

(*a*) Stock in the company has been subscribed to the amount deemed sufficient for the purchase of the ground necessary for a building to be used for the purposes aforesaid, and the erection of such building thereon, and for the purchase of the additional ground required for the holding of agricultural fairs or exhibitions; and until

(*b*) Twenty-five per cent. of the proposed capital has been paid. 60 V. c. 34, s. 1, *part.*

Power to hold land.

3. Any company so incorporated shall be capable of taking, purchasing, having and holding any parcel of land, not containing more than 100 acres in all, required for the purpose of such building, and for holding such fairs or exhibitions. 60 V. c. 34, s. 1, *part.*

Municipalities may take stock, etc.

4.—(1) Any municipal corporation in Ontario may subscribe for, acquire, accept, hold, and transfer stock in any company to be formed under the authority of this Act, and from time to time may direct the mayor, warden, or other chief officer thereof, on behalf of the municipality, to subscribe for such stock in the name of such municipality, and to act for and on behalf of the municipality, in all matters relative to such stock, and the exercise of the rights of the municipality as a shareholder; and the mayor, warden, or other chief officer shall, whether otherwise qualified or not, be deemed a shareholder in the company, and may vote and act as such, subject always to such rules and orders in relation to his authority as may be made in that behalf by the municipal council, by by-law or otherwise, but acting according to his discretion in cases not provided for by the council.

Mayor, etc., to represent such stock.

Municipality may pay calls, etc.

(2) The municipality may pay for all instalments of the stock which they subscribe for and acquire, out of any moneys belonging to the municipality and not specially appropriated to any other purpose, and may apply the money arising from the dividends or profits on the stock, or from the sale thereof, to any purpose to which unappropriated moneys belonging to such municipality may be lawfully applied. R. S. O. 1887, c. 162, s. 13.

Power to borrow.

5. Every company incorporated as aforesaid may from time to time borrow such moneys as the directors may find requisite for the purposes of the company, from such person or bodies corporate as may be willing to lend the same, and at such lawful rate of interest as may be agreed upon, and may, by instrument under the seal of the company, secure payment thereof; and the directors may, under the authority of a resolution passed by a majority of two-thirds in value of the shareholders present in person or by proxy at a general meeting, hypothecate, mortgage, or pledge the real or personal property of the company to secure any sum or sums so borrowed; and the recital in the instrument of the resolution, expressed to be passed as aforesaid, shall be *prima facie* evidence of the facts so recited. R. S. O. 1887, c. 162, s. 18.

Municipal corporations may lend money to the company.

6. Any municipal corporation in Ontario may lend money to any company that may be formed under this Act out of moneys belonging to the municipality, and not appropriated to any other purpose, and may effect such loan upon such terms and conditions as may be agreed upon between the company

and the municipality making the loan, and may recover the money so lent, and may appropriate the moneys so recovered to the purposes of the municipality. R. S. O. 1887, c. 162, s. 19.

Limitation of actions.

7. If an action is brought against any person for any matter or thing done in pursuance of this Act, such action shall be brought within six months next after the fact committed, and not afterwards; and the defendant in the action may plead not guilty by statute, and give this Act and the special matter in evidence on the trial. R. S. O. 1887, c. 162, s. 20.

CHAPTER 197.

An Act respecting the Incorporation and Regulation of Mining Companies.

SHORT TITLE, s. 1.
APPLICATION OF ACT, s. 2.
INCORPORATION, s. 3.
POWERS OF COMPANIES, s. 4.
STOCK, ss. 5, 6.
Subject to call, etc., s. 5 (2).
Non-personal liability, s. 5 (3)-(5).
Sale at a premium or discount, ss. 6, 7.
DIRECTORS' LIABILITY FOR WAGES, etc, s. 8.
RETURNS, s. 9.
EXTRA-PROVINCIAL COMPANIES, ss. 10, 11.
OFFENCES AND PENALTIES, ss. 7, 12.
Sale of shares at discount, s. 7.
False returns, s. 12.
COMPANIES FOR CONSTRUCTING WORKS ON MINING LANDS, s. 13.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Ontario Mining Companies Incorporation Act.*" 60 V. c. 29, s. 1.

Application of Act.

2. All mining companies whether heretofore or hereafter incorporated under any general Act in force in Ontario shall be subject to the provisions of this Act. 60 V. c. 29, s. 13.

Incorporation by Letters Patent. Rev. Stat. c. 191.

3. The Lieutenant-Governor in Council may, by letters patent under the Great Seal, grant a charter under *The Ontario Companies Act*, to any number of persons, not less than five, who petition therefor, constituting such persons, and others who may become shareholders in the company thereby created, a body corporate and politic, for the purpose of carrying on within the Province of Ontario, or any of the counties and districts therein, the business and operations of a mining, milling, reduction and development company, or such business and operations as may be set forth in the letters patent. 60 V. c. 29, s. 2.

Powers of company.

4. Every such company shall if the letters patent permit, have power for its mining, milling, reduction and development operations only:

(*a*) To prospect for, open, explore, develop, work, improve, maintain, and manage gold, silver, copper, coal, iron and other mines, mineral and other deposits and properties and to dig for, raise, crush, wash, smelt, assay, analyze, reduce and amalga-

mate and otherwise treat ores, metals and minerals, whether belonging to the company or not, and to render the same merchantable, and to sell and otherwise dispose of the same, or any part thereof, or any interest therein;

(*b*) To acquire by purchase, lease, concession, license, exchange or other legal title, mines, mining lands, easements, mineral properties, or any interest therein, minerals and ores and mining claims, options, powers, privileges, water and other rights, patent-rights, letters patent of invention, processes and mechanical or other contrivances, and either absolutely or conditionally, and either solely or jointly with others, and as principals, agents, contractors or otherwise, and to lease, mortgage, place under license, hypothecate, sell, dispose of and otherwise deal with the same or any part thereof, or any interest therein;

(*c*) To construct, maintain, alter, make, work and operate on the property of the company, or on property controlled by the company, tramways, telegraph or telephone lines, reservoirs, dams, flumes, race and other ways, water-powers, aqueducts, wells, roads, piers, wharfs, buildings, shops, stamping-mills and other works and machinery, plant, and electrical and other appliances of every description, and to buy, sell, manufacture and deal in all kinds of goods, stores, implements, provisions, chattels and effects required by the company or its workmen or servants;

(*d*) To build, acquire, own, charter, navigate and use steam and other vessels;

(*e*) To take, acquire and hold as the consideration for ores, metals or minerals sold or otherwise disposed of, or for goods supplied, or for work done by contract or otherwise, shares, debentures, bonds or other securities of or in any other company having objects similar to those of a company incorporated under this Act, and to sell or otherwise dispose of the same:

(*f*) To enter into any arrangement for sharing profits, union of interests, or co-operation with any other person or company, carrying on or about to carry on any business or transaction which may be of benefit to a company incorporated under this Act;

(*g*) To purchase or otherwise acquire and undertake all or any part of the assets, business, property, privileges, contracts, rights, obligations and liabilities of any person or company carrying on any part of the business which a company incorporated under this Act is authorized to carry on, or possessed of property suitable for the purposes thereof;

(*h*) To subscribe for and take and hold shares or stock in any company incorporated as provided by section 13 of this Act for the purpose of acquiring, holding, constructing, main-

taining, and keeping in repair, roads, bridges, improvements in waterways, or other means of communication, and drainage works, and other improvements, upon, through, over or adjacent to, or leading to or from the lands of a company incorporated as mentioned in this section; Provided, that the consent of the shareholders shall be first obtained by resolution passed at a special general meeting called for that purpose.; and

(*i*) To do all such acts, matters and things as are incidental or necessary to the due attainment of the above objects, or any of them. 60 V. c. 29, s. 3.

STOCK AND SHARES.

No personal liability. Rev. Stat., c. 191.

5.—(1) Notwithstanding anything to the contrary in *The Ontario Companies Act* contained, the letters patent incorporating a mining company under this Act may, if the petition of the applicants so requires, contain a provision that no liability in excess of the amount actually paid, or agreed to be paid, to the company for shares therein shall attach to any holder of such shares, provided, however, that no such shares shall be issued at a discount, or any rate other than had previously been sanctioned by the company, unless expressly authorized by a by-law of the company fixing and declaring the rate of discount and any other, if any, terms and conditions of issue; and further provided that a copy of such by-law shall, within twenty-four hours after the by-law was sanctioned, be by registered letter transmitted to the Provincial Secretary, and that such copy shall be verified as a true copy by the joint affidavit of the president and secretary, and if there are no such officers, or they, or either of them, are or is, at the proper time out of this Province, or otherwise unable to make the same, by the affidavit of the president or secretary and one of the directors, or two of the directors, as the case may require; and if the president or secretary does not make or join in the affidavit, the reason thereof shall be stated in the substituted affidavit; and any company which refuses or fails to comply with the provision of this section, relative to the transmission of a copy of the by-law to the Provincial Secretary, shall incur a penalty of $20 for every day during which the default continues.

By-law must be verified.

Certificate of stock, what to contain.

(2) Where letters patent incorporating any such company have been granted with the provisions mentioned in this section, every stock certificate issued by the company shall bear upon the face thereof, distinctly written or printed in red ink, after the name of the company, the words "Incorporated under *The Ontario Mining Companies Incorporation Act*," and where such stock certificates are issued in respect of shares subject to call, the words "SUBJECT TO CALL"; or if in respect of shares not subject to call, the words "NOT SUBJECT TO CALL," according to the fact.

"No personal liability" to appear on documents issued by company.

(3) Every mining company, the charter of which contains the said provision, shall have written or printed on its charter, prospectus, stock-certificates, bonds, contracts, agreements, notices, advertisements and other official publications, and in all bills of exchange, promissory notes, indorsements, cheques, and orders for money or goods purporting to be signed by or on behalf of the company, and in all bills of parcels, invoices, and receipts of the company, immediately after or under the name of such company, and shall have engraved upon its seal the words "NO PERSONAL LIABILITY"; and every such company which refuses, or knowingly neglects to comply with this provision shall incur a penalty of $20 for every day during which such name is not so kept written or printed; and every director and manager of the company who knowingly and wilfully authorizes or permits such default shall be liable to the like penalty.

Sale of stock on non-payment of calls.

(4) In the event of any call or calls on shares in a company so incorporated remaining unpaid by the holder thereof for a period of sixty days after notice and demand of payment, such shares may be declared to be in default, and the secretary of the company may advertise such shares for sale at public auction to the highest bidder for cash by giving notice of such sale in some newspaper published at the place where the principal office of the company is situated, or in case no newspaper is published thereat, then in a newspaper published in the nearest place to said office, for a period of one month; and said notice shall contain the numbers of the stock-certificate or stock-certificates in respect of such shares and the number of shares, the amount of the assessment due and unpaid and the time and place of sale; and in addition to the publication of the notice aforesaid, notice shall be personally served upon such shareholder by registered letter mailed to his last known address; and if the holder of such shares fails to pay the amount due upon such shares with interest upon the same and cost of advertising before the time fixed for such sale, the secretary shall proceed to sell the same, or such portion thereof as shall suffice to pay such assessment, together with interest and cost of advertising; provided that if the price of the shares so sold exceeds the amount due with interest and costs thereon, the excess thereof shall be paid to the defaulting shareholder.

Extent of liability of shareholders.

(5) No shareholder in any company so incorporated shall be personally liable for non-payment of any calls made upon his shares, nor shall such shareholder be personally liable for any debt contracted by the company or for any sum payable by the company. 60 V. c. 29, s. 4.

Sale of shares at a premium, or at a discount. Rev. Stat., c. 191.

6. (1) Notwithstanding anything to the contrary in *The Companies Act* contained, any mining company whose charter does not contain a provision that no liability beyond the amount actually paid, or agreed to be paid, upon shares in

such company by the holder thereof shall attach to such holder), may, for the lawful purposes of the company and no other, from time to time, by by-law, to be expressly sanctioned by the company and to be made for the purpose, dispose of shares in the company at such premium, or at such discount and on such terms and conditions as to the company seems to be advantageous and proper; provided, however, that a copy of such by-law shall, within twenty-four hours after the by-law was sanctioned, be by registered letter transmitted to the Provincial Secretary, and that such copy shall be verified as a true copy by the joint affidavit of the president and secretary, and if there are no such officers, or they, or either of them, are or is, at the proper time out of this Province, or otherwise unable to make the same, by the affidavit of the president or secretary and one of the directors, or two of the directors, as the case may require; and if the president or secretary does not make or join in the affidavit, the reason thereof shall be stated in the substituted affidavit; and any company which refuses or fails to comply with the provision of this section relative to the transmission of a copy of the by-law to the Provincial Secretary, shall incur a penalty of $20 for every day during which default continues.

Verification of by-law.

Marking on face of stock-certificate.

(2) Every stock-certificate issued in respect of any share sold or disposed of by the company under the provisions of this section shall bear upon the face thereof, distinctly written or printed in red ink, after the name of the Company, the words "Operating under *The Ontario Mining Companies Incorporation Act*," and where such stock-certificates are in respect of shares sold, or disposed of at a discount, the words "Issued by the Company at a discount of per centum," the rate of discount to be mentioned as a part of such words. 60 V. c. 29, s. 5.

Selling shares below par.

7 No share in a mining company shall be issued, sold, or be in any other manner disposed of at a rate less than par, unless under the authority of a by-law passed by virtue of this Act; and any director, officer or agent of a company who acts in contravention of this section shall, on conviction thereof, be liable to a fine of $200 and to the costs of conviction, and in default of payment of such fine and costs may be sentenced to imprisonment for a period not exceeding three months. 60 V. c. 29, s. 8.

DIRECTORS' LIABILITY.

Liability of directors for wages.

8. Notwithstanding anything contained in this Act, the directors of the company shall be jointly and severally liable to the labourers, servants and apprentices thereof, for all debts not exceeding one year's wages due for services performed for the company while they are such directors respectively; but no director shall be liable to an action therefor, unless the

company has been sued therefor within one year after the debt became due, nor yet unless such director is sued therefor within one year from the time when he ceased to be such director, nor yet before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against the directors. 60 V. c. 29, s. 6.

RETURNS.

Returns by mining companies.

9. In addition to the facts to be stated in the returns required of companies incorporated under *The Ontario Companies Act*, every mining company incorporated under the said Act, or under the provisions of *The Ontario Joint Stock Companies Letters Patent Act* or of any other Act, shall state the number of shares therein sold, or disposed of by the company under the provisions of this Act, or of any other Act, and the rate at which such shares were sold or disposed of, and shall forthwith furnish such further and other information as shall at any time be required by the Provincial Secretary, or by the Director of Mines, and any company which refuses or fails to comply with the provisions of this section shall, in addition to any other penalty, incur a penalty of $20 for every day during which default continues. 60 V. c. 29, s. 7.

Rev. Stat. cc. 191, 190.

EXTRA-PROVINCIAL COMPANIES.

License to extra-provincial companies.

10. No extra-provincial mining, milling, reduction or development company having its head-office elsewhere than within this Province, shall, either directly or indirectly, sell or otherwise dispose of within this Province any of its shares, stock, stock-certificates or other securities by whatsoever name known, unless and until it has received from the Lieutenant-Governor in Council a license authorizing it to sell and dispose of its shares and other securities, and any person who in contravention of this section acts for an unlicensed company shall, on conviction thereof, be liable to a fine of $20 per day for every day while he so acted, and, in case the fine be not paid, shall in the discretion of the Court be imprisoned for a period not exceeding three months. 60 V. c. 29, s. 9.

Proof of due incorporation, etc., upon application for license to extra-provincial companies.

11. No license shall be issued to an extra-provincial mining, milling, reduction and development company having its head-office elsewhere than within this Province until the company has satisfied the Director of the Bureau of Mines that it has been duly incorporated and that it possesses the real estate, property and assets, and that it is carrying on its operations on a scale and in a manner, to command the confidence of the public, and for this purpose the Director shall have power to require of the company such sworn documentary and other evidence as he deems to be requisite in the premises, and upon a report

that he is satisfied that the company is one which may be licensed under this section, and upon the recommendation of the Provincial Secretary, the Lieutenant-Governor in Council may direct the issue of a license upon such terms and conditions as to him seem proper, and he may summarily revoke and annul such license for any cause that to him appears to be sufficient. 60 V. c. 29, s. 10.

LIABILITY FOR FALSE STATEMENTS.

False returns, etc.

12.—(1) If any person in any return, report, certificate, balance-sheet, or other document required by or for the purposes of this Act, wilfully makes a statement false in any material particular, he shall be liable on conviction on indictment to imprisonment for a term not exceeding six months, with or without hard labour, and on summary conviction to imprisonment not exceeding three months, with or without hard labour, and in either case to a fine of $100 in lieu of or in addition to such imprisonment as aforesaid.

(2) A person charged with an offence under this section may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon may give evidence in the same manner and with the like effect and consequences as any other witness. 60 V. c. 29, s. 11. *See also Cap. 191, sec. 97.*

[*As to the liability of directors and others for untrue statements in a prospectus, advertisement or notice, see Cap. 216.*]

COMPANIES FOR CONSTRUCTING WORKS ON MINING LANDS.

Incorporation of companies for construction of works on mining lands.

Rev. Stat., c. 191.

13.—(1) Subject to the provisions of *The Ontario Companies Act*, the Lieutenant-Governor in Council may, by letters patent under the Great Seal, grant a charter to any number of persons not less than five, who petition therefor, constituting the said persons and others who may become shareholders in the company thereby created a body corporate and politic for the purpose of acquiring, holding, constructing, maintaining and repairing roads, bridges, improvements in waterways, and other means of communication and drainage works, and other improvements upon, through, or over or adjacent to, or leading to or from, mining lands.

Powers of companies.

(2) Every company incorporated under this section shall have power, for carrying out the objects of incorporation only:

(a) To construct, maintain and keep in repair, roads, bridges, waterways, drainage works and other improvements and means of communication, through, over, or adjacent to, or leading to or from, mining lands;

(*b*) To acquire by purchase, lease, concession, license, exchange or other legal title, and hold lands and other properties necessary for the construction of such works, and from time to time to sell and dispose of all such lands as may be found to be unnecessary or unsuitable for the purposes of the company ;

(*c*) To demand and receive from persons and corporations for the use of such works, such fees and tolls as may be fixed by the company, subject to approval by the Lieutenant-Governor in Council ;

(*d*) To build, acquire, own, charter, navigate and use, steam and other vessels ;

(*e*) To enter into any arrangements for sharing profits, union of interest, or co-operation with any other person or company, carrying on, or about to carry on, any business or transaction which may be of benefit to any company incorporated under this section ;

(*f*) To do all such acts, matters and things as are incidental or necessary to the due attainment of the above objects or any of them. 60 V. c. 29, s. 14.

CHAPTER 198.

An Act respecting the Construction of Roads by Mining Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Owner of mine may make tramways, etc.

1. The proprietors of any mine in Ontario may construct a gravel or macadamized road or a tramway from their mines to the nearest navigable waters or railway or highway, and may take any land required for right of way and stations at a fair valuation, under the provisions of sections 13 to 20, inclusive of *The Railway Act of Ontario* in that behalf, headed "Lands and their valuation," which shall apply to such proprietors; but the said gravel or macadamized road or tramway shall not exceed twenty miles in length. R. S. O. 1887, c. 163, s. 1.

Rev. Stat. c. 207, ss. 13-20, to apply.

When may construct harbours.

2. The proprietors of any mine holding lands in fee simple having a frontage of one mile or upwards on any navigable lake, river or stream, may :

1. Construct harbours, wharfs, piers and other erections thereon, at the bank of such lake, stream or river, for the accommodation of all kinds of steamers, vessels and craft ;

Make rules.

2. Make rules and regulations for the government and management of such wharfs and harbours ;

Collect dues.

3. Impose and levy, according to a tariff to be by them adopted for that purpose, and which may from time to time be altered and amended, reasonable wharfage and harbour dues, and fines for the infraction of such rules and regulations. R. S. O. 1887, c. 163, s. 2.

Being first approved by the Lieutenant-Governor.

3. No such rules, regulations or tariff shall be of any force or effect until sanctioned or approved of by the Lieutenant-Governor, and no fine thereby imposed shall exceed $20 for any one offence, and such fines shall be recoverable in a summary way before any two Justices of the Peace, as if imposed by Act of the Legislature. R. S. O. 1887, c. 163, s. 3.

May improve water courses.

4. Any mining company, or the proprietors of any mine, may improve and render navigable for the transport of freight to and from the mine, any water course or water courses, or may construct a channel of communication between navigable water courses, that may be necessary for the full and proper development thereof, for the more advantageous working of the

mine, and the conveyance of freight to and from the same. But every mining company or the proprietors shall be liable to indemnify all persons who may thereby suffer injury to their property or rights. R. S. O. 1887, c. 163, s. 4.

To indemnify owners.

5. For the purposes aforesaid, the mining company, or proprietors of any mine, may enter into and upon the lands of Her Majesty, or of any person or persons, body corporate or otherwise, for the purposes and subject to the conditions aforesaid, and may survey and take levels of the same or any part thereof found necessary and proper for the construction of tramways, or for making channels of water communication or improving the navigation of any water course or water courses. R. S. O. 1887, c. 163, s. 5.

May enter upon Crown or private lands.

6. No beach, lot, or land covered with water, or other public property, shall be taken under this Act without the consent of the Lieutenant-Governor in Council, and then only upon such terms and conditions as he thinks proper. R. S. O. 1887, c. 163, s. 6.

Public land not to be taken without consent of Lieut.-Governor.

7. No harbour or river improvement shall be made under this Act, or any property taken therefor, so as to interfere with the navigation of the harbour or river or until the proposed plan and extent thereof, and of the works therewith connected, have been submitted to and approved by the Lieutenant-Governor in Council; but the plan may afterwards be altered and extended with such consent and approval. R. S. O. 1887, c. 163, s. 7.

Plans to be approved by Lieutenant-Governor in Council.

CHAPTER 199.

An Act respecting Joint Stock Companies, for supplying Cities, Towns and Villages with Gas and Water.

INTERPRETATION, s. 1.
APPLICATION OF ACT, s. 2.
INCORPORATION, ss. 2-6.
ANNUAL REPORT, ss. 7, 8.
INDIVIDUAL LIABILITY OF DIRECTORS AND OFFICERS, ss. 9-11.
MUNICIPALITIES TAKING STOCK, ss. 12, 13.
GAS COMPANIES, ss. 14-17.
WATER COMPANIES, ss. 18, 19.
POWERS AND DUTIES OF COMPANIES, ss. 20-30.
Restrictions on powers, ss. 42, 43.
BORROWING POWERS, ss. 31-41.
PROHIBITIONS AND PENALTIES, ss. 44-51.
Enforcement of penalties, ss. 52-54.
ARBITRATIONS, ss. 55-58.
MUNICIPALITIES ACQUIRING WORKS, ss. 59-67.
TRUSTEES UNDER 16 V. c. 173, s. 68.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

INTERPRETATION.

Interpretation.

1. The word "company," wherever it occurs in this Act, shall be construed to mean a joint stock company incorporated under the provisions of this Act or of some former Act respecting Gas and Water Incorporated Joint Stock Companies. R. S. O. 1887, c. 164, s. 1.

INCORPORATION.

Incorporation of companies. Rev Stat. c. 191.

2.—(1) Every company incorporated after the 1st day of July, 1897, for the purpose of supplying any city, town, incorporated village, township or other municipality with gas or water, or with both gas and water, shall be incorporated under *The Ontario Companies Act*.

Rev. Stat. c. 191. Application of Act.

(2) Every company for the purpose aforesaid, incorporated before the 1st day July, 1897, under *The Revised Statutes of Ontario, 1887*, chapter 164, or any Act consolidated therein, or incorporated after the said date under *The Ontario Companies Act*, shall be subject to the provisions of this Act, and also to those of *The Ontario Companies Act*, so far as the provisions of such latter Act are applicable and consistent with those of this Act: Provided always that the Lieutenant-

Governor in Council may relieve any company incorporated before the said date from compliance with any of the provisions of *The Ontario Companies Act* as may be deemed expedient. 60 V. c. 35, s 1 *part*, and s. 4.

Limit of capital stock.

3. The amount of the capital stock of any such company for supplying a city shall not exceed $300,000 if gas or water only is to be supplied, and $600,000 if both gas and water are to be supplied, and, in the case of a company for supplying a town or village, shall not exceed $200,000 if gas or water only is to be supplied, and $400,000 if both gas and water are to be supplied; and the money so raised shall be appropriated to the purpose of constructing, completing, acquiring and maintaining the gas works or water works, or gas and water works of the company, and to no other object or purpose whatever. 60 V. c. 35, s. 1, *part*.

Term of existence.

4. The term of the existence of any such company shall not exceed fifty years. 60 V. c. 35, s. 1, *part*.

Consent of municipality.

5. When application is made for letters patent incorporating any such company, the applicants shall show to the Provincial Secretary, or to such other member of the Executive Council or other officer as may be charged by Order of the Lieutenant-Governor in Council to report upon the application, that the municipal council of the municipality in which the operations of the company are to be carried on has passed a by-law granting authority to the applicants, when incorporated as a company, to lay down pipes for the conveyance of water or gas, or both, under the streets, squares, and other public places of the municipality. 60 V. c. 35, s. 1, *part*.

May hold lands, etc.

6. The company may, in their corporate name, purchase and hold, sell and convey lands, tenements and hereditaments for them and their assigns and successors for the use of the said gas works or water works, or gas and water works, and the real estate holden by such company shall be held for the purposes for which the company is incorporated and for no other purpose R. S. O. 1887. c. 164, s. 8; 55 V. c. 38, s. 1.

ANNUAL REPORT.

Yearly report.

7.—(1) The company shall, annually, within twenty days from the first day of January, make a report which shall be inserted in some newspaper published in the municipality where the business of the company is carried on, stating the amount of capital stock of the company, and the proportion thereof then actually paid in, together with the amount of the existing debts of the company. R. S. O. 1887, c. 164, s. 22 (1); 55 V. c. 38, s. 1.

(2) If there be no newspaper so published, the report shall, within the time aforesaid, be inserted in a newspaper published in the county town. R. S. O. 1887, c. 164, s. 22 (2).

By whom to be signed.

8. Such report shall be signed by the chairman or president, and a majority of the directors, and shall be verified by the oath of the chairman or president, or of the secretary of the company, and shall be entered and registered in the registry office of the registry division in which the business of the company is carried on. R. S. O. 1887, c. 164, s. 23.

INDIVIDUAL LIABILITY OF DIRECTORS AND OTHERS.

Liability of directors in default.

9. The directors of a company failing to comply with the requirements of the last preceding two sections, shall be jointly and severally liable for all the debts of the company then existing, and for all contracted until such report is made. R. S. O. 1887, c. 164, s. 24.

Consequences of false certificates or reports.

10. If any certificate or report made, or public notice given by the officers of a company, in pursuance of this Act, is false in any material representation, all the officers who signed the same shall be jointly and severally liable for all the debts of the company contracted while they are officers or shareholders thereof respectively. R. S. O. 1887, c. 164, s. 27.

When directors liable to creditors.

11. If the indebtedness of the company at any time exceeds the amount of its capital stock, the directors assenting thereto shall be personally and individually liable to the creditors of the company for such excess. R. S. O. 1887, c. 164, s. 28.

MUNICIPALITIES TAKING STOCK.

Municipalities may take stock.

12. Any of the municipalities in which the works of any such company are erected or placed may subscribe for or take stock in the company, or may loan any sum of money, on mortgage or otherwise, to the company, or contribute in any manner towards advancing the object for which the company has been incorporated. R. S. O. 1887, c. 164, s. 51.

When the head to be a director.

13. The head for the time being of a municipality holding stock in such company to the extent of one-tenth part or more of the whole of the capital stock thereof, shall be *ex officio* a director of the company so long as the municipality continues to hold stock to the extent aforesaid. R. S. O. 1887, c. 164, s. 52.

GAS COMPANIES.

Powers of gas companies extended.

14. All gas companies now existing or hereafter formed, and whether incorporated by special Acts or under any general Act, are hereby authorized to manufacture and supply gas for

heating, cooking, and all other purposes for which gas is capable of being used, and to manufacture and supply electric, galvanic, or other artificial light, either in connection with gas or otherwise, and to manufacture and supply electricity for the purpose of generating heat or power and for all other purposes for which electricity is capable of being used; and to acquire any patent or other rights for the manufacture or production of any artificial light; and to manufacture or buy, and also to sell or lease, all fittings, machines, apparatus, or other things required for the use of the said company or its consumers. R. S. O. 1887, c. 164, s. 54; 56 V. c. 29, s. 1.

Power to use present works, etc.

15. For the purpose of exercising the said powers or any of them, the existing gas companies may use their present works so far as practicable, and may alter their existing works, or erect new works; and all powers which they now possess may be exercised and enforced in respect to all works or apparatus which the said companies construct or use in the exercise of the powers by this Act created or any of them. R. S. O. 1887, c. 164, s. 55.

Company not to take private property till compensation made.

16. No company shall be entitled by virtue of this Act to take possession or make use of private property, or to do any work thereon, under the compulsory powers of the company in that behalf, until the amount to be paid for or in respect of such property is ascertained by arbitration or otherwise, as the case may be, and is paid or tendered to the parties entitled thereto, or is paid into Court for their benefit. R. S. O. 1887, c. 164, s. 56.

Consent of municipality required.

17. No company shall be entitled to the benefit of this Act until it has obtained the consent of the municipal corporation of the city or local municipality within which the powers hereby given are to be exercised by such company; such consent to be by by-law, and to be on such terms and conditions as the by-law may provide. R. S. O. 1887, c. 164, s. 57.

WATER COMPANIES.

Municipality may grant to water companies compulsory powers conferred by Rev. Stat. c. 235 ss. 11, 12.

18.—(1) In case any water company heretofore or hereafter incorporated desires to exercise any of the compulsory powers conferred upon municipal corporations by sections 4, 11, 12 and 14 of *The Municipal Water Works Act*, and if the council of the municipality declare by by-law that it is necessary in the public interest of such municipality that the powers proposed to be exercised should be exercised by such company, the company may, subject to the provisions of the said Act as to compensation, exercise any of such powers; and in applying the provisions of the said Act the company shall be substituted for the municipal corporation.

Particulars to be stated in by-laws.

(2) The powers to be exercised, and the properties in respect to which they are to be exercised, shall be specifically mentioned in any by-law passed under this section. R. S. O. 1887, c. 164, s. 58; 60 V. c. 35, s. 3.

Application of next preceding section.

19. The next preceding section shall apply to every company incorporated under the Act passed in the sixteenth year of Her Majesty's reign, intituled, *An Act to provide for the formation of incorporated Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*, or under the Consolidated Statutes of Canada, chapter 65, or under chapter 157 of the Revised Statutes of Ontario, 1877, whether such company is incorporated for the purpose of supplying gas or water, or both, or for the purpose of furnishing any other means of heating or lighting. R. S. O. 1887, c. 164, s. 59.

POWERS AND DUTIES OF COMPANIES.

Companies may sell gas and water fittings,

Or lease the same.

20. The company may sell and dispose of gas meters, and gas and water fittings of every description for the use of private and public houses, or for any establishment, company or corporation whatsoever, as well as coke, coal tar, and all and every the products of the works, refuse or residuum arising or to be obtained from the materials used in or necessary for the manufacture of gas; and the company may let out to hire gas meters, and gas and water fittings of every kind and description, at such rate and rents as may be agreed upon between the consumers or tenants and the company. R. S. O. 1887, c. 164, s. 60.

Removal of fittings by company from customers' premises.

21. Where a customer discontinues the use of the gas or other means of lighting or heating, or water, furnished by the company or the company lawfully refuses to continue any longer to supply the same, the officers and servants of the company may, at all reasonable times enter the premises in or upon which such customer was supplied with gas, or other means of lighting or heating, or water, for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes or other things being the property of the company, in or upon such premises, and may remove the same therefrom, doing no unnecessary damage. R. S. O. 1887, c. 164, s. 61; 55 V. c. 38, s. 1.

Companies may excavate streets, etc.

22. The company may break up, dig and trench, so much and so many of the streets, squares, highways, lanes and public places of the municipalities for supplying which with gas or water, or both, the company has been incorporated, as are necessary for laying the mains and pipes to conduct the gas or water, or both, from the works of the company to the consumers thereof, doing no unnecessary damage in the pre-

mises, and taking care as far as may be to preserve a free and uninterrupted passage through the said streets, squares, highways, lanes and public places, while the works are in progress. R. S. O. 1887, c. 164, s. 62.

Other pipes not to encroach on main pipes laid down.

23. Where the company has laid down main pipes for the supply of gas or water in or through any of the streets, squares or public places of any municipality, no other person or persons, bodies politic or corporate, shall, without the consent of the company first had and obtained, nor otherwise than upon payment to the company of such compensation as may be agreed upon, lay down any main pipe for the supply of gas or water within six feet of the company's main pipes, or if it be impracticable to cut drains for such other main pipes at a greater distance, then as nearly six feet as the circumstances of the case will admit. R. S. O. 1887, c. 164, s. 63.

Companies may pass through buildings to introduce pipes.

24 Where there are buildings within the municipality the different parts whereof belong to different proprietors, or are in possession of different tenants or lessees, the company may carry pipes to any part of any building so situate, passing over the property of one or more proprietors or in the possession of one or more tenants to convey the gas or water, or both, to the property of another or in the possession of another, and such pipes shall be carried up and attached to the outside of the building. R. S. O. 1887, c. 164, s. 64.

May also break up, etc., all passages.

25. The company may also break up and uplift all passages common to neighbouring proprietors or tenants, and dig or cut trenches therein for the purpose of laying down pipes or taking up and repairing the same, doing as little damage as may be in the execution of the powers granted by this Act. R. S. O. 1887, c. 164, s. 65.

Company to make satisfaction to owners for damage done.

26. The company shall make satisfaction to the owners or proprietors of buildings or other property, or to the public, for all damages by them sustained in or by the execution of any of the said powers, subject to which provision this Act shall be sufficient to indemnify every such company and their servants, and those by them employed, for what they or any of them do in pursuance of the powers hereby granted. R. S. O. 1887, c. 164, s. 66.

Public safety not to be endangered.

27. The company shall construct and locate their gas works and water works, and all apparatus and appurtenances thereunto belonging or appertaining, or therewith connected, and wheresoever situated, so as not to endanger the public health or safety. R. S. O. 1887, c. 164, s. 67.

Company constructing works to supply gas or

28. Where a company, whether incorporated or unincorporated, has constructed any gas or water works for supplying any municipality or municipalities with gas or water, and

water to buildings on line of supply on request.

where there is a sufficient supply thereof, it shall be the duty of the company to supply with gas or water all buildings within the municipality situate upon land lying along the line of any supply pipe of the company, upon the same being requested by the owner, occupant or other person in charge of any such building. R. S.O . 1887, c. 164, s. 68.

Company may require security from consumer.

29. A company, before supplying gas or water to any building or as a condition to its continuing to supply the same, may require any consumer to give reasonable security for the payment of the proper charges of the company therefor, or for carrying the gas or water into such building. R. S. O. 1887 c. 164, s. 69.

Liability for failure of supply not affected.

30. Nothing in the preceding two sections contained shall be construed in any way to affect the liability of any company in respect of damages on account of any failure of supply through mischance, accident or mismanagement, but the position of the company in respect thereto shall remain as if the said two sections had not been passed. R. S. O. 1887, c. 164, s. 70.

[*See also Cap. 223, secs. 543 and 566.*]

COMPANIES BORROWING MONEY.

Companies may borrow moneys.

31. A company may, either in this Province or out of it, borrow money at any rate of interest (in conformity with the laws of Canada) that the president and directors of the company deem necessary. R. S. O. 1887, c. 164, s. 71.

Limit thereto.

32. The sum so borrowed shall not exceed the sum of $40,000, to be expended in gas and electric works, and the like sum for water works, for an incorporated village; and for a town or city to be expended in either gas and electric or water works the sums following: for a town, the sum of $80,000, and for a city, the sum of $150,000. R. S. O. 1887, c. 164, s. 72; 55 V. c. 38, ss. 3, 4.

May mortgage works.

33. For securing the repayment of money so borrowed, with interest thereon, the company or the president thereof, by and with the consent of a majority of the directors, may mortgage, secure and assign the real estate, works, rates, revenues, rents and future calls on shareholders of the company. R. S. O. 1887, c. 164, s. 73.

Company giving mortgage may make same a preferential charge on property and works,

34.—(1) Where a company borrows money upon a conveyance by way of mortgage given under the preceding section and it is by the mortgage declared that the same is intended to be a preferential charge upon the property and rights covered thereby, the mortgage, upon being registered in the registry office of the registry division in which the lands affected lie, shall, subject to the provisions of the regis-

try laws, take priority of any mortgage, bond, debenture, or other security subsequently executed or granted by the company.

(2) Nothing in this section contained shall be used to aid in determining whether or not mortgages executed before the 25th day of March, 1884, by any company are within section 36 of this Act. R. S. O. 1887, c. 164, s. 74; 55 V. c. 38, s. 1.

Bonds, etc., may be payable to bearer.

35. All bonds, debentures or other securities granted for the purpose aforesaid may be made payable to bearer or transferable by indorsement or otherwise, as the directors see fit; but no bond or debenture shall be made or granted for a less sum than $200. R. S. O. 1887, c. 164, s. 75.

No preference allowed.

36. The bonds, debentures, future calls or other securities so granted and pledged as securities for money borrowed, shall be equitably and proportionately liquidated or paid out of the funds or receipts of the company, without preference to any of such securities over each other. R. S. O. 1887, c. 164, s. 76.

Protection of bondholders, etc.

37. No such bonds or debentures or other securities so pledged shall prevent the directors of the company from receiving and applying such future calls to the purposes of the company, so long as the money due on all such bonds and debentures does not exceed the amount of all the calls still remaining unpaid. R. S. O. 1887, c. 164, s. 77.

Power of directors in executing bonds, etc.

38. The directors of the company, by a resolution entered upon the books of the company, and without the formality of passing a by-law, may, from time to time as they see fit, authorize the president or manager of the company to sign such particular bonds, mortgages, contracts or instruments as it may, in the opinion of the directors, be necessary or expedient so to sign, and to affix the common seal of the company thereto. R. S. O. 1887, c. 164, s. 78.

And notes or bills.

39. The president or the manager of the company, from time to time authorized as aforesaid, may draw, sign or accept such promissory notes or bills of exchange for the purposes of the company, without seal, as in the opinion of the directors may be necessary or expedient. R. S. O. 1887, c. 164, s. 79.

Securities duly executed to be valid.

40. All such bonds, contracts, mortgages and instruments so signed and sealed by the person authorized as aforesaid, and also such notes and bills so signed, drawn or accepted by the person authorized as aforesaid, shall be valid and binding on the company, and be held to be the act and deed of the company; but such bonds, bills or debentures and securities as aforesaid shall not exceed the amount which the company is by this Act empowered to borrow. R. S. O. 1887, c. 164, s. 80.

Borrowing powers not to affect right of municipality to take possession.

41. The preceding provisions authorizing companies to borrow money and to mortgage their real estate and works, shall not nor shall anything done in pursuance of such provisions in any way interfere with or prejudice the right of any municipal corporation, desiring so to do, to take possession of the works of the company and all property used in connection therewith for the purposes of supplying gas and water, in pursuance of and subject to the terms of sections 59 to 67, both inclusive, of this Act and in such event, all mortgages, liens, bonds, debentures or other securities shall cease to be a charge on the works of the company and all property used in connection therewith, but they shall nevertheless be a charge on any moneys to be paid by the municipality therefor. 55 V. c. 38, s. 6.

RESTRICTIONS.

Restrictions on the powers of companies.

42. Nothing contained in this Act shall authorize such company or any person acting under the authority of the same, to take, use or injure for the purposes of the company, any house or other building, or any land used or set apart as a garden, orchard, yard, park, paddock, plantation, planted walk or avenue to a house, or nursery ground for trees, or to convey from the premises of any person any water already appropriated and necessary for his domestic uses, without the consent, in writing, of the owner or owners thereof first had and obtained. R. S. O. 1887, c. 164, s. 81.

Rights of other companies protected.

43. Nothing in this Act shall authorize any company to interfere with or infringe upon any exclusive privilege granted to any other company. R. S. O. 1887, c. 164, s. 82.

PROHIBITIONS AND PENALTIES.

Penalty for illegal interference by others.

44. If any person lays or causes to be laid any pipe or main, to communicate with any pipe or main belonging to such company, or in any way obtains or uses its gas or water without the consent of the company, he shall forfeit and pay to the company the sum of $120, and also a further sum of $4 for each day during which such communication remains, which sums, together with costs in that behalf incurred, may be recovered by action in any Court in this Province having jurisdiction to the amount claimed. R. S. O. 1887, c. 164, s. 83.

45. If any person—

Penalties for injurious acts.

1. Wilfully or maliciously breaks up, pulls down, or damages, injures, puts out of order or destroys, any main pipe, engine, water-house pipe, plug or other works, or apparatus, appurtenances or dependencies thereof, or any matter or thing made and provided for the purpose aforesaid, or any of the materials used and provided for the same, or ordered to be erected, laid down or belonging to any such company; or

2. In anywise wilfully does any other injury or damage, for the purpose of obstructing, hindering or embarrassing the construction, completion, maintaining or repairing of the said works, or causes or procures the same to be done; or

3. Bathes, or washes, or cleans any cloth, wool, leather, skin, animals, or any nauseous or offensive thing, or casts, throws or puts any filth, dirt or any nauseous thing, or causes, permits or suffers the water of any sink, sewer or drain to run or be conveyed into, or causes any other annoyance to be done to the water within, any reservoir, cistern, pond, source or fountain from which the water belonging to the company is to be supplied or conveyed; or

4. Increases the supply of gas or water, agreed for with the company, by increasing the number or size of the holes in the gas burners, or using the gas without burners, or otherwise wrongfully, negligently or wastefully burning the same, or by wrongfully or improperly burning the same, or by wrongfully or improperly wasting the water or gas;

such person shall, on conviction thereof before a Justice of the Peace or any other person authorized to act in that capacity in the locality wherein the offence has been committed, be compelled to pay for the use of the company a penalty not exceeding $20 together with costs of prosecution, or be confined to the common gaol of such county for a space of time not exceeding three months, as to such Justice seems meet. R. S. O. 1887, c. 164, s. 84.

Private rights as to gas and water.

46. Nothing in this Act contained shall prevent any person from constructing any works for the supply of gas or water to his own premises. R. S. O. 1887, c. 164, s. 85.

Fittings not liable to seizure.

47. Neither the service nor connecting pipes of the company, nor any meters, lustres, lamps, pipes, gas fittings or any other property of any kind whatsoever of the company, shall be subject to or liable for rent, nor liable to be seized or attached in any way by the possessor or owner of the premises wherein the same may be, nor be in any way whatsoever liable to any person for the debt of any person to and for whose use or the use of whose house or building the same may be supplied by the company, notwithstanding the actual or apparent possession thereof by such person. R. S. O. 1887, c. 164, s. 86.

Penalty for wilful damage of meters, lamps, etc.

48. If any person wilfully or maliciously damages or causes or knowingly suffers to be damaged any meter, lamp, lustre, service pipe, or fittings belonging to any such company, or wilfully impairs or knowingly suffers the same to be altered or impaired, so that the meter indicates less gas than actually passes through the same, such person shall incur a penalty to the use of the company, for every such offence, of a sum not less than $4 nor exceeding $20, and shall

also pay all charges necessary for the repairing or replacing the said meter, pipes or fittings, and double the value of the surplus gas so consumed; such damages, penalties and charges to be recovered with costs as hereinafter provided. R. S. O. 1887, c. 164, s. 87.

Penalty for injuring public gaslight works.

49. If any person wilfully extinguishes any of the public lamps or lights, or wilfully removes, destroys, damages, fraudulently alters or in any way injures any pipe, pedestal, post, plug, lamp or other apparatus or thing belonging to the company, he shall forfeit and pay to the use of the company a penalty not less than $4 nor more than $20, and shall also be liable to make good all damages and charges, to be recovered with costs as hereinafter provided. R. S. O. 1887, c. 164, s. 88.

Remedy for price of gas or water furnished.

50. If any person supplied by the company with gas or water, or both, neglects to pay the rent, rate or charge due to the company at any of the times fixed for the payment thereof, the company, or any person acting under their authority, on giving forty-eight hours' previous notice, may stop the supply of gas or water, or both, from entering the premises of the person in arrear as aforesaid, by cutting off the service pipe or pipes, or by such other means as the company or its officers see fit, and may recover the rent or charge due up to such time, together with the expenses of cutting off the gas or water or both, as the case may be, in any competent Court, notwithstanding any contract to furnish for a longer time. R. S. O. 1887, c. 164, s. 89.

Removal of gas or water fittings.

51. In all cases where the company may lawfully cut off and take away the supply of gas or water, or both, from any house, building or premises, the company, their agents and workmen, upon giving forty-eight hours' previous notice to the person in charge or the occupier, may enter into the house, building or premises between the hours of nine o'clock in the forenoon and four in the afternoon, making as little disturbance and inconvenience as possible, and may remove and take away any pipe, meter, cock, branch, lamp, fittings or apparatus, the property of and belonging to the company; and any servant of the company duly authorized may, between the hours aforesaid, enter any house into which gas or water or both have been taken, for the purpose of repairing and making good any such house, building or premises, or for the purpose of examining any meter, pipe, or apparatus belonging to the company or used for their gas or water or both; and if any person refuses to permit or does not permit the servants and officers of the company to enter and perform the acts aforesaid, the person so refusing or obstructing shall incur a penalty to the company for every such offence of $40, and a further penalty of $4 for every day during which such refusal or obstruction continues, to be recovered with costs as hereinafter provided. R. S. O. 1887, c. 164, s. 90.

ENFORCEMENT OF PENALTIES.

How fines may be enforced.

52. All fines, penalties and forfeitures imposed by this Act may be sued for and recovered with costs by any such company or by any person whose property is injured, to and for the use of such company or person, either in the manner hereinbefore directed, or before a Justice of the Peace or any other person authorized to act in that capacity, in the place where the offence has been committed, on the oath of any one credible witness. R. S. O. 1887, c. 164 ,s. 91.

In what Courts actions may be brought.

53. All actions for damages or penalties or both, given by this Act, shall be brought in Courts having jurisdiction to the amount involved in such actions, unless otherwise specially authorized by this Act. R. S. O. 1887, c. 164, s. 92.

Proceedings when damages and penalties separate.

54. Where damages as well as a penalty may be given, such damages and penalty may be sued for separately, and such fines, penalties and damages may be levied by distress from the goods of the defendant, and in case the defendant has no goods to satisfy the same, he shall be committed to the common gaol for such period not exceeding two months as the Justice or Court may direct. R. S. O. 1887, c. 164, s. 93.

ARBITRATIONS.

When arbitrations may be had.

55. If it is found necessary or deemed proper to conduct any of the pipes or to carry any of the works of the company through the lands of any person, lying within ten miles of the municipality for supplying which the company is incorporated, and the consent of such person cannot be obtained for that purpose, the company may nominate and appoint one indifferent person, and the owner or owners of the land taken or damaged may nominate and appoint another indifferent person, which two persons so appointed shall nominate and appoint a third person, and the said three persons shall act as arbitrators in such matter of dispute between the company and the owner or owners of the property. R. S. O. 1887, c. 164, s. 94.

Powers and duties of arbitrators.

56. The arbitrators shall examine all witnesses and administer all necessary oaths or declarations to them, and the arbitrators, or a majority of them, shall award, determine and adjudge what sum or sums of money respectively shall be paid to the owner or owners of the property so taken or damaged by the company. R. S. O. 1887, c. 164, s. 95.

When sums awarded to be paid.

57. The sum or sums of money so awarded shall be paid within three months after the date of the award, and in default of such payment the proprietor may resume the possession of his property, with all the rights appertaining thereto. R. S. O 1887, c. 164, s. 96.

How arbitrators appointed in case of neglect.

58. In the event of either the company or the owner of the property failing to appoint an arbitrator, after eight days' notice from one of the said parties to the other, or of the said two arbitrators failing to appoint a third, the Judge of the County Court of the county within which the property lies may appoint a third arbitrator, and the decision of the three arbitrators, or a majority of them, shall be binding on all parties concerned. R. S. O. 1887, c. 164, s. 97.

MUNICIPALITIES ACQUIRING WORKS FROM COMPANIES.

Municipalities may acquire works of company on payment therefor.

59. In case a by-law is passed with the assent of the ratepayers declaring that it is expedient in the interest of any city, town or village to acquire the works of a company, incorporated on or after the 10th day of March, 1882, for the purpose of supplying such city, town or village with gas or water, the corporation may thereupon, by its officers, take possession of the works of the company and all property used in connection therewith for the purposes of supplying gas or water, whether the works and property, or any of them, are within or without the municipality, and shall pay therefor at a valuation to be determined by arbitration in accordance with the provisions of *The Municipal Act*, subject to the provisions hereinafter contained. R. S. O. 1887, c. 164, s. 98.

Rev. Stat. c. 223.

Mode of computing value.

60. The arbitrators in determining the amount to be paid for such works and property shall first determine the actual value thereof, having regard to what the same would cost if the works should be then constructed, or the property then bought, making due allowance for deterioration, wear and tear, and making all other proper allowances, and shall increase the amount so ascertained by ten per centum thereof, which increased sum the arbitrators shall award as the amount to be paid by the corporation to the company, with interest from the date of their award. R. S. O. 1887, c. 164, s. 99.

Time within which amount to be paid.

61. The amount shall be paid within six months from the date of the award, and the council of the municipality shall thereupon take all requisite steps for providing the amount; and it shall not be necessary to submit to the vote of the electors, any by-law passed for the issue of debentures in order to raise the amount. R. S. O. 1887, c. 164, s. 100.

Council may take proceedings to determine value without first obtaining assent of electors.

62. The council of the corporation may, if it thinks fit, without submitting the question to the vote of the electors, take the proceedings authorized by section 59 of this Act for determining the amount to be paid for such works and property, upon notice to the company that the corporation intends to acquire the works and property by arbitration, under the provisions of this Act; but in such case, the by-law for raising money to pay therefor shall be submitted to the vote of the

electors, and until the by-law is finally passed, the corporation shall not, unless by consent of the company, take possession of the works or property; and in the event of the by-law not being passed the corporation shall indemnify the company for all costs the company has been put to in and about the arbitration. R. S. O. 1887, c. 164, s. 101.

Amount may be settled by agreement.

63. The council and the company may, if they think fit agree as to the amount to be paid for the works and property, or any of them. R. S. O. 1887, c. 164, s. 102.

If amount not paid, rights of company to revive.

64. In case the amount awarded, or agreed to be paid, to the company, is not paid within six months after the time at which it is payable, the company may resume possession of their works and property, and all their rights in respect thereof shall thereupon revive. R. S. O. 1887, c. 164, s. 103.

Existing companies may consent to be bound by above provisions.

65. Any company incorporated before the 10th day of March, 1882, may, by by-law, declare that such company consents to be bound by the provisions of the six preceding sections of this Act; and upon the passing of such by-law the said sections shall apply to the said company. R. S. O. 1887, c. 164, s. 104.

Limitation as to by-laws under sec. 59.

66. No by-law under section 59 of this Act shall be passed by any municipal council, or, if passed, shall have any force or effect, unless the company is subject to the provisions of the said section 59, or an agreement has been made between the company and the corporation, under which the municipal corporation has the right at any time, or at any time after a date thereby fixed, not being later than ten years from the date of the agreement, to acquire the works and property of the company used, in connection therewith, for the said purposes, at a valuation to be determined by arbitration. R. S. O. 1887, c. 164, s. 105.

Certain rights not affected.

67. Nothing in sections 18 and 59 to 66 of this Act contained shall affect the right of any municipal corporation to acquire the works and property of any gas or water company, by agreement with the said company, or shall be construed to affect any right of acquisition which has been or may be secured by any such corporation independently of the provisions of the said sections. R. S. O. 1887, c. 164, s. 106.

"TRUSTEES" UNDER FORMER ACTS.

"Trustees" in 16 V. c. 173 to mean directors.

68. In all proceedings which may have been had or taken under the Act passed in the sixteenth year of Her Majesty's reign, to provide for the formation of incorporated joint stock companies for supplying cities, towns and villages with gas and water, or in or about any company incorporated thereunder, the word "trustees," wherever the same occurs, shall be taken to be and be construed to mean the directors. R. S. O. 1887, c. 164, s. 107.

CHAPTER 200.

An Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas, for Heat, Light, or Power.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Mode of incorporation.

1.—(1) Any five or more persons who desire to form a company for supplying steam, hot air or hot water for power and for heating purposes, or for supplying electricity or natural gas for the purposes of light, heat, or power, in any city, town, incorporated village, township or other municipality, may become incorporated under *The Ontario Companies Act*.

Rev. Stat. c. 191.

(2) Every company so incorporated shall be subject to the provisions of this Act and to those of *The Ontario Companies Act* so far as the same are applicable and consistent with this Act. R. S. O. 1887, c. 165, s. 1; 54 V. c. 36, s. 1; 60 V. c. 28, s. 3.

Application of Act to existing companies.

2. Every such company heretofore incorporated under *The Ontario Joint Stock Letters Patent Act* shall be subject to the provisions of this Act and to sections 17 to 105 of *The Ontario Companies Act* so far as the same are applicable and consistent with this Act. R. S. O. 1887, c. 165, s. 1; 54 V. c. 36, s. 1; 60 V. c. 28, s. 4.

Rev. Stat. c. 191.

Powers.

3. Every such company may construct, maintain, complete and operate works for the production of steam, hot air or hot water, for purposes of power and heating, or for the production, sale and distribution, of electricity or natural gas for purposes of light, heat and power, and may conduct the same by any means, through, under and along the streets, highways and public places of the city, town, or other municipality; but as to such streets, highways and public places, only upon and subject to such agreement in respect thereof, as shall be made between the company and the municipality and under and subject to any by-law of the council of the municipality passed in pursuance thereof. R. S. O. 1887, c. 165, s 2; 54 V. c. 36, s. 2.

Certain sections of Rev. Stat. c. 199, made applicable.

4. Sections 12, 13, 20, 22 to 27, 31, 33, and 35 to 58 of *The Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*, shall be

read as forming part of this Act, except that the said sections shall, for the purposes of this Act, be read as providing for the passage and supply of steam, hot air or hot water, for the purpose of heating and power, or of electricity or natural gas for the purposes of light, heat and power, instead of the passage and supply of water or gas, the words "steam," "hot air," or "hot water," or the words "electricity" or "natural gas" (as the case may be), being, for the purposes aforesaid, substituted for the words "gas or water," or "gas and water," or "gas," and the words "wires or conductors," being read after the words "mains and pipes," or "mains or pipes," wherever the said words occur in the said sections. R. S. O. 1887, c. 165, s. 3; 54 V. c. 36, s. 3.

Company not to take private property till compensation made.

5. No company shall be entitled by virtue of this Act to take possession or make use of private property, or to do any work thereon, under the compulsory powers of the company in that behalf, until the amount to be paid for or in respect of such property is ascertained by arbitration or otherwise, as the case may be, and is paid or tendered to the parties entitled thereto, or is paid into Court for their benefit; provided further that the property of gas companies shall be exempt from expropriation by companies formed for supplying electricity or natural gas for the purposes of light, heat or power. R. S. O. 1887, c. 165, s. 4; 54 V. c. 36, s 4.

PROVISIONS OF GENERAL APPLICATION.

Right to lease power, etc.

6. Any electric light company whether incorporated under this Act or otherwise may lease to, or enter into any contract with, any person or persons or body corporate or politic for the use of any power, engines, wheels or machines run by water, steam, gas or in any other manner erected by such company for the purpose of running or operating electric light plant, to the end and intent that such machinery and power may be utilized and employed during the hours when the same is not required for the purpose of furnishing electric light. 52 V. c. 29, s. 1.

Right to contract for use of land.

7. Such company may lease to, or enter into any contract with, any person or persons or body corporate or politic for the use of any land or buildings of such company used for or in connection with such power or machinery aforesaid, so long as the value of such buildings does not exceed $10,000. 52 V. c. 29. s. 2.

Powers of expropriation not extended.

8. Nothing in sections 6 and 7 of this Act shall be construed to give to any such company any power of expropriation beyond or in addition to the power which the company would have had, if said sections had not been enacted. 52 V. c. 29, s. 3.

CHAPTER 201.

An Act respecting Cheese and Butter Manufacturing Associations and Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Mode of incorporation.

1.—(1) Any five or more persons who desire to associate themselves together for the purpose of manufacturing cheese or butter, may make, sign and acknowledge before a Notary Public, Commissioner authorized to take affidavits, or Justice of the Peace, in duplicate, and file in the office of the Registrar of the registry division in which the business is to be carried on, a certificate in writing, in the form mentioned in the Schedule to this Act, or to the same effect, together with the rules and regulations, signed by such persons respectively.

(2) The signatures to the rules shall be verified by the affidavit of a subscribing witness thereto, made before a Notary Public, Justice of the Peace, or Commissioner authorized to take affidavits, or before the Registrar or Deputy Registrar.

(3) Upon the filing of the certificate and rules as aforesaid, the members of the association shall become a body corporate, by the name therein described, with the power to hold such lands as are required for the convenient management of their business. 51 V. c. 24, s. 1 (1-3).

Registrar to indorse certificates of filing, certificate and rules if required.

2. The Registrar or Deputy Registrar shall, if desired by the person filing the certificate, indorse on the other duplicate certificate and upon the duplicate of the rules, certificates of the other duplicates having been filed in his office, with the date of filing; and every such certificate shall be *prima facie* evidence of the facts stated therein and of the incorporation of the association. 54 V. c. 24, s. 1 (4).

Certificate to be registered in every division in which business carried on.

3. Any certificate so to be filed may designate any one or more places where the business is to be carried on; but if in different registry divisions, a duplicate must be filed in the registry office of each division. 51 V. c. 24, s. 3

Restriction as to name of company.

4. No association shall be registered under a name identical with that by which any other existing association has been registered, or so nearly resembling such name as to be likely to deceive the public. 51 V. c. 24, s. 2.

5. The fees to be charged by the Registrar for filing any certificate shall be fifty cents, and for any search relating thereto ten cents. 51 V. c. 24, s. 12. Fees of Registrar.

6 Before an association commences operations under this Act, they shall agree upon and frame a set of rules for the regulation, government and management of the association, which shall contain—(1) a mode of convening general and special meetings; (2) provisions for audit of accounts; (3) power and mode of withdrawal of members; (4) appointment of managers and other officers and their respective duties, and a provision for filling vacancies caused by death, resignation and other causes. 51 V. c. 24, s. 5. Rules of association.

7. The rules of every association registered under this Act shall bind the association and members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto; and all moneys payable by any member to the association, in pursuance of said rules, shall be deemed to be a debt due from such member to the association. 51 V. c. 24, s. 6. Rules to be binding on members.

8. All rules made by the association may be repealed, altered or amended by other rules passed at any meeting of the association specially called for that purpose, but no new rule shall have any force or effect until a copy, proved by the affidavit of the president or other head officer of the association to be a true copy of the rule passed by the association at a meeting specially called for the purpose of considering the same, has been filed in the registry office in which the certificate of incorporation was filed. 51 V. c. 24, s. 1 (5). Amendment of rules.

9. The capital of the association shall be in shares of such denomination as is mentioned in the rules. 51 V. c. 24, s. 7. Capital stock.

10. A member of the association may have shares therein to an amount mentioned in the by-laws of the association, not to exceed $1,000. 51 V. c. 24, s. 4. Shares.

11. The shares of the association shall be transferable subject to the consent and approval of the association. 51 V. c. 24, s. 8. Transfer of shares.

12. The association shall cause a book to be kept by the secretary, or by some other officer specially charged with that duty, wherein shall be kept a duplicate of the certificate and of the rules filed as aforesaid in the office of the Registrar, so that persons becoming members of the association may sign the said certificate and rules. 51 V. c. 24, s. 1 (6) *a*. Books.

13. Any person desiring to become a member of, or a stockholder in the said association, after incorporation as Members.

aforesaid, may sign the said certificate and rules in the said book, and shall thereupon become such member, and he shall be entitled to the rights and privileges thereof, and shall become liable as such member as fully as though he had signed the certificate prior to the incorporation of the association. 51 V. c. 24, s. 1 (6) *b*.

Mode of voting.

14. All elections shall be by ballot, and each member shall have one vote for each share held by him, in respect of which he is not in default for any calls made thereon. 51 V. c. 24, s. 9.

Liability of shareholders limited.

15. The liability of the shareholders shall be limited, that is to say, no shareholder in such association shall be in any manner liable for or charged with the payment of any debt or demand due by the association beyond the amount of his share or shares subscribed for, and any shareholder having fully paid up the amount of his said share or shares shall not be subject to any further liability. 51 V. c. 24, s. 11.

Disputes to be referred to arbitration.

16. Every dispute between members or between members and the association, or any person claiming through or under a member or under the rules of the association, and the directors, treasurer or other officers thereof, shall be decided by arbitration in manner directed by the rules of the association, and the decision so made shall be binding and conclusive on all parties and not subject to appeal. 51 V. c. 24, s. 10.

Power to mortgage lands.

17.—(1) The association shall have power to raise money by mortgage upon the real and personal property of the association. 58 V. c. 41, s. 1.

Mortgages, how to be executed.

(2) Every such mortgage shall be valid and binding upon the association to the extent of the interest conveyed thereby, and of the covenants on the part of the association therein contained, according to the true intent and meaning thereof, when signed by the president and treasurer of the association, with the corporate seal of the association affixed thereto. 58 V. c. 41, s. 2.

Mortgage to be approved by shareholders.

(3) No such mortgage shall be given or shall be binding upon the association until the same has been authorized by a by-law passed by the vote given either personally or by proxy of a majority in value of the shareholders in the association at a special meeting of the association duly called for that purpose. 60 V. c. 39, s. 1.

Extension of business of association.

18. An association formed for the manufacture of cheese, may on and subject to the making of a rule for that purpose in accordance with the provisions of this Act extend its business so as to include the manufacture and sale of butter. 55 V. c. 35, s. 2.

COMPANIES INCORPORATED BY LETTERS PATENT.

Companies for manufacturing cheese authorized to manufacture and sell butter.

19. A company incorporated by letters patent, under the provisions of *The Ontario Joint Stock Companies Letters Patent Act*, or *The Ontario Companies Act*, or under the provisions of any Act of the Legislature of the former Province of Canada, for the manufacture of cheese, may without obtaining supplementary letters patent, carry on the business of manufacturing and selling butter where the shareholders by by-law determine to extend the business of the company so as to include the manufacture and sale of butter. 55 V. c. 35, s. 1; 60 V. c. 28, s. 100; 60 V. c. 3, s. 3.

Rev. Stat. c. 190.

Rev. Stat. c. 191.

SCHEDULE.

(*Section 1 (1)*.

FORM OF CERTIFICATE.

Province of Ontario, } We (*insert names of subscribers not less than five*)
TO WIT : } do hereby certify that we desire to form an association pursuant to the provisions of *The Act respecting Cheese and Butter Manufacturing Associations and Companies*.

The corporate name of the Association is to be (*insert name of the Association*), and the objects for which the Association is to be formed are (*insert objects for which the Association is formed*). The number of shares is to be unlimited and the capital is to consist of shares of (*insert amount of shares*) each, or of such other amount as shall, from time to time, be determined by the rules of the Association. The number of the trustees who shall manage the affairs of the Association shall be (*insert the number of trustees*), and the names of such trustees are (*insert names of trustees*), and the name of the place (*or* places) where the operations of the said Association is to be carried on is (*or* are) (*insert name of place or places where the operations of the said Association are to be carried on.*

Dated the day of

(*Signatures.*)

On the day of A.D. 18 , before me personally appeared (*insert names of subscribers to the certificate*) to me known to be the individuals described in the foregoing certificate and they severally before me signed the said certificate and acknowledged that they signed the same for the purposes therein mentioned.

A. B.,
Justice of the Peace, *or*
Commissioner for taking Affidavits, *or*
Notary Public.

51 V. c. 24, Sched.

CHAPTER 202.

An Act respecting Co-operative Associations.

INCORPORATION, ss. 1-4.
PLACES WHERE BUSINESS MAY BE CARRIED ON, s. 3.
LIMIT OF SHARES, s. 4.
RULES, ss. 5-7.
CAPITAL, s. 8.
SHARES, ss. 9, 19.
LIABILITY OF SHAREHOLDERS, s 11.
ELECTIONS OF TRUSTEES, ss. 12, 13.
OFFICERS TO GIVE SECURITY, s. 14.
ASSOCIATION TO GIVE PUBLICITY TO ITS NAME, s. 15.
BUSINESS TO BE A CASH BUSINESS, s. 16.
Land may be bought on credit, s. 17.
PENALTY FOR MISAPPLICATION OF FUNDS, s. 18.
DISPUTES BETWEEN MEMBERS TO BE SETTLED BY ARBITRATION, s. 19.
ANNUAL RETURN, s. 20.
WINDING UP OF ASSOCIATION, s. 21.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Seven or more persons may associate together for co-operative labour, trade, etc.

1.—(1) Any seven or more persons who desire to associate themselves together for the purpose of carrying on any labour, trade or business, or several labours, trades or businesses, whether wholesale or retail, except the working of mines, minerals or quarries, and except also the business of banking and insurance, and the business of a loan corporation within the meaning of *The Loan Corporations Act*, may make, sign and acknowledge before a Notary Public or Justice of the Peace, in duplicate, and file in the office of the Registrar of the registry division in which the business of the association is intended to be carried on, a certificate in writing in the form set forth in the Schedule to this Act, or to the same effect, together with a copy of the rules agreed upon for the regulation, government and management of the association, signed by such persons respectively.

Rev. Stat. c. 205.

Signatures to rules to be verified.

(2) The signatures to the rules shall be verified by the affidavit of a subscribing witness thereto, made before any Notary Public, Justice of the Peace, or Commissioner authorized to take affidavits in the High Court, or before the Registrar or Deputy Registrar.

Incorporation

(3) Upon the filing of the certificate and rules as aforesaid, [illegible] shall become a body corporate by the name therein described, with power to hold such lands

as are required for the convenient management of their business. R. S. O. 1887, c. 166, s. 1 (1-3); 60 V. c. 38, s. 121, *part.*

Registrar to indorse certificate of filing if required.

2. The Registrar or Deputy Registrar shall, if desired by the person filing the certificate, indorse upon the other duplicate certificate, and upon a duplicate of the rules, certificates of the other duplicates having been filed in his office, with the date of filing, and every such certificate shall be *prima facie* evidence of the facts stated therein and of the incorporation of the association. R. S. O. 1887, c. 166, s. 1 (4).

Places where business may be carried on.

3. Any certificate so to be filed may designate any one or more places where the business is to be carried on, but if in different registry divisions, a duplicate must be filed in the Registrar's office of each division. R. S. O. 1887, c. 166, s. 3.

Identical names not allowed to different associations.

4. No association shall be registered under a name identical with that by which any other existing association has been registered, or so nearly resembling such name as to be likely to deceive the members or the public, and the word "Limited" shall be the last word in the name of any association registered under this Act. R. S. O. 1887, c. 166, s. 2.

Rules to be framed.

5. Before an association commences operations under this Act, they shall agree upon and frame a set of rules for the regulation, government and management of the association; and the rules of every association to be formed under this Act shall contain provisions in respect of the several matters following:

(*a*) Mode of convening general and special meetings, and of altering rules;

(*b*) Provisions for the audit of accounts;

(*c*) Power and mode of withdrawal of members, and provisions for the claims of executors or administrators of members;

(*d*) Mode of application of profits;

(*e*) Appointment of managers and other officers, and their respective powers and remuneration, and provisions for filling vacancies occasioned by death, resignation, and other causes. R. S. O. 1887, c. 166, s. 5.

Rules to be binding on association and the members thereof.

6. The rules of every association registered under this Act shall bind the association and the members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto, and there were in such rules contained a covenant, on the part of himself, his heirs, executors and administrators, with the association to conform to such rules, subject to the provisions of this Act; and all moneys payable by any member to the association, in pursuance of such rules, shall

be deemed to be a debt due from such member to the association. R. S. O. 1887, c. 166, s. 6.

Alteration of rules.

7. Subject to the requirements of section 5 and the provisions of this Act, all rules made by the association may be repealed, altered or amended by other rules passed at any meeting of the association specially called for that purpose; but no new rule shall have any force or effect until a copy thereof, proved by the affidavit of the president or other head officer of the association to be a true copy of the rule passed by the association at a meeting specially called for the purpose of considering the same, has been filed in the registry office in which the certificate of incorporation was filed. R. S. O. 1887, c. 166, s. 1 (5).

Capital.

8. The capital of the association shall be in shares of such denomination as may be mentioned in the rules. R. S. O. 1887, c. 166, s. 7.

Limit of each member's shares.

9. A member of an association incorporated under this Act may have shares therein to an amount mentioned in any by-law of the association, provided the same does not exceed $1,000. R. S. O. 1887, c. 166, s. 4.

Payment and transfer of shares.

10. The shares may be payable by instalments not exceeding twenty per cent. at such times and in such manner as may be mentioned in the rules; but no member shall be entitled to draw more than his proportion of interest on the paid up portion of his shares; and shares shall not be transferable unless the rules provide for their transfer. Members may, from time to time, withdraw upon such terms as may be specified in the rules. R. S. O. 1887, c. 166, s. 8.

Liability of shareholders limited.

11. The liability of the shareholders shall be limited, that is to say: no shareholder in such association shall be in any manner liable for or charged with the payment of any debt or demand due by the association, beyond the amount of his share or shares subscribed for; and any shareholder having fully paid up the amount of his said share or shares shall not be subject to any further liability. R. S. O. 1887, c. 166, s. 19.

Elections.

12. All elections shall be by ballot, and each member shall be entitled to one vote only. R. S. O. 1887, c. 166, s. 9.

Provision in case of failure of any election.

13. In case it happens at any time that an election of trustees is not made on the day designated in the rules of the association, when it ought to have been made, the association shall not for that reason be dissolved, but an election may be held on any other day in such manner as may be provided for in the rules, or at a general meeting of the members, to be specially called for that purpose, due notice being given of such

election as in the rules provided, and all acts of trustees, until their successors are appointed, shall be valid and binding. R. S. O. 1887, c. 166, s. 10.

Officers to give security.

14. Every person appointed to an office touching the receipt, management or expenditure of money, or with the receipt of goods, wares or merchandise for the purposes of the association, shall, before entering upon the duties of his office, give such security as is deemed sufficient by the trustees, which security shall be varied in amount or renewed from time to time, as by the amount of business done, or by other circumstances may, from time to time, in the discretion of the trustees be rendered necessary. R. S. O. 1887, c. 166, s. 11.

Every association to give publicity to its name.

15. Every association registered under this Act shall have painted or affixed, and shall keep painted or affixed, its name on the outside of every office or place in which the business of the association is carried on, in a conspicuous position, in letters easily legible, and shall have its name engraved in legible characters on its seal, and shall have its name mentioned in legible characters in all notices, advertisements and other official publications of the association, and in all cheques and orders for money or goods, purporting to be signed by or on behalf of the association, and in all bills of parcels, invoices, receipts and letters of credit of the association. R.S.O. 1887, c. 166, s. 12.

Business to be for cash only.

16. The business of the association shall be a cash business exclusively; no credit shall be either given or taken, and no officer, member or servant of the association, or any number of them together, shall have power to contract any debt whatever in its name, except in respect of rent of the premises required for the business, the salary of clerks and servants, and such like contracts, necessary in the management of the affairs of the association; everything shall be bought and sold for cash only. R. S. O. 1887, c. 166, s. 13.

Power to purchase land on credit.

17. Notwithstanding the provisions of the preceding section, the association may purchase on credit real estate for the purpose of occupation by the association in carrying on the business thereof, and may give a valid mortgage on any estate so purchased for an unpaid balance of the purchase money, subject to any by-law in that behalf. R. S. O. 1887, c. 166, s. 14.

Officers or persons obtaining improper possession of money, etc., or misapplying the same.

18. If an officer, member or other person, being or representing himself to be a member of the association, or the heirs, executors, or administrators of a member thereof, or any person whatsoever, by false representation or imposition, obtains possession of any moneys, securities, books, papers or other effects of the association, or having the same in his possession, withholds or misapplies the same, or wilfully applies any part of the same to purposes other than those expressed or directed

in the rules of the association, or any part thereof, any Justice of the Peace, acting in the county or city in which the place of business of the association is situated, upon complaint made by any person on behalf of the association, may summon the person against whom such complaint is made to appear at a time and place to be named in the summons, and any two Justices present at the time and place mentioned in the summons shall proceed to hear and determine the said complaint, and if the Justices determine the complaint to be proved against such person, they shall adjudge and order him to deliver up all such money, securities, books, papers, or other effects to the association, or to repay the amount of money applied improperly, and to pay, if they think fit, a further sum of money not exceeding $80, together with costs not exceeding $4; and in default of such delivery of effects, or payment of such amount of money, or payment of such penalty and costs aforesaid, the Justices may order the person so convicted to be imprisoned in the common gaol with or without hard labour for any term not exceeding three months. R. S. O. 1887, c. 166, s. 15.

Penalty.

Disputes to be settled by arbitration.

19. Every dispute between any member or members of an association established under this Act, or any person claiming through or under a member, or under the rules of the association, and the trustees, treasurer or other officer thereof, shall be decided by arbitration in manner directed by the rules of the association, and the decision so made shall be binding and conclusive on all parties without appeal. R. S. O. 1887, c. 166, s. 16.

Annual return to Provincial Secretary.

20. The trustees shall, once in every year, transmit to the Provincial Secretary a general statement of the funds and effects of the association, the number of shareholders therein, and such other information as may be requisite to shew clearly the position of the association, and the business done during the year, which return shall be verified by the affidavit or declaration of the president and manager. R. S. O. 1887, c. 166, s. 17.

Winding up of affairs in case of dissolution.

21. In case of the dissolution of such association, the association shall nevertheless be considered as subsisting, and be in all respects subject to the provisions of this Act, so long and so far as any matters relating to the same remain unsettled, to the intent that the association may do all things necessary to the winding up of the concerns thereof; and may sue and be sued under the provisions of this Act, in respect of all such unsettled matters. R. S. O. 1887, c. 166, s. 18.

SCHEDULE.

(*Section* 1.)

FORM OF CERTIFICATE.

PROVINCE OF ONTARIO, *To Wit:* } We (*insert names of subscribers not less than seven*) do hereby certify that we desire to form an Association pursuant to the provisions of Chapter 202 of The Revised Statutes of Ontario, entitled *An Act respecting Co-operative Associations.*

The corporate name of the Association is to be (*insert name of the Association*), Limited ; and the objects for which the Association is to be formed are (*insert objects for which Association is formed*). The number of shares is to be unlimited, and the capital is to consist of shares of (*insert amount of share*) each, or of such other amount as shall from time to time be determined by the Rules of the Association. The number of the Trustees who shall manage the concerns of the Association shall be (*insert the number of Trustees*), and the names of such Trustees for the first year are (*insert names of such Trustees*), and the name of the place (*or* places) where the operations of the said Association are to be carried on is (*or* are) (*insert name of place or places where the operations of the Association are to be carried on*).

Dated the day of .

(*Signatures.*)

On the day of , A.D. 18 , before me personally appeared (*insert names of subscribers to the certificate*), to me known to be the individuals described in the foregoing certificate, and they severally before me signed the said certificate and acknowledged that they signed the same for the purposes therein mentioned.

[*A. B.*]
Notary Public,
or Justice of the Peace.

R. S. O., 1887, c. 166, *Schedule.*

2. *INSURANCE COMPANIES.*

CHAPTER 203.

An Act respecting Insurance.

SHORT TITLE, s. 1.
INTERPRETATION, s. 2.
INCORPORATION :
(1) Of Joint Stock Insurance Companies, ss. 3-7.
(2) Of Mutual and Cash Mutual Fire Insurance Companies, ss. 8-19.
Share or Stock Capital in Mutual or Cash Mutual Fire Insurance Companies, Conversion of such companies into Joint Stock Companies, ss. 20-29.
(3) Of Friendly Societies, ss. 30-39.
CHANGE OF NAME OR HEAD OFFICE IN PROVINCIAL INSURANCE CORPORATIONS, s. 40.
GOVERNMENT DEPOSITS, ss. 41-52.
LICENSING OF INSURANCE COMPANIES, s. 53.
REGISTRATION OF INSURANCE CORPORATIONS, ss. 54-56.
INSURANCE COMPANY REGISTER :
What Corporations registered thereon, ss. 57-9.
FRIENDLY SOCIETY REGISTER :
What Corporations registered thereon, ss. 60-3.
PROCEEDINGS TO REGISTRY ; DURATION OF REGISTRY, ss. 64-73.
EVIDENCE OF REGISTRY AND OF OTHER MATTERS ; NOTICES UNDER THE ACT, ss. 74-75.
SUSPENSION OR CANCELLATION OF REGISTRY ; APPEALS, ss. 76-84.
UNREGISTERED CORPORATIONS DISQUALIFIED ; ASSESSMENT INSURANCE ; PENALTIES, ss. 85-86.
BOOKS OF REGISTERED CORPORATIONS: Periodical Audit. Investments. Financial Statements, ss. 87-97.
POWERS OF DIRECTORS. (All Provincial Insurance Cos.), ss. 98-105.
MUTUAL AND CASH MUTUAL FIRE INSURANCE COMPANIES :
Their internal management, ss. 106-141 : 1. Admission and withdrawal of Members, ss. 107-111 ; 2. General Meetings, ss. 112-116 ; 3. Directors, qualifications, election, etc., ss. 117-126 ; 4. Premium notes and assessments, ss. 127-141.
GENERAL PROVISIONS RELATING TO CONTRACTS OF INSURANCE, ss. 142-146.
INSURANCE OF THE PERSON :
1. Provisions applicable to all Insurers, ss. 147-161.
2. Provisions applicable to Friendly Societies only, ss. 162-165.
FIRE INSURANCE :
General Provisions, ss. 166-7.
Statutory conditions and provisions relating thereto, ss. 168-173.
INVESTIGATION OF FIRES, CAP. 275.
INSPECTION OF INSURANCE COMPANIES LICENSED BY THE PROVINCE, ss. 174-181.
VOLUNTARY LIQUIDATION OF PROVINCIAL INSURANCE COMPANIES, s. 182.
VOLUNTARY LIQUIDATION OF FRIENDLY SOCIETIES OR FUNDS ; AMALGAMATION OF BRANCHES, OR LODGES, s. 183.
COMPULSORY LIQUIDATION of PROVINCIAL INSURANCE CORPORATIONS, ss. 184-194.
COSTS ; PRIORITIES, s. 195.
FEES PAYABLE UNDER THE ACT, s. 196-198.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as "*The Ontario Insurance Act*." Short title.
60 V. c. 36, s. 1.

2. Where the following words and expressions respectively occur in this Act, or in the Schedules hereto, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:— Interpretation.

1. "Account" shall include travelling expenses or bills of costs. "Account."

2. "Actuarial liabilities" shall mean the liabilities chargeable against an insurance corporation in respect of its insurance contracts prior to their maturity. "Actuarial liabilities."

3. "Actuarial solvency" shall mean the solvency of an insurance corporation when its actuarial liabilities are charged or treated as present liabilities. "Actuarial solvency."

4. "Appeal" shall include every judicial revision or review of a judgment, decision, order, direction, determination, finding or conviction, and shall also include every case stated or reserved, and every removal of proceedings by way of certiorari or otherwise. "Appeal."

5. "Creditor" shall include every person entitled to claim under a matured policy or under a policy having a fixed surrender value; and, in the case of a corporation required by law or departmental regulation to maintain an ascertained or ascertainable reserve to meet its actuarial liabilities under unmatured policies, "creditor" shall also include any person holding or entitled to claim under such an unmatured policy. "Creditor."

6. "Contributory" shall include any person who (either in his own right or as liable for or representing another) is bound to contribute to the assets of a corporation for the payment of its debts. "Contributory."

7. "Due application" shall include such information, evidence and material as the Registrar requires to be furnished; and also the prepayment to the Provincial Treasurer of the fees hereinafter prescribed in respect of any application, certificate or document required or issued by virtue of this Act. "Due application."

8. "Estate" shall include estate and effects. "Estate."

9. "Foreign Jurisdiction" shall include any jurisdiction other than that of Ontario. "Foreign Jurisdiction."

10. "Inspector" shall mean the Inspector of Insurance for the Province. "Inspector."

11. "Minister" shall mean the member of the Executive Council under whose direction this Act is administered. "Minister."

12. "Municipality" shall have the same meaning as in *The Municipal Act*. "Municipality." Rev. Stat. c. 223.

"Province." "Legislature"

13. "Province" and "Legislature" shall mean respectively the Province and Legislature of Ontario.

"Receiver."

14. "Receiver" shall include interim receiver.

"Registered" corporation. "Unregistered."

15. "Registered" corporation or person shall mean a corporation or person duly registered or deemed to be so registered under this Act; and "Unregistered" corporation or person shall include any corporation or person not so registered or not deemed to be so registered for the kind or character of insurance transacted or undertaken, or offered to be undertaken or transacted, whether such corporation or person was never duly registered for that purpose, or, having been so registered, lost such registry through non-renewal, suspension, revocation or cancellation.

"Registry."

16. "Registry" as applied to insurance corporations or organizations shall mean registration in the Insurance Company Register, or in the Friendly Society Register, according as the matter pertains to an insurance company or a friendly society respectively; and "Registry" shall include extension or renewal of registry.

"Registry Officer."

17. "Registry Officer" or "Registrar" or "Insurance Registrar" shall mean the Inspector of Insurance or the Registrar of Friendly Societies, according as the matter pertains to an insurance company or to a friendly society respectively.

"Solvent society."

18. "Solvent," as applied to a friendly society not undertaking endowment insurance or annuities, shall mean a society respecting which it has been made to appear to the Insurance Registrar that the society has no present liabilities apart from actuarial liabilities, or has immediately realizable assets adequate to discharge its present actual liabilities.

"Branch."

19 "Branch" shall mean any number of the members of a corporation under the control of a central body, having (within the intent of the clause numbered 43 of this section) a separate insurance fund administered by themselves, or by a committee of officers appointed by themselves:

(*a*) Provided that, in the corporations mentioned in clauses 2 and 4 of section 60, "branch" shall include the committee or persons having, under the authority of the respective Acts of Canada, the management of the benefit and insurance funds, or gratuity funds respectively.

"Chief Agency."

20 "Chief Agency" shall mean the principal office or place of business in Ontario of an extra-provincial corporation undertaking insurance in Ontario.

"Collector"

21. "Collector" shall include every officer, agent or person receiving pay, however remunerated, who by himself or by any deputy or substitute collects premiums, fees, assessments or other moneys for an insurance corporation.

22. "Company" shall mean and include any corporation, or any society or association, incorporated or unincorporated, or any partnership, or any underwriter that undertakes or effects for valuable consideration, or agrees or offers so to undertake or effect, in the Province, any contract of insurance within the intent of this Act. "Company."

23. "Canadian" company or "Canadian" corporation shall mean a company or body incorporated by the Dominion of Canada and operated under the Act or instrument by virtue of which the company or body became so incorporated. "Canadian" Company or Corporation.

24. "Provincial" company or "Provincial" corporation shall mean a company or body incorporated by the Province and operated under the Act or instrument by virtue of which the company or body became so incorporated. "Provincial" Company or Corporation.

25 "Directors" shall include the board or committee (by whatever name known) having the management of the insurance corporation. "Directors."

26. "Head office" shall mean the place where the chief executive officers of an insurance corporation transact its business. "Head office."

27. "Friendly Society" or "Society," shall include any corporation, society, association, or fraternity, benevolent, mutual, provident, industrial, or co-operative, or the like, which, (not being a corporation within the intent of sections 57 to 59 of this Act or required by law to be licensed for the transaction of insurance,) undertakes or effects for valuable consideration, or agrees or offers so to undertake, or effect, with any person in the Province, any contract of insurance. "Society" or "Friendly Society."

(a) Provided that where the corporation is not organized exclusively for purposes of such contracts, then "society" shall mean only that branch, or department, or division of the corporation which has such contracts in charge; and for purposes of such contracts there shall be kept distinct and separate funds, books, accounts and vouchers. Proviso (*a*).

(b) Provided also, that where two or more lodges or branches (by whatever name known) of a society though separately incorporated, are under the financial or administrative control of a central governing body within the Province, or a duly authorized Provincial representative of the society, then such governing body, if incorporated, or such Provincial representative of the society may, in the discretion of the Registrar, be dealt with as the society for any or all purposes of this Act. Proviso (*b*).

(c) Provided also, that, in the case of a friendly society incorporated elsewhere than in Ontario, the central governing or controlling body within the Province, if incorporated by virtue of the law of the Province Proviso (*c*).

may, in the discretion of the Registrar, be dealt with as the society for any or all purposes of this Act.

"Lodge." 28. The word "Lodge" shall include a primary subordinate division (by whatever name known) of a friendly society.

"Officer." 29. "Officer" shall extend to any trustee, director, manager, treasurer, secretary or member of the board or committee of management of a corporation or to any person appointed by the corporation to sue and be sued in its behalf.

"Rules." 30. "Rules" shall mean and include provisions of the constitution and rules or regulations, or resolutions or by-laws in force for the time being.

"Trade or [illegible]." 31. The expression "trade or labour union or trade or labour [illegible] shall mean and include any combination of wage earners of a particular trade or industrial calling as is primarily constituted and is actually operated *bona fide* for the regulation of the wages and hours of labour as between employers and employed; but shall not include co-operative associations or societies within the meaning of chapter 202 of these Revised Statutes.

"Assessment insurance," or "[illegible] insurance on the assessment system." 32. "Assessment insurance" or "insurance on the assessment system" shall include any contract in which the premium, [illegible] a promissory note within the meaning of the clause numbered 56 of this section, consists of sums uncertain or variable in time, number or amount; and also any contract whereby the benefit is in any manner or degree made dependent upon the collection of sums levied upon persons holding similar contracts, or upon members of the contracting corporation;

Proviso. (*a*) Provided, that any assessment insurance undertaken or transacted under the authority of *The Insurance Act* of Canada, shall be deemed assessment insurance for purposes of this Act.

R. S. C. c. 124.

"[illegible] for value." 33. "[illegible]" shall mean a beneficiary for a valuable consideration other than marriage.

"Benefit." 34. "Benefit" shall include all benefit, bonus and insurance moneys payable by the insurer under the contract; and "[illegible]." "beneficiary" shall include every person entitled to such moneys, and the executors, administrators and assigns of any person so entitled.

"Preferred beneficiaries." "Ordinary beneficiaries." 35. In insurance of the person, the husband, wife, children, [illegible] and mother of the assured shall constitute a class which may be known as "preferred beneficiaries," and all other beneficiaries may be known as "ordinary beneficiaries."

"Legal heirs" or "lawful heirs." 36. In insurance of the person the phrase "legal heirs" or "lawful heirs" shall mean and include all the lawful surviving children of the assured, and also the wife or husband if surviving the assured: or, where the assured died without lawful

surviving children and unmarried, it shall mean those persons entitled to take according to the Statute of Distributions.

37. "Contract" shall mean and include any contract or agreement, sealed written or oral, the subject matter of which is within the intent of the clause numbered 41 of this section. "Contract."

38. "Endowment insurance" shall include any contract of insurance which contains an undertaking to pay an ascertained or ascertainable sum at a fixed future date, provided the assured is then alive. An undertaking to pay such sum on the assured reaching his expectancy or expectation of life shall be deemed to be endowment insurance. "Endowment insurance."

39. "Guarantee insurance" shall include contracts where a corporation, firm or person, not being the grantor, undertakes to insure the validity of title, or not being the debtor undertakes to insure the payment of money due or to become due. "Guarantee insurance."

40. "Inland marine insurance" shall mean marine insurance in respect of subjects of insurance at risk above the harbour of Montreal. "Inland marine insurance."

41. "Insurance" shall include the following, whether the contract be one of primary insurance, or of reinsurance, and whether the premium payable be a sum certain, or consist of sums uncertain or variable in time, number or amount— "Insurance."

(*a*) Insurance against death, sickness, infirmity, casualty, accident, disability, or any change of physical or mental condition;

(*b*) Insurance against financial loss; or against loss of work, employment, practice, custom, wages, rents, profits, income or revenue;

(*c*) Insurance of property against any loss or injury from any cause whatsoever, whether the obligation of the insurer is to indemnify by a money payment, or by restoring or reinstating the property insured;

(*d*) Contracts of endowment, assessment-endowment, tontine, semi-tontine, lifetime benefits, annuities on lives, or contracts of investment involving tontine or survivorship principles for the benefit of persisting members; or any contract of investment involving life contingencies;

(*e*) Any contract made on consideration of a premium and based on the expectancy of life; or any contract made on such consideration and having for its subject the life, safety, health, fidelity or insurable interest of any person, whether the benefit under the contract is primarily payable to the assured or to a donee, grantee or assignee, or to trustees, guardians, or representatives, or to (or in trust for) any beneficiary, or to the assured by way of in-

demnity or insurance against any liability incurred by him by or through the death or injury of any person;

(f) Any investment contract under which lapses or payments made by discontinuing members or investors, accrue to the benefit of persisting members or investors, except where a corporation (other than an insurance corporation) is expressly authorized to undertake such contract by a statute in force in Ontario;

(g) Generally any contract in the nature of any of the foregoing whereby the benefit under the contract accrues payable on or after the occurrence of some contingent event.

"Insurance corporation."

42. "Insurance corporation," or "corporation" simply, shall include any corporation which undertakes, or offers to undertake a contract of insurance within the meaning of the clause numbered 41 of this section, and also includes any continuously existent body which undertakes or offers to undertake such contract, and which, though not actually incorporated, is nevertheless legally entitled to sue and be sued in the name of any officer thereof, or of a public officer.

"Insurance fund" or "insurance funds."

43. "Insurance fund" or "insurance funds" as applied to any friendly society within the meaning of the clause numbered 27 of this section, or as applied to any corporation not incorporated exclusively for the transaction of insurance, shall include all moneys, securities for money, and assets appropriated by the constitution, by-laws or rules of the society to the payment of insurance liabilities or appropriated for the management of the insurance branch or department or division of the society, or otherwise legally available for insurance liabilities.

(a) The expression "insurance fund" or "insurance funds" shall not include any fund or funds of a trade or labour union or organization appropriated to or applicable for the voluntary assistance of wage-earners, unemployed or upon strike.

"The insurer."

44. "The insurer" shall mean the corporation undertaking the contract of insurance or of reinsurance, as the case may be.

"The assured."

45. "The assured" shall mean the person whose property, life, safety, health, fidelity or insurable interest is insured.

"Insurance of the person."

46. "Insurance of the person" shall include insurance against death, sickness, infirmity, casualty, accident, disability, or against any change of physical or mental condition; or any contract of insurance having for its subject the life, health, safety or physical or mental condition of a person.

47. "Maturity" of an insurance contract shall mean the happening of an event, or the expiration of the term at which the benefit under the contract accrues due. "Maturity" of contracts.

48. "Maximum" shall mean the largest sum which, under the contract, the benefit may reach, but may not in any event exceed. "Maximum."

49. "Insurance on the cash plan" shall mean insurance given for a money consideration without premium note. "Insurance on the cash plan."

50. "Cash-mutual company" shall mean a company organized to transact mutual insurance, but empowered to undertake contracts of insurance on both the cash plan and the premium note or mutual plan. "Cash mutual company."

51. "Member" as applied to any mutual or cash-mutual company transacting fire or live-stock insurance shall mean a policy-holder on the premium note plan, but as to those mutual or cash-mutual companies which, in terms of this Act have joint stock capital, "member" shall include, where the context so requires, any holder of one or more shares of such capital. "Member."

52. "Mutual insurance" shall mean, in the case of fire or live stock insurance, insurance given in consideration of a premium note or undertaking with or without an immediate cash payment thereon; and "mutual company" shall mean a company empowered solely to transact such insurance. "Mutual insurance." "Mutual company."

53. "Nominee" when used with reference to annuities on lives shall mean a designated person on whose life another's annuity depends. "Nominee."

54. "Policy" shall include any contract of insurance within the meaning of this Act. "Policy."

55. "Premium" shall include any valuable consideration given or promised for insurance. "Premium."

56. "Premium note" shall mean an instrument given as consideration for fire or live-stock insurance, whereby the maker undertakes to pay such sum or sums as may be legally demanded by the insurer, the aggregate of such sums not to exceed an amount specified in the instrument. "Premium note."

57. "Upon proof" as applied to any matter connected with the registry of a corporation or person, or with the registration of any matter or thing required by this Act to be registered, shall mean upon proof to the satisfaction of the Registrar. "Upon proof."

58. As applied to any instrument, "written" shall mean and include an instrument written or printed, or partly written and partly printed; and "sealed" shall mean an instrument under corporate or other seal. 60 V. c. 36, s. 2. "Written." "Sealed."

INCORPORATION OF JOINT STOCK COMPANIES.

Formation of joint stock company.

3.—(1) The Lieutenant-Governor in Council may, on the written recommendation of the Inspector, approved by the Minister, grant by letters patent under the Great Seal, a charter to any number of persons, not less than five, constituting such persons and others (being shareholders in the joint stock company thereby created) a body corporate and politic for the purpose of undertaking and transacting any kind of insurance for which a joint stock company may be licensed under this Act.

Notice of intended application.

(2) Applicants for incorporation under this section shall immediately prior to the actual application, publish in at least four consecutive issues of the *Ontario Gazette* notice of their intention to apply, and shall if so required publish also elsewhere notice of such intention.

Contents of notice.

(3) The notice required by the next preceding sub-section shall set out the full names and additions of the applicants, and their residences and occupations; shall state the proposed corporate name of the company, the kind of insurance proposed to be transacted, the place where the head office of the company is to be, the amount of capital stock, the number of shares into which the capital is to be divided, and the amount of each share.

Delivery of application and material.

(4) The applicants shall deliver to the Inspector the application for incorporation, together with proof that public notice thereof has been duly given; shall also deliver copies of the proposed by-laws of the corporation and such other material as under this Act is required of a company applying for license, including the Provincial Treasurer's receipts for all necessary fees, and thereupon the Inspector shall make his report to the Minister. 60 V. c. 36, s. 3.

Report of Inspector.

Form of letters patent under section 3.

4. All letters patent issued to applicants for incorporation under section 3 shall be expressed to take effect on and from the day of the date of the initial license issued to the applicant company under this Act; also the incorporation shall be expressed in the letters patent to be for the transaction of such kind or kinds of insurance as may be authorized by the Provincial license from time to time issued to the said company. 60 V. c. 36, s. 4.

Directors.

5.—(1) The affairs of every company incorporated under section 3 shall be managed by a board of not less than five nor more than fifteen directors.

(2) The first five of the persons named in the charter of incorporation shall be directors of the company until replaced by others duly elected or appointed or named in their stead.

(3) The after directors of the company shall be elected by the shareholders in general meeting of the company assembled, at such times, in such wise, and for such term, not exceeding two years, as the by-laws of the company may prescribe. 60 V. c. 36, s. 5.

Capital stock.

6. The capital stock of the company incorporated under section 4 shall be as follows :—

1. If the company undertakes fire, or fire and inland marine, or accident, or life, or life and accident, or guarantee, or suretyship insurance, the capital stock shall be not less than $500,000, with liberty to increase the same to $1,000,000 with the assent of the Lieutenant-Governor in Council; and before applying for license the company shall furnish to the Inspector satisfactory evidence that of the said capital stock at least $300,000 has been subscribed for and taken up *bona fide*, and that $30,000 of the said subscribed stock has been paid into some chartered bank of Canada ;

2. If the company undertakes live-stock insurance, with or without insurance on vehicles, the capital stock shall be at least $300,000, with liberty to increase the same as in the first sub-section to $500,000 of which, as in said sub-section $150,000 shall be shown to have been subscribed, and $15,000 to have been paid into some chartered bank of Canada ;

3. If the company (being other than as in the preceding or following sub-sections) undertakes insurance against any loss of or damage to property by accidental causes, including explosions or by reason of larceny, housebreaking or burglary, the capital stock shall be at least $100,000, with liberty to increase the same as in the first sub-section to $250,000, of which, as in said sub-section, $60,000 shall be shown to have been subscribed, and $11,000 to have been paid into some chartered bank of Canada ;

4. If the company undertakes bicycle or vehicle insurance, or plate glass insurance, the capital stock shall be at the least $25,000, with liberty to increase the same as in the first subsection to $100,000, of which first mentioned sum $12,000 at the least shall be shown to have been subscribed, and $6,000 at the least to have been paid into some chartered bank of Canada. 60 V. c. 36, s. 6.

Corporate power forfeited by non-user, or discontinuance of business ; or suspension or cancellation of license.

7. The corporate powers of any company, whether incorporated under this Act or under any special Act, shall be forfeited by non-user during three years after the date of incorporation ; or if, after a company has undertaken contracts within the intent of this Act, such company discontinues business for one year ; or if its license remains suspended for one year ; or if its license is terminated otherwise than by mere effluxion of time and is not renewed within the period of sixty days ; and thereupon the company's corporate powers

Except for winding up,

which may be limited by judgment or order.

Receiver.

shall *ipso facto* cease and determine, except for the sole purpose of winding up its affairs; and in any action or proceeding where such non-user is alleged, proof of user shall be upon the corporation; and the High Court, upon the petition of the Attorney-General, or of any person interested, may by judgment or order limit the time within which the company shall settle and close its accounts, and may for this specific purpose, or for the purpose of liquidation generally, appoint a receiver. 60 V. c. 36, s. 7.

FORMATION AND INCORPORATION OF MUTUAL AND CASH-MUTUAL FIRE INSURANCE COMPANIES.

Meetings to establish companies, how called.

8. Ten freeholders in any municipality or association of municipalities may call a meeting of the freeholders thereof to consult whether it is expedient to establish therein a fire insurance company upon the mutual or cash-mutual principle. 60 V. c. 36, s. 8.

Advertisement calling such meeting.

9. The meeting shall be called by advertisement, mentioning the time and place and object of the meeting; and the advertisement shall be published once in the *Ontario Gazette*, and for three weeks in one or more of the newspapers published in the county. 60 V. c. 36, s. 9.

Subscription book.

10. If thirty freeholders of the municipality are present at the meeting, and a majority of them determine that it is expedient to establish a mutual or cash-mutual fire insurance company, they may elect three persons from among them to open and keep a subscription book, in which owners of property, movable or immovable, within the Province of Ontario may sign their names, and enter the sum for which they shall respectively bind themselves to effect insurance with the company. 60 V. c. 36, s. 10.

When meeting may be called.

11. Where seventy-five or more persons, being owners of movable or immovable property in the Province of Ontario, have signed their names in the subscription book and bound themselves to effect insurance in the company, which in the aggregate shall amount to $150,000 at least, a meeting shall be called as hereinafter provided. 60 V. c. 36, s. 11.

How meeting to be called.

12.—(1) As soon as convenient after the subscription book has been completed in manner aforesaid, any ten of the subscribers thereto may call the first meeting of the company at such time and place within the municipality as they may determine; such meeting shall be called by sending a printed notice by mail, addressed to every subscriber at his post office address, at least ten days before the day of the meeting, and by advertisement in one or more papers published in the county in which the municipality is situated.

(2) The said notice and advertisement shall contain the object of the meeting, and the time and place at which it is to be held. 60 V. c. 36, s. 12.

Election of directors.

13.—(1) At such meeting (including any necessary or reasonable adjournment of the same) the name and style of the company, including the appellations "fire" and "mutual," shall be adopted, and a secretary *ad interim* appointed, and a board of directors elected as hereinafter provided and the place named at which the head office of the company shall be located.

(2) To constitute a valid meeting for the purposes of sub-section 1, at least twenty-five of the aforesaid subscribers must be present.

(3) In case of a county or township the head office may be in any city, town or village within the boundaries of the county or township or adjacent thereto. 60 V. c. 36, s. 13.

Names of directors to be filed in registry office.

14. Copies of the minutes of the said several meetings, of the resolutions adopting the name or style, and the place of the head office of the company, and of the subscription book and the names of the directors elected shall thereupon be made; and all such documents certified as correct under the hands of the chairman and secretary, shall be filed in the office of the Registrar of Deeds for the registry division wherein the head office of the company is situate. 60 V. c. 36, s. 14.

Thereupon the corporation to be formed.

15.—(1) Upon the filing of said documents, with the certificate, the subscribers above mentioned, and all other persons thereafter effecting insurance in the company, (such subscribers or persons being insured on the premium-note plan), shall become members of the company and shall be a body corporate by and under the name so adopted.

Forfeiture of the corporate powers of the company.

(2) But the corporate powers of the company shall as provided by section 7 be forfeited by non-user or discontinuance of business, or by suspension or cancellation of license, which section shall in all respects apply as well to mutual and cash-mutual companies as to joint stock companies. 60 V. c. 36, s. 15.

Meeting of directors to elect president and officers.

16. As soon as convenient after the meeting mentioned in section 13, the secretary *ad interim* shall call a meeting of the board of directors, for the election of a president and vice-president from amongst themselves, for the appointment of a secretary, treasurer or manager, and the transaction of such other business as may be brought before them. 60 V. c. 36, s. 16.

Copies of resolutions, subscription,

17. After the company has filed in the office of the Registrar of Deeds the documents mentioned in section 14, and before the company shall transact or be entitled to transact any

insurance business, the chairman and secretary shall transmit or deliver like copies (duly certified by them to be true copies and indorsed by the Registrar or Deputy Registrar of Deeds as having been duly filed) to the Inspector of Insurance at his office in Toronto, accompanied by a statement signed by the chairman and secretary, stating the kind and character of the risks intended to be taken by the company, that is to say, whether the business to be transacted is the insurance of farm and isolated buildings and property, or of mercantile, manufacturing and other hazardous and extra hazardous properties, or of both; also whether the company has been organized and incorporated as a mutual or as a cash mutual company. 60 V. c. 36, s. 17.

Books and statements of proposed business to be transmitted to Inspector of Insurance.

Inquiries to be made by Inspector after receiving statement.

Verification of documents, etc.

18. Upon the receipt of such certified copies and of the aforesaid statement by the Inspector, he shall proceed to ascertain whether the proceedings for the incorporation of the company have been taken in accordance with the law in that behalf, and whether the subscriptions are *bona fide*, and by persons possessing property to insure, and whether the proposed name is the same as that of any existing company, or may be easily confounded therewith, and he may require the declaration of any person or persons upon oath to be filed with him, touching any matters concerning which he is called upon to make inquiry. 60 V. c. 36, s. 18.

On report of Inspector Minister may issue license.

19. If, upon examination, the Inspector finds that the said subscriptions have been made in good faith by persons entitled to make the same, and that the proposed name is satisfactory, and that the company has complied with this Act in respect of deposit, and in all other respects, the Minister may thereupon issue a license under his hand and seal setting forth that the company is thereby licensed to transact the kind of business specified in the license, for the term therein also specified, but not exceeding twelve months from the date of issue; but such license may from time to time be renewed as hereinafter provided. 60 V. c. 36, s. 19.

SHARE OR STOCK CAPITAL IN MUTUAL OR CASH-MUTUAL FIRE INSURANCE COMPANIES; CONVERSION OF MUTUAL OR CASH-MUTUAL INTO JOINT STOCK COMPANIES.

Power to raise share capital.

20. Any mutual or cash-mutual fire insurance company, incorporated under this or any former Act, may with the prior assent of the Lieutenant-Governor in Council, raise a share or stock capital of not less than $100,000, and may with the like assent increase the same from time to time to a sum not exceeding $500,000: Provided that the same public notice as that prescribed by section 3 has been given by the company of its intention to raise, or to increase such capital. 60 V. c. 36, s. 20.

21. Every subscriber shall, on allotment of one or more shares to him, become a member of the company; with all incidental rights, privileges and liabilities. 60 V. c. 36, s. 21. Subscribers to become members of company.

22. The shares shall be personal estate, and shall be transferable, but no transfer shall be valid unless made on the books of the company; and, until fully paid up, no share shall be transferable without the consent of the board of directors, nor shall any transfer be valid while any call previously made remains unpaid; and the company shall have a lien on the shares of any shareholder for unpaid calls or other debts due by him to the company, and for any obligation held by the company against him; and after any call, debt or obligation becomes due, the company may, upon one month's notice to the shareholder, his executors or administrators, sell his shares or a sufficient portion thereof to pay the call, debt or obligation, and transfer the shares so sold to the purchaser. 60 V. c. 36, s. 22. Transfer of shares.

23. The company may, also after default made in the payment of any call upon any share for one month, and after notice having been first given as in the next preceding section mentioned, declare the share and all sums previously paid thereon, forfeited to the company, and the company may sell or re-issue forfeited shares on such terms as they think fit for the benefit of the company. 60 V. c. 36, s. 23. Forfeiture of shares.

24. After $100,000 of the stock or share capital has been *bona fide* subscribed, and ten per centum paid thereon into the funds of the company, the company may make insurance for premiums payable wholly in cash; but no insurance on the wholly cash principle shall make the insured a member of the company, or make him liable to contribute or pay any sum to the company, or to its funds, or to any other member thereof, beyond the cash premium agreed upon, or give him any right to participate in the profits or surplus funds of the company; but the company shall not transact any business wholly on the cash principle without first procuring a license from the Minister pursuant to this Act. 60 V. c. 36, s. 24. When company may make insurances for premiums payable wholly in cash.

25. The net annual profits and gains of the company not including therein any premium notes or undertakings shall be applied, in the first place, to pay a dividend on the share capital, not exceeding the rate of ten per centum per annum, and the surplus, if any, shall be applied in the manner provided by the by-laws of the company. 60 V. c. 36, s. 25. Dividends.

26. After the share capital has been subscribed as aforesaid, at least two-thirds of the persons to be elected directors of the company in addition to the qualifications required by section 117 of this Act, shall be holders of shares of the capital stock to the amount of $1,000 upon which all calls have been Qualification of directors.

duly paid; the other one-third of the directors to be elected shall possess at least the qualifications required by section 117. 60 V. c. 36, s. 26.

By-laws.

27. The board of directors of any company which raises a share or stock capital under this Act, may make such by-laws, subject to the provisions of this Act, and not inconsistent with or contrary to law, as may be necessary to carry out the objects and intentions of this Act, and to give effect to the provisions thereof; and may rescind, alter, vary, or add to the same from time to time. 60 V. c. 36, s. 27.

How a mutual company may become a stock company.

28. Any mutual or cash-mutual fire insurance company heretofore incorporated or organized, or which may be hereafter incorporated or organized, under any of the laws of this Province, having surplus assets, aside from premium notes or undertakings, sufficient to re-insure all its outstanding risks, after having given notice once a week for four weeks of their intention, and of the meeting hereinafter provided for, in the *Ontario Gazette* and in a newspaper published in the county where the company is located, with the consent of two-thirds of the members present at any regular annual meeting, and of two-thirds of the subscribers of share or stock capital, or at any special general meeting called for the purpose or with the consent in writing of two-thirds of the members of the company, and the consent also of three-fourths of the directors, and of two-thirds of the subscribers to the share or stock capital, may, as provided in section 3 of this Act, be formed into a joint stock company after application having been made in terms of the said section; and every member of such company, on the day of the said annual or special meeting, or the date of the written consent, shall be entitled to priority in subscribing to the capital stock of the company, for one month after the opening of the books of subscription to the capital stock, in proportion to the amount of insurance held by such members on unexpired risks in force on the day of the annual or special meeting, or the date of the written consent. 60 V. c. 36, s. 28.

New company to be answerable for liabilities of former company.

29. Any company which may be formed under the provision of the last preceding section shall be answerable for all the liabilities of the company from which it has been formed, and may be sued therefor by or under its new corporate name, and the assets, real and personal, of the old company shall pass to and become vested in the new company. 60 V. c. 36, s. 29.

INCORPORATION OF FRIENDLY SOCIETIES.

No corporation created after 10th March, 1890, under R.S.O.,

30.—(1) No company, society, association or organization incorporated after the tenth day of March, 1890, under The Revised Statutes of Ontario, 1887, chapter 172, or hereafter

incorporated under *The Act respecting Benevolent, Provident and other Societies*, shall have authority to undertake or effect for valuable consideration, or to agree or offer so to undertake or effect any contract of insurance within the meaning of section 2 of this Act; and any person who in contravention of this section acts or purports to act for any such corporation in any such contract or offer shall be guilty of an offence punishable as enacted in section 85 of this Act.

1887, c. 172, or under Rev. Stat. c. 211, to undertake insurance.

Penalty.

(2) No company, society, association or organization incorporated under the said chapter, 172, of The Revised Statutes of Ontario, 1887, on or before the tenth day of March, 1890, and not authorized by its original certificate or declaration of incorporation to undertake such contracts as mentioned in the next preceding sub-section shall by virtue of section 19 of the said Revised Statute, or otherwise, have authority to change or extend the purposes of the corporation so as to include the undertaking of such contracts. 60 V. c. 36, s. 30.

Societies created on or before 10th March, 1890, not to change purposes so as to include insurance.

31. If any body duly incorporated to undertake such contracts by virtue of any prior enactment of the Province or to be incorporated by virtue of sections 33 to 38 inclusive of this Act does not go into actual operation within two years after incorporation, or, for two consecutive years does not use its corporate powers for the purposes or for the chief purpose set forth in the declaration or in the application for incorporation, such non-user shall *ipso facto* work a forfeiture of the corporate powers except so far as necessary for winding up the corporation; and in any action or proceeding where such non-user is alleged, proof of user shall lie upon the corporation. 60 V. c. 36, s. 31.

Corporate franchise forfeited by non-user.

32.—(1) If after a reasonable time has been given to the corporation to be heard, it appears to the Lieutenant-Governor in Council that any body incorporated under the sections or enactments referred to in sections 30 and 31 is using its corporate powers for any fraudulent or any unlawful purpose, it shall be lawful for the Lieutenant-Governor in Council to suspend for a limited period, or to revoke the said corporate powers, and on any revocation the corporate powers shall *ipso facto* absolutely cease and determine, except for the sole purpose of winding up the affairs of the corporation; and the High Court upon the petition of the Attorney-General, or of any person interested, may, by judgment or order limit the time within which the corporation shall settle and close its accounts, and may for this specified purpose, or for the purpose of liquidation generally, appoint a receiver.

Unlawful use of corporate powers.

Suspension or revocation of powers.

(2) Notice of any suspension or revocation of corporate powers as aforesaid shall be given in the *Ontario Gazette*, and also elsewhere if the Lieutenant-Governor in Council so determines.

Public notice.

Penalty for undertaking insurance during suspension, or after revocation of powers.

(3) If during the suspension, or after the revocation of its corporate powers, any director, officer, agent, employee, or other person acting or purporting to act in behalf of the body theretofore incorporated, undertakes any contract of insurance within the meaning of this Act, he shall be guilty of an offence punishable as enacted in section 85 of this Act. 60 V. c. 36, s. 32.

Foreign friendly societies; incorporation of Provincial body.

33.—(1) Where a friendly society, registered under this Act has its head office elsewhere than in the Province of Ontario, the Grand or other Provincial body, or the lodges or a majority of the lodges situated in the Province may file with the Insurance Registrar an application or applications for Provincial incorporation, setting forth the facts of the case and the proposed corporate name, and head office, and the purposes and rules of the society; also naming those persons who are to be its first trustees or managing officers, and stating the mode in which their successors are to be elected; also furnishing such other information as the Registrar requires.

Hearing of application and notice.

(2) Upon due application made the Registrar may name a day for the hearing of the application, and such public notice of the hearing shall be given in the *Ontario Gazette* and otherwise as the Registrar directs.

Certificate of incorporation.

(3) If, upon the hearing, it appears to the Registrar that such incorporation ought to be granted, he shall have authority to certify in duplicate, or in as many parts as may be required, under his hand and the seal of his office, that he finds entitled to incorporation under the name and for the purposes specified in the certificate, the persons mentioned therein.

Filing of certificate.

(4) One of the original parts of the certificate shall be filed in the office of the Provincial Registrar, together with such other documents as the Insurance Registrar by his certificate requires to be filed; and from the day of such filing the persons mentioned in the Insurance Registrar's certificate and their associates and successors shall thenceforward be a body corporate and politic, and shall have the powers, rights and immunities vested by law in such bodies.

Registration.

(5) Upon due application the Insurance Registrar shall have authority to admit to registry as a friendly society the body so incorporated. 60 V. c. 36, s. 33.

Incorporation of auxiliary bodies.

34 Where it is in the opinion of the Insurance Registrar necessary or expedient that an auxiliary, or local or subordinate body or branch of a registered society should be separately incorporated, or separately registered, or both, or that two or more societies should be incorporated or registered as one society, the Insurance Registrar may direct the like proceedings to be taken as in the next preceding section enacted, and

the filing of his certificate in the office of the Provincial Registrar shall have the same effect as therein enacted; also upon due application the body so incorporated may be registered 60 V. c. 36, s. 34.

Registration.

35. Any unincorporated lodge or body controlled by a registered society, and operated under the uniform rules prescribed by the said society, and not contrary to law, may through the society, make application to the Insurance Registrar for incorporation; if upon due application it appears to him that incorporation ought to be granted, he may certify the same under his hand and the seal of his office; and the filing of his certificate in the office of the Provincial Registrar shall have the same effect as enacted in section 33. 60 V. c. 36, s. 35.

Incorporation of subordinate lodges.

Superannuation or benefit funds under Rev. Stat. c. 223, or

36.—The officers of any superannuation or benefit fund authorized by sub-sections 9 and 10 of section 591 of *The Municipal Act*, or by sub-section 2 of section 592 thereof, or established by virtue of any prior or amending municipal Act, or by virtue of any Act authorizing the establishment of a benefit fund for policemen or firemen, and the officers of any benefit fund established by virtue of section 48 of *The Act respecting the Law Society of Upper Canada*, or any prior Act consolidated therein, may upon like proceedings taken as enacted in section 33 hereof, become incorporated with the same limitations of corporate powers; and the body so incorporated may, upon due application, be admitted to registry. 60 V. c. 36, s. 36; 60 V. c. 3, s. 3.

Rev. Stat. c. 172.

Unincorporated societies entitled at 10th March, 1890.

37. Where a friendly society has its head office in Ontario, and the society or the lodges of the society were, on the tenth day of March, 1890, and also on the thirty-first day of December, 1892, in actual and active operation, and though the society, being at the first mentioned date entitled to incorporation, did not on or before that date take out incorporation, the Registrar of Friendly Societies, upon proof of the facts, shall have authority to issue a certificate of incorporation as in section 33 hereof enacted, and the filing of such certificate in the office of the Provincial Registrar shall have the same effect as therein provided; upon due application the society so incorporated may be registered. 60 V. c. 36, s. 37.

Incorporation of trade unions and wage-earners' societies.

38.—(1) Upon like proceedings taken as enacted in section 33, incorporation may be granted in either of the two following cases:—

(a) Where any trade or labour union, or trade or labour organization purposes to undertake contracts with its own members exclusively, for any of the insurance benefits enumerated in and permitted by clause 3 of section 62, or contracts to furnish tools

or to pay unemployed or superannuation benefits to the said members.

(b) Where any organization of persons resident in Ontario, consisting of not less than twenty-five members and managed and operated as a friendly society under rules conforming to this Act purposes to contract with its own members exclusively for sick benefits, not exceeding five dollars per week and a funeral benefit of not more than one hundred dollars, or either of such benefits.

Registry of bodies so incorporated.

(2) The body so incorporated may, upon due application, be admitted to registry as a friendly society; but unless and until so registered, the corporation shall not undertake, nor agree or offer to undertake, any contract insuring the said or other insurance benefits. 60 V. c. 36, s. 38.

Merger of prior incorporation.

39. Where any society, association, union, organization or lodge already incorporated under a prior Act of this Province becomes incorporated under this Act, such prior incorporation shall be deemed to have been merged in and superseded by the said later incorporation. 60 V. c. 36, s. 39.

CHANGE OF NAME OR OF HEAD OFFICE.

(All Provincial Insurance Corporations.)

Change of corporate name.

40.—(1) Where an insurance corporation within the legislative authority of this Province is desirous of adopting a name different from that by which it was incorporated, or where in the opinion of the Insurance Registrar the name by which the corporation was incorporated may be easily confounded with that of any other existing corporation, or is otherwise on public grounds objectionable, the Lieutenant-Governor in Council, upon the recommendation of the said Registrar, approved by the Minister, may change the name of the corporation to some other name to be set forth in the Order in Council; but no such change of name shall affect the rights or obligations of the corporation; and all proceedings which might have been continued or commenced by or against the corporation by its former name may be continued or commenced by or against the corporation under its new name.

(2) The head office of a corporation may be changed upon the like procedure.

Public notice.

(3) Of any such change of name or head office, or application for change of name or head office, such public notice shall be given in the *Ontario Gazette* and otherwise as the Registrar directs. 60 V. c. 36, s. 40.

GOVERNMENT DEPOSITS.

41.—(1) Except mutual fire insurance companies licensed only for the insurance of farm buildings and of isolated risks (such risks being other than mercantile and manufacturing risks) every company applying for a Provincial license to transact insurance shall, before the original issue or the renewal of the license, or of registry, lodge with the Minister the initial or the renewal deposits respectively below stated, and the said deposits shall be made in cash or in deposit receipts of chartered banks of Canada, or in the stock or bonds of the Dominion of Canada or of this Province, or in deposit receipts or terminable debentures of any corporation in the obligations of which trustees may under the law of this Province invest trust moneys; Provided that this section in so far as it alters the amount of the deposit required by statutes before the 13th day of April, 1897, in force shall not apply to such companies as have before said date reported to the Department of Insurance, but shall, on and from the said date, apply to all other companies thereafter licensed.

Certain corporations to make deposits in cash or in certain securities.

Application of section.

Initial deposits.

(2) The initial deposit to be made by any corporation liable to make deposit before the original or initial registry shall be the sum appointed for such corporation in sub-section 4 of this section.

Renewal deposits.

(3) Before the annual renewal of registry the amount of deposit required of any such corporation shall on or before the first day of July in each year be re-adjusted in terms of the next following two subsections.

Deposit for contingent liability of $2,000,000 and under.

(4) If on the preceding 31st day of December in any year the corporation's total contingent liability or amount at risk does not exceed $2,000,000:

(a) Every joint stock fire or fire and inland marine insurance company, and every life or life and accident company, and every guarantee and surety company shall keep on deposit with the Minister, if a Provincial or Canadian company, $25,000, and if a foreign company, $50,000.

(b) Every accident company, if Provincial or Canadian, shall keep on deposit with the Minister $20,000, and if a joint stock foreign company, $40,000.

(c) Every Provincial mutual fire, or fire and inland marine company, insuring mercantile and manufacturing risks, shall keep on deposit with the Minister $10,000, and every Provincial cash mutual fire, or cash mutual fire and inland marine company, $10,000.

(d) Every live-stock insurance company shall keep on deposit as aforesaid, if Provincial or Canadian, $10,000, and if foreign joint stock, $25,000.

(e) Every insurance company within the intent of clause 3 of section 6 shall keep on deposit, as aforesaid, if Provincial or Canadian, $10,000, and if foreign joint stock $20,000.

(f) Every insurance company within the intent of clause 4 of section 6 shall keep on deposit as aforesaid, if Provincial or Canadian, $5,000, and if foreign joint stock, $10,000.

(g) Every foreign company doing only the business of reinsuring fire risks undertaken by companies standing registered under this Act shall keep on deposit, as aforesaid, $10,000.

(h) Every non-provincial friendly society within the intent of clause 6 of section 60, shall keep on deposit $5,000.

Additional deposit for each additional million or fraction.

(5) If on the preceding 31st day of December in any year, the corporation's total contingent liability, or the amount of insurance in force (insured or reinsured) exceeds $2,000,000, then for each additional $1,000,000 or fraction thereof, the corporations enumerated in the next preceding subsection shall respectively keep on deposit, with the Minister, by way of additional security, a sum equal to one-fifth of the initial deposit, and the additional deposit shall be either in cash or securities as aforesaid. 60 V. c. 36, s. 41.

Value at which certain securities received.

42.—(1) Securities of the Dominion of Canada, or securities issued by any of the Provinces of Canada, shall be accepted at their market value at the time when they are deposited.

Value at which other securities received.

(2) The other securities above specified shall be accepted at such valuation and on such conditions as the Minister may direct, and the Inspector shall under the name of each company keep a record of the securities deposited on its account, naming in detail the several securities, their par value, and the value at which they are received as deposit.

If market value declines, company to make further deposit.

(3) If the market value of any of the securities which have been deposited by any company declines below the value at which they were deposited, the Minister may, from time to time, call upon the corporation to make a further deposit, so that the market value of all the securities deposited by any company shall be equal to the amount which they are required to deposit by this Act.

Securities, etc., vested in the Minister by virtue of his office to vest also in his successor.

(4) Where any security, obligation or covenant, or any interest in any real or personal estate, effects, or property is given, or transferred to, made with, or vested in the Minister, by virtue of his office, such security, obligation or covenant, and any right of action in respect thereto, and all the estate, right, or interest of the said Minister in respect of such real or personal estate, effects or property upon the death, resignation or removal from office of the Minister from time to time, and

as often as the case happens and the appointment of a successor takes place shall (subject to the same trusts as the same were respectively subject to) vest in the succeeding Minister by virtue of this Act and shall and may be proceeded on by any action or in any other manner or may be assigned, transferred or discharged in the name of such succeeding Minister as the same might have been proceeded on, assigned, transferred or discharged by the Minister to such or in whom they were first given, transferred, made or vested if he had continued to hold office.

Assignment, etc., of securities.

(5) Every such security, obligation, covenant or interest in real or personal estate, effects and property may in like manner as in the last subsection mentioned be proceeded, assigned, transferred or discharged by and in the name of any member of the Executive Council of Canada acting under the authority of section 3 of *The Interpretation of the Executive Council*. Rev. Stat. c. 14.

Application of subsec. 4.

(6) Subsection 4 of this section shall apply to every security, obligation or covenant and every interest in real or personal estate, effects or property given or transferred to, made with, or vested in, any former Minister, by virtue or on account of his office and shall transfer all the interest, rights and estate of the former Minister or the persons Minister, to be vested in him by virtue of his office and subject to the provisions of this Act.

Minister may allow companies to change securities deposited with him.

(7) Where any company desires to substitute other securities within the intent of section 41 for securities deposited with the Minister, the Minister if he thinks fit may permit the substitution to be made. 60 V. c. 36, s. 42.

Voluntary deposits by insurance corporations.

43.—(1) A deposit of any amount not falling below $5,000 may voluntarily be made by any registered friendly society, an insurance company may also voluntarily make a deposit in excess of the amount required by section 41, and such further deposit by the company shall be dealt with as if the same had been part of its original deposit.

Form of deposit: withdrawal.

(2) All such voluntary deposits shall be made in the form prescribed by subsection 4 of section 41 and be part of such voluntary deposits shall be withdrawn except with the sanction of the Minister: Provided the interest upon the securities forming the deposit shall be handed over to the depositing corporation. 60 V. c. 36, s. 43.

Withdrawal of deposit where company licensed by Dominion.

44. A company having made a deposit under this Act shall be entitled to withdraw the deposit with the sanction of the Lieutenant-Governor in Council, whenever it is made to appear to the satisfaction of the Lieutenant-Governor in Council that the company is carrying on its business of insurance under license from the Dominion of Canada. 60 V. c. 36, s. 44.

Any deficiency of security to be made good, or license forfeited.

45. If from the annual statements, or other examination of the affairs and condition of any company, it appears that the re-insurance value of all its risks outstanding in Ontario, together with any other liabilities in Ontario, exceeds its assets in Ontario, (including the deposit in the hands of the Minister), then the company shall be called upon by the Minister to make good the deficiency at once, and on failure so to do its license may be suspended or may be cancelled, and in case of cancellation, if a Provincial corporation, its corporate powers shall thereupon cease and determine, except for the purpose of winding up its affairs as provided in section 7. 60 V. c. 36, s. 45.

As to interest on securities.

46. Except in cases with respect to which it may be otherwise provided by the Lieutenant-Governor in Council, so long as any company's deposit is unimpaired and no notice of any final judgment or order to the contrary is served upon the Minister, the interest upon the securities forming the deposit shall be handed over to the company. 60 V. c. 36, s. 46.

Licenses forfeited by failure to deposit, non-payment of claims and consequent deficiency of security.

47. Where a company fails to make the deposits under this Act at the time required, or where written notice has been served on the Minister of an undisputed claim arising from loss insured against in Ontario remaining unpaid for the space of sixty days after being due, or of a disputed claim after final judgment in a regular course of law and tender of a legal valid discharge being unpaid, so that the amount of securities representing the deposit of the company is liable to be reduced by sale or administration of any portion thereof, the license of the company may be suspended, or may be cancelled; but in case of suspension under this section or section 45, the license may be revived, and the company may again transact business, if within sixty days after notice to the Minister of the company's failure to pay any undisputed claim, or the amount of any final judgment as provided in this section, such undisputed claims or final judgments upon or against the company in Ontario are paid and satisfied, and the company's deposit is no longer liable to be reduced below the amount required by this Act. 60 V. c. 36, s. 47.

Renewal on certain conditions.

Government deposit security for certain contracts only.

48. The securities deposited with the Minister shall be subject to administration only in respect of any contract which falls within the intent of section 2, and which further has for its subject some property in the Province, or property in transit to or from the Province, or the life, safety, health, fidelity, or insurable interest of some resident of the Province, or where the contract itself makes the payment thereunder primarily payable to some resident of the Province. 60 V. c. 36, s. 48.

When a company shall be liable to have deposits administered.

49.—(1) Under an order of the High Court any company shall be liable to have its deposit in the hands of the Minister administered in manner hereinafter mentioned upon the failure of the company to pay any undisputed claim arising under

any contract within the intent of section 48 for the space of sixty days after being due, or, if disputed, after final judgment and tender of a legal valid discharge, and (in either case) after notice thereof to the Minister, and to the Insurance Registrar. In case of such administration, the whole deposit of the company, held by the Minister, shall, after the costs of administration have been provided for, be deemed to be assets for the holders of such contracts, whose rights as among themselves shall be determined as provided for in sub-section 4 of section 191.

Provisions for application of deposits in such case.

(2) In any case where a claim accruing on the occurrence of any event is by the terms of the contract payable on proof of such occurrence, without any stipulated delay, the notice required under this section shall not be given until after the lapse of sixty days from the time when the claim becomes due. 60 V. c. 36, s. 49.

Proviso, if delay was given for the payment of any loss.

50.—(1) Before the application is made to the said Court for the administration of a company's deposit at least ten days' notice in writing of such intended application, setting out the grounds thereof, shall be served on the Minister, and also upon the Insurance Registrar; and the notice shall designate the sitting of the Court to which application is proposed to be made, and shall state the day named for the hearing of the same.

Administration of deposit.

(2) If an order for administration is granted, the company shall be deemed to have thereby become unregistered. In the case of a Provincial company, the winding up of the company shall be deemed to have commenced under section 185 as from the date of the administration order. In the case of a foreign or extra-Provincial company, upon motion of any person interested in the administration or of the Insurance Registrar, the Master in Ordinary shall appoint a competent and otherwise suitable person to be administrator, and in respect of the administration the said Master shall have the like powers and duties as in the case of a receivership under this Act. 60 V. c. 36, s. 50.

Administration proceedings.

51. Where a company has ceased to transact business in Ontario, and has given written notice to that effect to the Minister and to the Insurance Registrar, it shall re-insure all such outstanding contracts as are within the intent of section 48 in some company or companies registered to do business in Ontario, or obtain a discharge of such contracts, and its securities shall not be delivered to the company until such reinsurance is effected to the satisfaction of the Minister. 60 V. c. 36, s. 51.

Duty of company ceasing business.

52. Upon making application for its securities the company shall file with the Insurance Registrar a list of all contracts within section 48 which have not been so re-insured or have

Condition on which deposits may be released.

not been discharged; and it shall at the same time publish in the *Ontario Gazette* a notice that it has applied to the Lieutenant-Governor in Council for the release of its securities on a certain day, not less than three months after the date of the notice, and calling upon all claimants, contingent or actual, opposing the release to file their opposition with the Insurance Registrar on or before the day so named; and after that day, if the Minister is satisfied that the company has ample assets to meet its liabilities under section 48, all the securities may be released to the company by an order of the Lieutenant-Governor in Council, or a sufficient amount of them may be retained to cover the claims filed, and the remainder may be released, and thereafter from time to time as such opposing claims lapse, or proof is adduced that they have been satisfied, further releases may be made on the authority aforesaid. 60 V. c. 36, s. 52.

LICENSING OF INSURANCE COMPANIES.

What corporations shall before registry be licensed by the Province.

53.—(1) All insurance corporations not being the companies within the intent of section 59, and not being friendly societies within the intent of section 60, shall, before becoming entitled to registry, obtain a license from the Minister.

Proceedings to license.

(2) Applicants for license shall file with the Insurance Registrar the documents mentioned in sections 3 and 17, and also the documents hereinafter required of an applicant for registry; and shall before license comply with the provisions of section 41 relating to deposit.

When license shall issue.

(3) As soon as the company applying for license has deposited the securities hereinbefore mentioned, and has otherwise conformed to the requirements of this Act, the Minister may issue the license.

Form of license.

(4) The license shall be in such form as may be from time to time determined by the Minister, and shall specify the business to be carried on by the company; and shall expire on the thirtieth day of June in each year, but shall be renewable from year to year. A record of the licenses and supplementary licenses as they are issued or renewed shall be kept in the office of the Insurance Registrar.

Record of licenses.

Licensees to be entitled to registry.

(5) Licensees under this section shall be entitled to be registered as provided in section 58.

Supplementary licenses.

(6) Where a company desires to extend its business to some other branch of insurance within the intent of this Act, and has complied with the law in respect of additional deposit and otherwise, the Minister may on the report of the Insurance Registrar issue to the company a supplementary license authorizing it to undertake such other branch of business.

Supplementary licenses subject to same provisions as licenses.

(7) The provisions herein enacted as to the continuance, renewal, suspension and cancellation of licenses shall equally apply to supplementary licenses.

(8) Although a company has ceased to transact business in Ontario after the notice by this Act required and its license has in consequence been withdrawn, the company shall nevertheless pay the losses arising from policies not re-insured or surrendered as if the license had not been withdrawn. 60 V. c. 36, s. 53. Notwithstanding withdrawal of license company's liability for losses continues.

REGISTRATION OF INSURANCE CORPORATIONS.

54. No insurance other than as enacted by and for the purposes of *The Land Titles Act*, and other than contracts of guarantee undertaken by a company standing registered under *The Loan Corporations Act*, shall be transacted or undertaken in Ontario except by a corporation duly registered as herein provided. No unregistered corporation to undertake insurance. Rev. Stat. c. 138, c. 205.

Provided that no superannuation or insurance or annuity fund, managed or controlled by the Government of the Dominion of Canada for the benefit of the civil service thereof shall require to be registered. 60 V. c. 36, s 54. Civil service fund of Canada.

55. Two registers shall be opened and kept as follows:— Two registers to be kept.

(1) A register of the corporations enumerated in sections 58 and 59; this register, which may be known as "The Insurance Company Register," shall be kept in the office and under direction of the Inspector of Insurance; Insurance company register.

(2) A register of friendly societies authorized hereunder by certificate of registry to undertake insurance contracts, or contracts in the nature of insurance; this register, which may be known as "The Friendly Society Register," shall be kept in the office and under the direction of the Registrar of Friendly Societies who may be the Inspector of Insurance, or such other person as the Lieutenant-Governor in Council may appoint; and such assistants may, by the same authority, be appointed as from time to time the case requires. The first Registrar of Friendly Societies shall be the Inspector of Insurance. 60 V. c. 36, s. 55. Friendly society register. Proviso.

56.—(1) The duty of determining and distinguishing those corporations which under this Act are required to be registered and are legally entitled to registry, and of granting registry accordingly, shall devolve upon the Insurance Registrar subject to appeal as hereinafter provided. Powers and duties of the Registrar.

(2) For the purposes of his duties under this Act or under any other Act relating to insurance, the Registrar may require to be made, and may take and receive affidavits and depositions, and may examine witnesses upon oath; and the Registrar shall have the same power to summons officers of corporations, receivers and liquidators, and other persons to attend as witnesses, to enforce their attendance, and to compel them to produce books and documents and to give evidence as any Court has in civil cases. 60 V. c. 35, s. 56. Evidence.

INSURANCE COMPANY REGISTER: WHAT CORPORATIONS MAY BE REGISTERED.

Companies standing registered at the passing of this Act.

57. Insurance companies which, at the passing of this Act, stand duly registered as such shall be admissible to registry on the Insurance Company Register. 60 V. c. 36, s. 57.

Insurance licenses of Ontario, how registered.

58.—(1) Insurance licensees of the Province of Ontario shall be entitled on the issue or the renewal of their licenses to be registered, without additional charge, on the Insurance Company Register, and the fact of such registration shall before delivery over of the license, original or renewed, be indorsed thereon.

Suspension or cancellation or non-renewal of Provincial license.

(2) Suspension or cancellation or non-renewal of the license issued under this Act shall, *ipso facto*, and without notice from the Insurance Registrar, operate in the respective cases as suspension or cancellation of registry. 60 V. c. 36, s. 58.

Insurance licensees of Canada, how registered.

59.—(1) Insurance licensees of the Dominion of Canada may, upon due application and upon proof of such license subsisting, be registered on the Insurance Company Register.

Interpretation "licensees."

(2) For purposes of this Act such licensees shall include corporations authorized by any instrument or document issued prior to the 16th day of April, 1895, under or by virtue of section 38 of *The Insurance Act* of Canada, or issued upon the security of a substantial deposit under section 39 of said Act, or issued under other provisions thereof upon such security; and every licensee licensed under or by virtue of *The Insurance Act* of Canada shall be deemed to be a corporation for the purposes of registration under this section.

R. S. C. c. 124.

Policies of corporations licensed under R. S. C. c. 124, s. 39

(3) Where a corporation licensed or authorized under section 39 of *The Insurance Act* of Canada is registered under this Act, every policy and certificate issued and used in Ontario shall conform and be subject to the provisions of the said section; and upon any contravention of the said section the corporation shall be liable to have its registry under this Act suspended or cancelled.

Suspension or cancellation or non-renewal of authorization, etc., under R. S. C. c. 124.

(4) Suspension or cancellation of the authorization of a corporation under *The Insurance Act* of Canada shall, *ipso facto*, and without notice from the Registrar, operate in the respective cases as suspension or cancellation of registry under this Act.

Proviso: revivor of registry.

Provided, that when, after such suspension of authorization under *The Insurance Act* of Canada, the corporation has under the said Act been permitted to revive its authorization, the Registrar may grant a revivor of registry and issue his certificate of the same.

R. S. C. c. 124.

(5) Corporations, companies or insurers within the intent of section 3 (*a*), or section 32 of *The Insurance Act* of Canada,

may, upon due application, be admitted to registry as if licensed under the said Act.

Lloyd's. (6) Upon due application of any underwriter of the establishment or society known as Lloyd's, and more particularly described in an Act passed by the Parliament of the United Kingdom in the thirty-fourth and thirty-fifth years of Her Majesty's reign, and chaptered 21, or upon due application of any such underwriter's broker, or broker's agent, such underwriter, broker or agent may be registered for the undertaking and transaction of marine insurance.

Term of registry. (7) For purposes of the two next preceding sub-sections, the term of annual registry shall commence and end at the respective dates hereinafter prescribed in the case of insurance licensees of the Dominion of Canada. 60 V. c. 36, s. 59.

FRIENDLY SOCIETY REGISTER: WHAT CORPORATIONS MAY BE REGISTERED.

What societies may be registered. **60**. In addition to friendly societies standing duly registered as such at the passing of this Act, the following shall be admissible to registry on the Friendly Society Register:

Societies incorporated under certain sections. 1. Societies from time to time incorporated by virtue of sections 33, 34, 36, 37 and 38 of this Act;

Insurance and benefit societies or funds in connection with sundry corporations. 2. Any corporation not provided for elsewhere herein which has, by virtue of an Act of the Parliament of Canada, an insurance and provident society or association, or an insurance or guarantee fund in connection with the corporation, may upon due application for registry under this Act, be registered on the Friendly Society Register;

Trade union insurance benefit societies. 3. Any lawfully incorporated trade union in Ontario which, under the authority of the incorporating Act, has an insurance or benefit fund for the benefit of its own members exclusively, shall, upon due application for registry hereunder be entitled to be registered on the Friendly Society Register;

Proviso. (*a*) Provided, that where any *bona fide* trade union or labour organization provides by its constitution, by-laws or rules for the assistance, relief or support of its members, the Registrar may, by writing, under his hand and the seal of his office, declare the organization exempt from the operation of this Act; and such certificate shall remain valid until by like writing revoked; and the organization so exempted shall not be subject to any penalty imposed by this Act;

Insurance gratuity fund created by an Act of Canada. 4. Any corporation in Ontario which at the passing of this Act has under authority of an Act of Canada created a fund for paying a gratuity on the happening of death, sickness, infirmity, casualty, accident, disability or any change of physical or mental condition, shall, upon due application for registry hereunder, be entitled to be registered on the Friendly Society Register;

Civil service associations.

5 Any association of the civil servants or employees of the Dominion of Canada, incorporated by virtue of an Act of the Parliament of Canada may, upon due application, be admitted to registry;

Societies incorporated by other Provinces

6. When and so long as any other Province of Canada by virtue of reciprocal law admits to that Province (upon the like terms as in this section specified) friendly societies incorporated by Ontario, the friendly societies of such Province may be admitted to registry upon due application and compliance with section 41 as to deposit:

Provided that no applicant under this clause 6 shall be admissible to registry, initial or renewed,—

(a) Unless the applicant body has for the five years next preceding its application continuously been in actual and active operation as a solvent corporation in that Province of Canada under the law of which it was incorporated; provided also that at the time of its application it is not in a condition of actual or impending insolvency;

(b) If it undertakes insurance, or insurance benefit contracts with persons other than its own members; or

(c) If it insures or indemnifies against contingencies other than sickness, disability, or death; or funeral expenses; or if the sum or sums insured on the life of any one person exceed in all $3,000; or

(d) If it undertakes any endowment insurance, or any endowments whatever; or if it undertakes any annuities whatsoever upon lives; or undertakes investment bond or tontine, or semi-tontine, or marriage aid contracts; or

(e) If the corporation has in good standing upon its books less than five hundred members; or

(f) If the corporation is in effect the property of its officers or collectors, or belongs to any private proprietary; or if the corporation is conducted as a trading or mercantile venture, or for purposes of commercial gain; or if the funds of the corporation are in the control of persons holding office for life, or if the funds are not in the effective control of the persons insured; and

(g) Unless the applicant body (when the application is made after the 30th day of June, 1898) provides for its contracts upon lives to at least the extent of collecting from its members premiums respectively

not less than those set out in Schedule A to this Act, and is collecting in addition to the said premiums such further sum as is reasonably sufficient to provide for the expenses of management.

On proof of the foregoing and on production of the certificate of registry of the proper officer of its own Province—if registry is required by the law of that Province—the society shall be entitled to registry under this Act, and from year to year the society shall show that it is then in good standing under the law of its own Province. 60 V. c. 36, s. 60.

Company guaranteeing its own employees.

61.—(1) Any incorporated company standing registered under this Act, having not less than twenty-five officers, employees or servants, instead of taking private sureties or the bonds of a guarantee company, may, by arrangement with its employees, contract to insure their fidelity by means of a guarantee fund provided as may be agreed out of the salaries or wages of such officers, employees or servants, the whole to be conducted under rules and a form or forms of contract approved in writing by the Insurance Registrar, which may from time to time be amended under his direction or with his assent in writing, and such rules and forms, original and amended, shall from time to time be filed and indexed in the office of the Provincial Registrar.

Admission to registry.

(2) The said company may upon due application be admitted to registry upon the Friendly Society Register, and may from time to time upon due application so made renew its registry, but unless and until so registered, and unless it stands registered, the said company shall not undertake, nor agree or offer to undertake any contract by this section authorized, or within the intent of this Act, and the term of registry shall be as provided under section 69 of this Act.

(3) The fees payable to the Provincial Treasurer in respect of the said registry shall be the same as provided in subdivision 1 of division III. of section 197 of this Act, except that as to the certificate of registry (original or renewed), the fee shall be $10, and as to revivor of registry the fee shall be $10. 60 V. c. 36, s. 61.

Reservations.

62. The following shall not be entitled to register as a friendly society :—

Corporations requiring insurance licenses.

1. Any corporation within the meaning of sections 58 and 59 or licensed or required by law to be licensed for the transaction of business as an insurance corporation ;

Or distributing charity or gratuities only.

2. Any corporation, except as enacted in clause 4 of section 60, having charge of, or managing, or distributing charity, or gratuities, or donations only ;

R. S. O. 1887, c. 172. Rev. Stat. c. 211.

(*a*) Provided, that where before the 11th day of March, 1891, a corporation was incorporated under *The Act*

respecting Benevolent, Provident and other Societies, for the purpose of bestowing gratuities at death or on the happening of sickness, infirmity, casualty, accident, disability, or any change of physical or mental condition, and it is in the opinion of the Registrar desirable that such payments should be made matter of contractual obligation, the corporation may for this purpose amend its constitution or rules as may be directed by the Registrar under his hand and the seal of his office; and if, within the time limited in the Registrar's direction, the corporation files in the office of the Provincial Registrar, the said direction, and a declaration, verified by the oath of its secretary, or other proper officer, setting out the amendments so directed and made in the constitution or rules with the date of the said amendment, then upon proof of such filing the Registrar may admit the corporation to registry as a friendly society;

Societies for charitable purposes only.

(*b*) Provided also, in any case of doubt where the *bona fide* intention of a society is to afford charitable aid or relief, and not to create either any contractual right in the members or any contractual obligation against the society, upon the society making such intention apparent in its rules and publications (by such amendment if necessary, as the Registrar may direct), the Registrar may by writing, under his hand and the seal of his office, declare the organization exempt from the operation of this Act, and such certificate shall remain valid until by like writing revoked, and the society so exempted shall not be subject to any penalty imposed by this Act;

Corporations undertaking other than certain contracts.

3. Any corporation undertaking or offering to undertake insurance other than contracts of insurance made exclusively with its own members against sickness, accident, disability, infirmity, or old age, or for mortuary or funeral benefits, or contracts for the fidelity of officers, servants, or employees of the corporation (including branches or subdivisions thereof), or for a sum or for collective sums not exceeding $3,000 in all, payable at the death of the assured;

Proviso (*a*).

(*a*) Provided, that upon proof of a friendly society duly incorporated, organized and operated under the law of Ontario or of Canada before the eleventh day of March, 1890, that the society was at the said date transacting exclusively with its members endowment insurance in Ontario, *bona fide*, and has so continued up to the date of application for registry, the Registrar shall have authority

to admit the society to registry as a friendly society transacting endowment insurance according to the terms of the certificate of registry ;

(*b*) Provided, also, that contracts entered into before the fourteenth day of April, 1892, shall not hereby be invalidated ; Proviso (*b*).

Or any corporation wherein the insured number less than 25 ; or when the insurance fund is used for trade or commercial or private gain.

4. Any corporation in which the persons insured number less than twenty-five ; or in which the insurance fund is used as a trading or mercantile venture, or for purposes of commercial or private gain ; or any society organized on the lodge system, the insurance funds of which are held other than as trust funds for the members insured by the society. 60 V. c. 36, s. 62.

Control of insurance funds must be in members or their elected representatives.

Rev. Stat., 1887, c. 172 ; 55 V. c. 39.

63.—(1) No friendly society before the 13th day of April, 1897, admitted to registry as being then within the intent of *The Act respecting Benevolent, Provident and other Societies*, and also within the intent of *The Insurance Corporations Act, 1892*, shall be deemed to be managed and operated according to the true intent of the said Acts, unless the persons insured in or by the society exercise, either directly or through representatives elected for a term not exceeding three years, effective control over the insurance funds of the society ; and no corporation whatsoever, wherein the persons, who by virtue of their office have the disposition, control or possession of the insurance funds hold such office for life, shall be eligible for registry as a friendly society under this Act.

Proviso.

(*a*) Provided that, where a corporation otherwise entitled to registry under this Act, is, in the opinion of the Registrar, debarred by reason of some particular clause or clauses in the rules of the corporation, the corporation or the executive board thereof (by whatever name known), may, under the direction of the Registrar, amend its rules in like manner as provided in clause 2 of section 62 of this Act ; and thereupon the Registrar may admit the corporation to registry as a friendly society.

Head offices of Ontario societies.

(2) No society applying for registry or renewal of registry by virtue of its incorporation under any Act of Ontario shall be deemed to be entitled to be registered on the Friendly Society Register unless its head office is situated and maintained in Ontario, and unless the secretary and treasurer are *bona fide* residents of the Province. 60 V. c. 36, s. 63.

PROCEEDINGS TO REGISTER : DURATION OF REGISTRY.

Application for registry.

64.—(1) Application of any insurance corporation for initial registry under this Act, shall be made according to a form to be supplied by the Registrar on request, and the applicant shall deliver to the Registrar at his office the application,

duly completed, together with such evidence as the form by its terms requires, and the applicant shall furnish such further information, material and evidence, or give such public notice of the application as the Registrar directs.

Proviso.

(*a*) Provided that the material required of a friendly society by this subsection shall include duplicate certified copies of the constitution, laws, rules and regulations of the society, and also of Ontario branches thereof, which documents shall be filed with the Registrar, as shall also all amendments thereto made from time to time thereafter.

Extension of time.

(2) On sufficient cause shown and upon payment to the Provincial Treasurer of the fee hereinafter prescribed, the Registrar may by writing under his hand and the seal of his office extend the time for the delivery of an application, or for the prosecution or completion of an application already delivered or tendered. 60 V. c. 36, s. 64.

In certain cases financial statement to accompany application.

65. The applicant corporation not being a corporation within the intent of sections 58 and 59 of this Act, shall further deliver to the Registrar a statement in such form as is required by the said officer of the financial condition and affairs of the corporation on the 31st day of December then next preceding, or up to the usual balancing day of the corporation, if such balancing day is not more than twelve months before the filing of the statement, and such statement showing the corporation to be solvent shall be signed by the president and secretary or other proper officers of the corporation, and shall be verified by their oath. 60 V. c. 36, s. 65.

Power of attorney to receive service of process must accompany applications in certain cases.

66.—(1) Where any corporation applying for initial registry has its head office elsewhere than in Ontario, its application for registry shall be accompanied by a power of attorney from the corporation to an agent resident in Ontario; the power of attorney shall be under the seal of the corporation, and shall be signed by the president and secretary or other proper officers thereof in the presence of a witness, who shall make oath or affirmation as to the due execution thereof; and the official positions in the corporation held by the officers signing such power of attorney shall be sworn to or affirmed by some person cognizant of the facts necessary in that behalf.

Contents of power of attorney.

(2) The power of attorney shall declare at what place in the Province the chief agency of the corporation is or is to be established, and shall expressly authorize such attorney to receive service of process in all actions and proceedings against the corporation in the Province for any liabilities incurred by the corporation therein, and also to receive from the Registrar all notices which the law requires to be given, or which it is thought advisable to give, and shall declare that service of process for or in respect of such liabilities, and receipt of such notices at such office or chief agency, or personally, on or by

such attorney at the place where such chief agency is established, shall be legal and binding on the corporation to all intents and purposes whatsoever.

(3) The power of attorney, duly executed, shall be filed by the Registrar in his office. 60 V. c. 36, s. 66. Filing of power of attorney.

67. Whenever the corporation changes its chief agent or chief agency in the Province, the corporation shall file with the Registrar a power of attorney as hereinbefore mentioned, containing any such change or changes in such respect, and containing a similar declaration as to service of process and notices as hereinbefore mentioned; and every corporation shall at the time of making the summary or annual statement hereinafter provided for, declare that, in its charter, act of incorporation, deed of settlement, or instrument of association, and in its constitution or rules made thereunder, no amendment or change has been made affecting its insurance contracts undertaken or to be undertaken; or if such change made, specifying clearly the change, and that no change has been made in the chief agent or chief agency without in either case such amendment or change having been duly notified to the Registrar. 60 V. c. 36, s. 67. Changes in chief agent or agency or in contracts.

68.—(1) After the power of attorney is filed as aforesaid, any process in any action or proceeding against the corporation for liabilities incurred in the Province may be validly served on the corporation at its chief agency, and all proceedings may be had thereon to judgment and execution in the same manner and with the same force and effect as in the proceedings in a civil action in the Province; Provided that nothing herein contained shall render invalid service in any other mode in which the corporation may be lawfully served. Service of process thereafter.

(2) If the power of attorney becomes invalid or ineffectual from any reason, or if other service cannot be effected, the Court or a Judge may order substitutional service of any process or proceeding to be made by such publication as is deemed requisite to be made in the premises, for at least three weeks, in at least one newspaper, and such publication shall be held to be due service upon the corporation of such process or proceeding. Substitutional service of process.

(3) Where, at or after the 14th day of April, 1892, a friendly society having its head office elsewhere than in Ontario had or has in the charge, possession, custody or power of officers or agents, resident in Ontario, a reserve fund or funds for the security or assistance of members of the society, such fund or funds shall be deemed to be a fund held in trust for members in the jurisdiction of the said officers or agents, and the said officers or agents shall be deemed and shall continue to be trustees of the said fund or funds until other trustees thereof resident in Ontario are appointed by competent authority; Reserve funds held in Ontario.

and such trust fund or funds or as much thereof as from time to time remains unexpended shall be invested as enacted in section 92 of this Act. 60 V. c. 36, s. 68.

Recording registry; entries on register.

69.—(1) On the Insurance Company Register, or on the Friendly Society Register, as the case may be, the Registrar shall cause to be entered the name of every corporation which from time to time he finds legally entitled to registry, together with the date of the commencement of registry; also the term for which, in the absence of suspension, revocation or cancellation, the registry is to endure; which term shall begin as from the date of the said commencement and shall end not later than the 30th day of June then next ensuing, except in the case of the corporations mentioned in section 59 of this Act, and in the case of the said excepted corporations the term of registry shall not exceed twelve months; he shall also cause to be entered the place where the head office and the chief agency, if any, of the corporation are situated, and if there is a chief agency, the name and address of the chief agent; also the kind or character of insurance for which the corporation is registered; also if during the term the registry has been suspended, or revived, or revoked, or cancelled, the date and authority for such suspension, revivor, revocation or cancellation.

Issue of certificates of registry.

(2) To all corporations registered as above, the Registrar shall issue under his hand and the seal of his office a certificate of registry or of renewed registry, as the case may be, setting forth that it has been made to appear to him that the corporation is entitled to registry as an insurance company or friendly society (as the case may be) under this Act, and that the corporation is accordingly registered for the term and for the purposes stated in the certificate. 60 V. c. 36, s. 69.

Duration and renewal of registry in case of certain corporations.

R. S. C. c. 124.

70.—(1) In the case of those corporations mentioned in section 59 of this Act, which receive from time to time a license or other document of authority under *The Insurance Act* of Canada, the corporation shall annually after its first registration hereunder present to the Registrar the then subsisting document of authority, within thirty days after the date thereof, and upon due presentation of the same, and upon payment to the Provincial Treasurer of the fee hereinafter prescribed, may be admitted to registry hereunder, or to renewal of registry, as the case may be, and in default of registry or of renewal of registry within the said thirty days, the corporation shall be deemed to be unregistered.

Proviso.

(*a*) Provided that such presentation may be dispensed with on the Registrar receiving from the proper officer of the Dominion of Canada notice that such license or document of authority has in fact issued to the corporation named in the notice and authorizes the transaction of insurance of the kind and for the term specified in the notice.

(2) The suspension or cancellation or non-renewal of such document of authority issued under *The Insurance Act* of Canada, or issued by any Province of Canada to an insurance corporation standing registered in Ontario, shall in the respective cases operate *ipso facto* as a suspension or cancellation of registry under this Act; but registry so suspended may be revived as provided in this Act. 60 V. c. 36, s. 70. Suspension or cancellation of the document of authority under R.S.C. c. 124.

71. —In the case of all corporations other than those in the section 59 mentioned, any certificate of registry issued under this Act not being an interim or an extended certificate, shall, unless sooner suspended or cancelled, remain valid until the then next ensuing thirtieth day of June inclusive, when, if the corporation has filed the summary statement required by section 91, and the annual statement prescribed in section 96, as the case may be, and also properly certified copies of all amendments to its constitution, laws, rules and regulations made since the next preceding summary or annual statement, and has otherwise complied with the law, the corporation shall be entitled to a certificate of renewed registry, and so on every succeeding thirtieth day of June thereafter. 60 V. c. 36, s. 71 Duration of registry in all other corporations. Renewal of registry.

72.—Upon proof that a corporation has by accident or unavoidable cause been prevented from fully complying with the provisions of this Act within the time herein prescribed, and upon payment to the Provincial Treasurer of the fee hereinafter enacted, the Registrar may by writing under his hand and the seal of his office, grant for a time limited therein an interim certificate of registry, or may by such writing extend for a limited time the duration of a subsisting certificate of registry; but in default in either case of renewal of registry before the expiry of the time so limited the corporation shall be deemed to be unregistered. 60 V. c. 36, s. 72. Interim certificate. Extension of certificate.

73.—No corporation shall be registered under a name identical with that under which any other existing corporation is registered, or so nearly resembling such name as to be likely, nor shall be registered under any other name, likely in the opinion of the Registrar, to deceive the members or the public as to its identity; and no registered corporation shall be registered under a new or a different name except upon proof that such new or different name is authorized by law. 60 V. c. 36, s. 73. Similarity of name; new name.

PROOF OF REGISTRY AND OF OTHER MATTERS: NOTICES UNDER THE ACT.

74.—(1) The Registrar shall cause to be published in the *Ontario Gazette*, in March of each year, a list of the corporations which stand registered at the date of the list; also if, in the interval between two published lists of registered corporations, a new corporation is registered, or the registry of any Evidence of registry; semi-annual list to be published.

corporation is suspended or cancelled, or if a suspended registry is revived, he shall cause notice thereof to be published in the *Ontario Gazette*.

Effect of notice in *Gazette*.

(2) A list or notice published in the *Ontario Gazette* over the name of the Registrar shall, without further proof, be received in any Court and before all Justices of the Peace and others as *prima facie* evidence of the facts set forth in such published list or notice.

Official publications to be evidence.

(3) All copies of returns, reports or other official publications of the Registrar purporting to be printed by the Printer to the Crown, or the Printer to the Legislative Assembly, or to be printed by order of the Legislative Assembly, shall, without further proof, be admitted as evidence of such publication and printing and as true copies of the original documents delivered to be printed and published.

Registrar's seal or signature.

(4) The seal or signature of the Registrar shall be admissible in evidence without proof of its authenticity; or of the official character of the person signing.

Certificate as to facts.

(5) A certificate under the hand of the Registrar and the seal of his office, that on a stated day the corporation or person mentioned therein stood registered, or did not stand registered within the meaning of this Act, or that the registry of any corporation or person was originally granted, or was renewed, or was suspended, or was revived, or was revoked, or was cancelled on a stated day, shall be *prima facie* evidence in any Court or elsewhere of the facts alleged in the certificate.

Commencement and end of certificate.

(6) Every certificate of registry granted under this Act shall specify the first day, and also the last day of the term for which the corporation or person is registered; and the corporation or person so registered shall be deemed to be registered from the commencement of the first day to the end of the last day so specified.

Copies of extracts from office documents.

(7) Copies of or extracts from any book, record, instrument or document in the office of the Registrar certified by him to be true copies or extracts and sealed with the seal of his office, shall be held to be authentic, and shall be *prima facie* evidence of the same legal effect as the original in any Court or elsewhere.

Interpretation

(8) For the purposes of this section, Registrar shall include the Deputy or Assistant Registrar.

Certificates of Assistant Provincial Registrar.

60 V. c. 36.

(9) In the case of any document, by this Act or by any of the Acts repealed by *The Ontario Insurance Act, 1897*, and mentioned in Schedule C thereto, required to be filed in the office of the Provincial Registrar, a certificate of filing shall be *prima facie* evidence of the filing if signed or purporting to be signed by the Deputy or Assistant Provincial Registrar, or by the acting Deputy or Assistant.

(10) The books, accounts and documents of the corporation, and entries in the books of its officers or receiver or liquidator, shall be *prima facie* evidence of the matters to which the entries relate as against the corporation, or any of its branches, or lodges, or as between any of the branches, lodges or their respective members, or as between contributories or alleged contributories. Books, etc., of corporation to be evidence.

(11) All by-laws of the corporation shall be reduced to writing, and shall have affixed thereto the common seal of the corporation, and any copy or extract therefrom, certified under the signature of the presiding officer, secretary or manager, shall be *prima facie* evidence in all civil Courts of Justice in Ontario of such by-laws or extracts from them, and that the same were duly made and are in force; and in any civil action or proceeding it shall not be necessary to give any evidence to prove the seal of the corporation, and documents purporting to be sealed with the seal of the corporation, attested by the presiding officer, secretary or manager thereof, shall be held *prima facie* to have been duly sealed with the seal of the corporation. 60 V. c. 36, s. 74. By-laws and documents of corporation; presumptive regularity.

75. Subject to Statutory condition 23 given in section 168, delivery of any written notice to any insurance corporation for any purpose of this Act, where the mode thereof is not otherwise expressly provided, may be by letter delivered at the chief office of the corporation in Ontario, or by registered post letter addressed to the corporation, its manager, or agent at such chief office, or by such written notice given in any other manner to an authorized agent of the corporation. 60 V. c. 36, s. 75. Notices under the Act.

SUSPENSION OR CANCELLATION OF REGISTRY: APPEALS.

76.—(1) The happening of any of the following events shall *ipso facto*, and, without notice from the Registrar, cancel the registry of the corporation concerned; Certain events to cancel registry.

(a) The repeal or the expiry without renewal of its charter, instrument of association, or deed of settlement, or of its Act or Acts of incorporation; or

(b) The revocation of its corporate powers; or

(c) The cancellation, or the expiry without renewal of license or other document of authority by which the corporation was authorized to exercise its corporate powers for the transaction of insurance; or

(d) The passing of a resolution by the corporation for its winding up; or

(e) The making of an order by any Court for the winding up of the corporation:

and upon proof that any of the said events has happened the Registrar, after notice to the corporation in cases where any dispute is likely to arise, shall cause the proper entry to to be made upon the register.

Certain events to suspend registry.

(2) The happening of any of the following events shall *ipso facto*, and without notice from the Registrar, suspend the registry of the corporation concerned:—

(*a*) The suspension of any of the acts, instruments or documents mentioned in clauses (*a*) or (*c*) of the next preceding subsection; or

(*b*) The suspension of the corporate powers of the corporation;

and upon proof that any of the said events has happened, the Registrar, after notice to the corporation in cases where any dispute is likely to arise, shall cause the proper entry to be made upon the register.

Where event disputed.

(3) Where the happening of any of the events in the two next preceding sub-sections mentioned is disputed by written notice delivered to the Registrar at his office, he shall decide both as to the facts and as to the law, and render his decision in writing, subject however to appeal as in section 78 enacted.

Proviso.

Provided nevertheless that notice of the happening of such event, if published by competent authority in the official *Gazette* of the Province, territory, Dominion, country or State by which the corporation was incorporated, licensed or empowered to transact insurance, or in the *Ontario Gazette*, or an official notice otherwise given by the Province, territory, Dominion, country or State to the Registrar shall be sufficient authority to the Registrar for the entries on the register hereinbefore mentioned.

Notice to be filed on cesser of registry.

(4) When any corporation incorporated by or by virtue of a statute of Ontario ceases to be registered the Registrar shall give a notice of the fact to the Master.

Interpretation "Master."

(5) In this section and subsequent sections "Master" shall mean the Master in Ordinary in the case of a corporation having its head office at Toronto or in the county of York; and in the case of a corporation having its head office in any other county, shall mean the Local Master, or the officer acting as Local Master in such county. 60 V. c. 36, s. 76.

Decision of the Registrar to be in writing, and to be delivered to the corporation.

77.—(1) Where the Registrar decides in any disputed case that a corporation is or is not legally entitled to registry, or to renewal of registry, or where he suspends, revives or cancels the registry of a corporation, the Registrar, except as otherwise herein provided, shall render his decision in writing, and shall cause a copy of his decision certified under the seal of his office to be delivered by registered post or otherwise to the corporation at its head office or chief agency in Ontario.

(2) A certified copy of any such decision of the Registrar may be had on application at his office, and upon payment to the Provincial Treasurer of the fee hereinafter prescribed. Certified copies of decision.

(3) The affidavits and depositions received or taken by the Registrar in any disputed case shall be filed in his office. Affidavits and depositions to be filed.

(4) The evidence and proceedings in any matter before the Registrar may be reported by a stenographic writer who has taken an oath before the Registrar to faithfully report the same. 60 V. c. 36, s. 77. Stenographic report of evidence.

78.—(1) Upon the decision of the Registrar that the corporation is or is not entitled to registry, or upon any suspension, revivor or cancellation of registry by him, an appeal may be had to a Divisional Court of the High Court, the appellant having first given security for costs, in an amount to be determined by the Court or a Judge thereof, or by General Rules, as hereinafter provided for. Two clear days' previous notice of the application to fix the amount of such security shall be given to the Registrar at his office. Appeals from decision of Registrar.

(2) No appeal shall be allowed unless notice thereof in writing is given to the Registrar within one month after the judgment complained of; nor unless, within two months after the judgment complained of, the appellant gives proper security as aforesaid that he will effectually prosecute his appeal and pay such costs and damages as may be awarded in case the judgment appealed from is in whole or in part affirmed. At least ten days' notice of any subsequent proceeding on the appeal shall be given in writing to the Registrar at his office. Appeals from Registrar.

(3) Upon the production of final judgment, on appeal, if any, admitting the corporation to registry, or disallowing registry granted, or reversing the suspension, revivor or cancellation of registry, the Registrar shall cause the proper entry to be made on the register together with a minute of the judgment authorizing such entry, and the Registrar shall thereupon grant a certificate of registry or cancel the registry granted according to the tenor of the judgment. Entries on register.

(4) The Judges of the Supreme Court of Judicature named in section 125 of *The Judicature Act*, may make rules or orders as to the form of appeals under this section and the trying thereof and otherwise relating thereto. 60 V. c. 36, s. 78. Rules as to appeals. Rev. Stat. c. 51.

79.—(1) Upon proof that any registry or certificate of registry has been obtained by fraud or mistake, or that a corporation exists for an illegal purpose, is insolvent or is on the verge of insolvency, or has, in terms of sections 80 and 81, made default of payment, or has wilfully, and after notice from the Registrar, contravened any of the provisions of this Act, or has ceased to exist, the registry of the corporation may Suspension or cancellation of registry for fraud, insolvency, etc.

be suspended or cancelled by the Registrar; but such suspension or cancellation shall be appealable as hereinbefore provided.

Notice of suspension or cancellation of registry to corporation.

(2) On the suspension or cancellation of the registry of any corporation, except as herein otherwise enacted, the Registrar shall, by registered post or otherwise, cause notice thereof in writing under his hand to be delivered to the head office or chief agency of the corporation in Ontario; and from the date of such delivery the corporation shall be deemed to be unregistered, but, in the case of suspension of registry only whilst such suspension lasts; and from and after such delivery the corporation shall withdraw every offer to undertake contracts, and shall absolutely cease to undertake contracts, but without prejudice to any liability actually incurred by such corporation which may be enforced against the same as if such suspension or cancellation had not taken place. 60 V. c. 36, s. 79.

Effect of notice delivered

When claims shall be legally payable.

80. Every lawful claim against an insurance corporation under any contract within the meaning of section 2 shall become legally payable on the expiration of sixty days after reasonably sufficient proof has been furnished to the corporation of the happening of the event on which such claim was by said contract to accrue, and, where property was insured, after like proof of such additional matters as the law requires; and any rules, conditions, or stipulations to the contrary shall as against the assured be void; but the insurance corporation may in its discretion pay the claim at any time before the expiration of the sixty days. 60 V. c. 36, s. 80.

Registry suspended for insolvency.

81.—(1) Any insurance corporation shall be liable to have its registry suspended by the Registrar upon the failure of the corporation to pay an undisputed claim, or an insurance contract for the space of sixty days after being legally payable, or if disputed, after final judgment and tender of a legal valid discharge, and (in either case) after notice supported by affidavit of the corporation's default delivered to the Registrar.

Where corporation resumes payment.

(2) Where the registry of a corporation has been suspended under the preceding sub-section, but the corporation within sixty days after the notice therein provided has fully paid all undisputed claims and final judgments upon or against the corporation, the Registrar, upon proof of the facts, may revive the registry of the corporation and issue his certificate of such revivor.

Continued default for further sixty days.

(3) If within the sixty days mentioned in the next preceding sub-section, the corporation has not fully paid all undisputed claims and final judgments, the Registrar, upon proof of the fact, shall cancel the registry of the corporation.

Where time of default limited by other enactment.

(4) If the enactment under or by virtue of which the corporation was incorporated, or by which the contracts of the corporation are regulated, prescribes payment of undisputed

claims and final judgments within less than sixty days, this section shall not be deemed to extend the time so prescribed for payment, nor to extend the right of the corporation to revivor of registry hereunder beyond the time limited by the said enactment. 60 V. c. 36, s. 81.

Registrar to have access to corporation's books, etc.

82. The Registrar, or any person authorized under his hand and seal, shall have at any time within reasonable business hours of every day, except Sundays and holidays, access to all such books, securities, and documents of a corporation as relate to the corporation's contracts; and any officer or person in charge, possession, custody or control of such books, securities or papers refusing or neglecting to afford such access, shall be guilty of an offence, punishable as for an offence against section 85, and, if registered, the corporation shall be liable to have its registry suspended; and, on continued refusal or neglect to afford such access, shall be liable to have its registry cancelled. 60 V. c. 36, s. 82.

Special audit in case of fraud, illegal acts, or default of audit.

83.—(1) If it is established to the satisfaction of the Registrar that the accounts of any corporation (including therein any body registered under this Act) have been materially and wilfully falsified, or that for eighteen consecutive months there has been no *bona fide* audit of the books and accounts; or if there is filed in the office of the Registrar a requisition for audit bearing the signatures, addresses and occupations of at least twenty-five persons being members of the corporation or claimants or persons entitled to claim or having insurable interest under contracts of the corporation, and such requisition alleges in a sufficiently particular manner to the satisfaction of the Registrar, specific fraudulent or illegal acts, or repudiation of contracts or insolvency, the Registrar may nominate a competent accountant, who shall, under the directions of the Registrar, make a special audit of the books and accounts and report thereupon to the Registrar in writing, verified upon oath.

Credentials of special auditor.

(2) For purposes of this Act a special auditor shall be sufficiently accredited, if he deliver to the secretary or to any officer of such corporation, a written statement under the hand and seal of the Registrar, to the effect that the Registrar has nominated such auditor to audit the books and accounts.

Expense of special audit.

(3) The expense of such special audit shall be borne by such corporation, and the auditor's account therefor, when approved in writing by the Registrar, shall be conclusive and shall be payable by the corporation forthwith.

Proviso.

(4). Where an audit is requested as in subsection 1 mentioned, the persons so requesting it shall, together with their mentioned requisition, deposit with the Registrar proper security for the costs of the audit in a sum not exceeding $200 as he shall determine; and where the facts alleged in the requisition

appear to the Registrar to have been partly or wholly disproved by the audit, he may pay the costs thereof partly or wholly out of the deposit.

What audit includes.

(5) All books, securities, vouchers and documents relating to the contracts or funds of the corporation (or of the registered branch or lodge undertaking contracts) shall be deemed to be included in the audit prescribed by this section.

When corporation resists or obstructs audit

(6) Where any corporation within the meaning of sub-section 1 through any trustee, officer, employee, agent or auditor having in his custody, possession or power, its funds, books or vouchers refuses to have the same duly audited as provided by section 90, and by this section, or obstructs an auditor in the performance of his duties, the Registrar upon proof of the fact may suspend or cancel the registry of such corporation; but such suspension or cancellation shall be appealable as hereinbefore provided.

Untrue entries, etc.

(7) Every trustee, director, officer, manager, agent, collector, auditor or employee of the corporation, or of any branch or lodge whatsoever of the corporation, who knowingly makes or publishes, or assists to make or publish, any wilfully false statement of its financial affairs, or who makes or assists to make any untrue entry in any book of record, entry or account, or who refuses or neglects to make any proper entry therein, or to exhibit the books, vouchers, securities and documents, or to allow the same to be inspected or audited either for the general purposes of the corporation or for the purposes of this Act, and extracts to be taken therefrom, shall be guilty of an offence, and upon summary conviction thereof before any Police Magistrate or Justice of the Peace having jurisdiction where the offence was committed, shall be imprisoned in the Central Prison, or in any gaol of the Province, with or without hard labour, for a period not exceeding twelve months. 60 V. c. 36, s. 83.

Report of special auditor.

84.—(1) If the report made by the special auditor appears to the Registrar to disclose fraudulent or illegal acts on the part of such corporation as mentioned in sub-section 1 of section 83, or a repudiation of its contracts, or insolvency, the Registrar shall notify the corporation accordingly, and furnish it with a copy of the special auditor's report, allowing two weeks for a statement to be filed with the Registrar in reply.

Registrar's decision.

(2) Upon consideration of the special auditor's report and of the statement of such corporation, in reply, and of such further evidence, documentary or oral, as he may require, the Registrar shall render his decision in writing, and may thereby continue, or suspend, or cancel the registry of the corporation; but such decision shall be appealable, as hereinbefore provided.

Evidence may be under oath.

(3) The evidence may be given under oath, which oath the Registrar may administer. 60 V. c. 36, s. 84.

UNREGISTERED CORPORATIONS DISQUALIFIED; ASSESSMENT INSURANCE; PENALTIES.

85.—(1) After the 31st day of December, 1892, no person or persons, or body corporate or unincorporated, other than a corporation standing registered under this Act and persons duly authorized by law and by such registered corporation to act in its behalf, shall undertake or effect, or offer to undertake or effect any contract of insurance. No unregistered corporation to undertake insurance.

(2) If any promoter, organizer, office-bearer, manager, director, officer, collector, agent, employee, or person whatsoever, other than as enacted in the next preceding subsection, undertakes or effects, or agrees or offers to undertake or effect any contract of insurance, he shall be guilty of an offence, and upon summary conviction thereof before any Police Magistrate or Justice of the Peace having jurisdiction where the offence was committed, shall be liable to a penalty not exceeding $200 and costs, and not less than $20 and costs, and in default of payment the offender shall be imprisoned with or without hard labour for a term not exceeding three months and not less than one month; and on a second or any subsequent conviction he shall be imprisoned with hard labour for a term not exceeding twelve months and not less than three months. 60 V. c. 36, s. 85, (1, 2.) Penalty.

(3) Any person who sets up or causes to be set up any sign or inscription containing the name of a corporation, or who distributes or publishes or causes to be distributed or published any proposal, circular, card, advertisement, printed form or like document in the name of the corporation, or who makes, or causes to be made, any written or oral solicitation on the corporation's behalf, or who collects or takes, or causes to be collected or taken, any premium of insurance on the corporation's behalf shall be deemed offer to undertake or effect a contract of insurance within the meaning of this section. 60 V. c. 36, s. 2 (25).

(4) In any trial or cause or proceeding under this Act the burden of proving registry shall be upon the corporation or person charged. Burden of proof.

(5) Every application, contract, or other instrument of such insurance, and every circular, advertisement or publication soliciting insurance issued or used in Ontario for the purposes of assessment insurance shall bear the words "Assessment System" printed or stamped in large type at the head thereof; any contravention of this subsection shall constitute an offence and shall be punishable as for an offence against subsection 2 of this section. Printing of words "Assessment System."

(6) Any one may be prosecutor or complainant under this Act; and one-half of any fine imposed by virtue of this Act Application of fine.

shall, when received, belong to Her Majesty for the use of the Province, and the other half shall belong to the prosecutor or complainant.

Appeal.

(7) Any person convicted under this Act who gives notice of appeal against the decision of the convicting Justice shall be required before being released from custody to give to the Justice satisfactory security for the amount of the penalty, costs of conviction, and appeal, and the appeal shall be to a Divisional Court of the High Court.

Security for costs.

Limitation of prosecutions.

(8) All informations or complaints for the prosecution of offences under this Act shall be laid or made in writing within one year after the commission of the offence. 60 V. c. 36, s. 85.

Offence by corporation to be an offence by officers thereof; continued default to constitute new offence.

86. Every offence committed by a corporation, or by the insurance branch of a corporation against this Act shall be deemed to have been also committed by every officer of the same bound by virtue of his office or otherwise to fulfil any duty whereof such offence is a breach, or if there be no such officer, then by every member of the committee of management of the same, unless such member be proved to have been ignorant of his duty, or to have attempted to prevent the commission of such offence; and every default under this Act constituting an offence shall constitute, if continued, a new offence in every week during which the default continues. 60 V. c. 36, s. 86.

BOOKS: PERIODICAL AUDIT: INVESTMENTS: FINANCIAL STATEMENTS.

(*For special audit see section 83.*)

Corporation to keep such books as may be directed by Registrar.

87. Every registered corporation except the corporations mentioned in sub-sections 1 and 2 of section 59, shall keep such a classification of its contracts, and such register and books of account as may from time to time be directed or authorized by the Registrar; and if it appears at any time to him that such books are not kept in such business-like way as to make at any time a proper showing of the affairs and standing of the corporation, he shall thereupon nominate a competent accountant to proceed, under his directions, to audit such books and to give such instructions as will enable the officers of the corporation to keep them correctly thereafter; the expense of the accountant shall be borne by the corporation to which he is sent, and shall not exceed $5 per day and necessary travelling expenses; and the account for such audit and instructions shall, when approved under the hand of the Registrar, be payable by the corporation forthwith. 60 V. c. 36, s. 87.

Rectification of disordered books.

Transfer register.

88. Where the corporation has a share or stock capital, the books required by section 87 to be kept shall include a stock

register, in which a register of the transfers of stock shall be accurately kept, and it shall at all reasonable times be open to the examination of any shareholder and the Registrar. The entries in such register shall include the following particulars: the register numbers of the shares transferred; the amount of subscribed stock transferred; the amount theretofore paid up on such stock; the names and addresses of the transferor and the transferee; the date of the transfer and the date of confirmation or disallowance by the board. 60 V. c. 36, s. 88.

Separate record for contracts secured by deposit.

89. In the case of insurance companies required to make deposit with the Province there shall be kept a policy register recording separately the contracts for which the said deposit is answerable under section 48. 60 V. c. 36, s. 89.

Annual audit.

90.—(1) It shall be the duty of the officers of every registered insurance corporation to have at least once in every year a *bona fide* and business-like audit of its books of record and account by at least two competent auditors.

Who may be auditors.

(2) In Provincial corporations every auditor shall be a qualified accountant, not holding, nor having, for at least two years prior to his becoming auditor, held any other office or employment under the corporation; and an auditor need not be a member of the corporation.

(3) In Provincial companies the auditors shall be annually chosen, and their remuneration determined by members in general meeting assembled.

Proviso.

(4) The directors or executive officers may for incapacity, misconduct or negligence, on a two-thirds majority, suspend any auditor, such suspension to remain in force until the next general meeting of the corporation.

(5) If any auditorship becomes vacant between the general meetings of the corporation the board of directors or the executive officers may fill the vacancy until the next general meeting. 60 V. c. 36, s. 90.

Summary statement to be furnished to members.

91.—(1) Every Provincial corporation shall furnish to each member annually a summary statement showing as the result of such audit or audits the corporation's actual assets, liabilities, receipts and expenditures, and the state of the insurance fund or funds, and a copy of such summary statement signed and certified by the auditors shall be filed in the office of the Registrar with the statement required by section 96.

Proviso.

(2) A registered friendly society, instead of furnishing such summary statement to each member individually, may deliver to each lodge or local branch, for the information and use of the members thereof, at least ten copies of the summary statement; of which also at least one copy shall be kept posted up in a place accessible and convenient to the members generally, there to remain posted until at least one

month after the posting of the next succeeding statement; also one copy of the said summary statement shall be kept on record and shall be made accessible to the members generally.

Proviso

(3) If the society has an official newspaper or journal, and a copy of the same is sent to each member, publication of the said summary statement therein shall be sufficient. 60 V. c. 36, s. 91.

Permissible investments.

92.—(1) The surplus insurance funds of a Provincial corporation, or branch or lodge thereof shall in the name of the corporation, branch or lodge be invested in securities which are a first charge on land held in fee simple or shall be invested in the public securities of Canada or of any of the Provinces of Canada, or (such securities being in other respects reasonable and proper) in terminating debentures of any municipal corporation, or in the terminating debentures of any society or company incorporated under *The Act Respecting Building Societies*; or in terminating debentures of any society, or company in which, under the law of the Province, trustees may invest trust funds; or shall remain deposited (whether with or without interest) in the name of the corporation in a post office savings bank or in any chartered bank of Canada, or in any building society or loan company in Ontario by any Act of Ontario, or of the Dominion of Canada duly authorized to receive deposits.

Rev. Stat. 1887, c. 169.

Proviso.

(2) Where the constitution or rules of the corporation, branch or lodge prescribe the securities in which the funds of the corporation, branch or lodge shall be invested nothing herein contained shall be deemed to enlarge the power of investment by the said constitution or rules conferred.

Power to hold real estate.

(2) Subject to the by-laws or constitution any corporation standing registered under this Act, or any branch or lodge thereof, may hold absolutely to its own use and benefit such real estate as is necessary for the accommodation of the corporation, branch or lodge in relation to the transaction of its business, and such real estate as (being mortgaged or hypothecated to it,) is acquired by it for the protection of its investments, and may from time to time, sell, mortgage, lease or otherwise dispose of the same; but the corporation, branch or lodge shall sell any real estate acquired in satisfaction of any debt within seven years after it has been so acquired, otherwise it shall be forfeited to Her Majesty for the uses of the Province.

Loans to and from directors, etc., forbidden.

(3) No insurance corporation, or branch or lodge thereof, shall contract with any of its auditors, trustees, directors, or executive officers for any loan or credit, or borrowing of money, and every such attempted loan or borrowing is hereby absolutely prohibited.

(4) Where, in any insurance corporation or branch or lodge thereof, (if organized with branches or lodges), the trustees, directors or managing board (by whatever name known) or the executive or managing committee make such an investment of any of the corporation's money as is not authorized by law, or where the board or committee lend any of the corporation's money, or transfer the beneficial ownership in any of the corporation's property or assets to any member of the board or committee, or to any auditor, trustee, director, or executive officer of the corporation, all the members of the board or committee (as the case may be) who voted in favour of or assented to the said investment or loan or transfer shall as for a breach of trust be personally liable jointly and severally to repay or restore (as may be directed) the money, property or assets so invested or loaned or transferred, together with interest, and also with rests, if the Court so determines. Actions may at any time be brought by any member of the corporation in the name of himself and his fellow-members generally without designating his fellow-members individually; and all trustees, directors or members of the board or committee may be made defendants; and the proof shall be on any such defendant that he did not vote for or assent to the said investment, loan or transfer. If, in the opinion of the Court, the plaintiff has proved the investment or loan or transfer illegal, he shall be entitled to his costs out of the funds of the corporation; and the corporation, or the receiver or estate thereof, shall have the right to recover over against the defendants personally or from such of them as the Court may determine. 60 V. c. 36, s. 92.

Action to recover money illegally invested or loaned.

93. Every officer or other person appointed or elected to any office in anywise concerning the receipt, safe-keeping or proper application of money shall furnish security to the satisfaction of the directors for the just and faithful execution of the duties of his office according to the rules of the corporation, and any person entrusted with the performance of any other service may be required by the directors to furnish similar security, and the securities so furnished and then subsisting shall be produced to the auditors as part of the annual audit hereinbefore prescribed. In the case of Provincial insurance companies the security given by the treasurer or other officer having charge of the money of the company shall in no case be less than $2,000. 60 V. c. 36, s. 93.

Persons in service of corporation to furnish security.

94. All real and personal estate, moneys, property and effects, and all titles, securities, instruments and evidences, and all rights and claims of or belonging to the corporation, branch or lodge shall be vested in the corporation, branch or lodge. The books used by any auditor, officer, collector or agent for verifying or for recording moneys received for the corporation, branch or lodge shall be the property of the corporation, branch or lodge; nor shall the foregoing persons or any solici-

Property, investments, evidence and books of account and record to be the property of the corporation.

tor, counsel or other person whatsoever have in these or in any other of the books of account or record of the corporation any ownership or proprietary right, or any right of lien whatsoever; and any person who in contravention of this section, withdraws, withholds or detains any of the said books from the possession or control of the directors, or executive officers, or from the receiver or liquidator of the corporation, branch or lodge shall be guilty of an offence and the procedure and penalty shall be as in the case of an offence against section 85 of this Act. 60 V. c. 36, s. 94.

Penalty.

After decease or bankruptcy of officer, books, etc., to be delivered to corporation branch or lodge.

95. If a person appointed or elected to an office and being entrusted with and having in his possession books, moneys, securities, documents or other property or effects belonging to the corporation, branch or lodge, or relating thereto, dies, resigns, vacates, or becomes incapacitated by mental or physical debility, or becomes bankrupt or insolvent, his legal representative or other person or persons having them in possession or custody, shall within fifteen days after the decease or the resignation, incapacity or the bankruptcy or insolvency, deliver all such property and effects belonging to the corporation, branch or lodge to such person or persons as the directors or executive officers appoint. 60 V. c. 36, s. 95.

Annual statement to the Registrar.

96.—(1) It shall be the duty of the presiding officer, the secretary and the treasurer of every registered insurance corporation except those mentioned in subsections 1 and 2 of section 59 to prepare and file annually with the Registrar as prescribed by sub-sections (3) and (4) of this section, according to a printed form to be supplied on application, a sworn statement of the financial condition and affairs of the corporation for the purposes of this Act; and any corporation refusing or neglecting to file the statement by this section required, or to make prompt and explicit answer to any inquiries at any time put by the Registrar touching the corporation's contracts or finances shall be liable to suspension or cancellation of registry.

Refusal of information.

Proviso

Provided a friendly society may include in its annual statement to the Registrar a valuation, made by a competent actuary and verified by his oath, of any or all of the contingent liabilities of the society; and the Registrar may in his annual report publish an abstract of such valuation as part of the society's statement.

Who may administer oath under the Act.

(2) The statement required by the preceding sub-section may be sworn to before the Registrar or Assistant Registrar, or any Justice of the Peace, Notary Public or Commissioner for taking affidavits in the High Court, and every such person is hereby authorized to administer any oath required under this Act, for purposes of any document required or permitted to be filed by this Act.

(3) In the case of Provincial licensees registered on the Insurance Company Register the statement mentioned in subsection 1 shall be prepared annually on the first day of January, or within one month thereafter, and shall be filed with the Registrar on or before the first day of February then next ensuing. Statements of Provincial licensees, when to be delivered.

(4) In the case of corporations registered on the Friendly Society Register, the statement mentioned in subsection 1 shall be prepared annually on the first day of January or within one month thereafter, and shall be filed with the Registrar on or before the first day of March then next ensuing. Statements of Friendly Societies, when to be delivered.

(5) Together with the statement mentioned in subsection 1, the corporation shall file with the Registrar a certified copy of the summary statement required by section 91. 60 V. c. 36, s. 96. Copy of summary statement to be filed.

97.—(1) From the statements filed with him as aforesaid, the Registrar shall each year cause to be prepared, printed and distributed a report for the official year ending 31st December, and such report shall include a list of registered insurance corporations brought up to its actual date of publication. Registrar's annual report.

(2) The Registrar shall not in any initial or renewal certificate of registry, or other publication or otherwise vouch for the financial basis, or for the actual or actuarial solvency or standing of any insurance corporation ; nor shall the printing of a corporation's annual statement in the Registrar's report operate or be anywise construed as a warranty of such basis or of such solvency or standing. 60 V. c. 36, s. 97. Official certificate or publication no warranty of solvency.

POWERS OF DIRECTORS—GENERAL PROVISIONS.

(All Provincial Insurance Companies).

98. Sections 99 to 105 inclusive shall apply to all Provincial corporations registered on the Insurance Company Register 60 V. c. 36, s. 98. Application of sections 99-105.

99. The board of directors may from time to time appoint a manager, secretary, treasurer, and such other officers, agents or assistants, as to them seem necessary ; prescribe their duties, fix their compensations or allowances ; take such security from them as is required by this Act for the faithful performance of their respective duties, and remove them and appoint others instead ; the board may also, subject to the provisions of this Act, adopt a table of rates, premiums or premium notes, as the case may be, and vary such table from time to time, and determine the amount of the contract to be undertaken ; they may hold their meetings monthly, or oftener if necessary, for transacting the business of the corporation, and they shall keep a record of their proceedings in a book to be known as the Appointment of Manager and other officers. Board may adopt a tariff of rates

Meetings of the board.

Minute Book of the corporation, wherein shall also be entered the transactions of all general meetings of the corporation. 60 V. c. 36, s. 99.

The board may make by-laws.

100. (1) The board may from time to time make and pre- [illegible] needful and proper [illegible] the property of the company, the duty of [illegible] the officers [illegible] the carrying out of the objects contemplated by this Act, the holding of the annual meeting, and all such other matters as appertain to the business of the company, and are not contrary to law, and may from time to time alter and amend the said by-laws, except in cases with regard to which it is provided that any such by-laws shall not be repealed, or where the repeal would affect the rights of others than the members of the company, in any of which cases such by-law shall not be repealed.

When by-laws effective.

(2) Every by-law of the board shall be duly entered in the minute book, and [illegible] until amended or annulled by the board, or by a general meeting of the members, shall be deemed to be a by-law of the company.

By-laws of board to bind company.

(3) There shall be filed with the Insurance Registrar copies of all by-laws that may from time to time be passed by the company or the board. 60 V. c. 36, s. 100.

The board to manage the property, etc., of the company.

101. The board shall superintend and have the management of the funds and property of the company, and of all matters relating thereto, and not otherwise provided for. 60 V. c. 36, s. 101.

Re-insurance of risks.

102. The board may make arrangements with any other company registered to transact business in the Province for the re-insurance of risks, on such conditions with respect to the payment of premiums thereon as may be agreed between them. 60 V. c. 36, s. 102.

Directors may issue debentures and promissory notes for loans.

103. (1) The board may issue debentures or promissory notes in favour of any person, firm, building society, banking or other company, for the loan of money, and may borrow money therefrom on such debentures or promissory notes for any term not exceeding twelve months, and on such conditions as they think proper, and may renew the same from time to time for any such term, the whole of the assets, including premium notes of the company, being held liable to pay the same at maturity, but no such debenture or promissory note shall be for a less sum than $100.

Assets of company to be liable for the same.

Amount of debentures, etc., limited.

(2) All the debentures and promissory notes at any one time outstanding shall not exceed one-fourth of the amount remaining unpaid upon the same premium notes. 60 V. c. 36, s. 103.

104. The treasurer of the company or other officer having charge of the money of the company shall give security to the satisfaction of the board of directors in a sum of not less than $2,000 for the faithful discharge of his duties. 60 V. c. 36, s. 104. Treasurer of company to give security.

105. At any annual meeting of the members or shareholders of a company, or at any special general meeting thereof, if such purpose was clearly expressed in the notice of the special general meeting, it shall be lawful to enact by-laws or pass resolutions for the remuneration of the directors of the company, and copies of such by laws or resolutions shall, within one week after their passing, be filed with the Insurance Registrar. 60 V. c. 36, s. 105. Remuneration of directors.

MUTUAL AND CASH-MUTUAL FIRE INSURANCE COMPANIES: THEIR INTERNAL MANAGEMENT.

106. Sections 107 to 141 inclusive, shall apply only to mutual and cash-mutual fire insurance companies. 60 V. c. 36, s. 106. Application of secs. 107-141

1. *Admission and withdrawal of members.*

107. The company may insure on the premium note plan any property within the scope of the company's license, and the maker of the premium note shall as from the date of the acceptance of the risk by the company be a member of the company, and shall be entitled to the like rights, and be subject to the like liabilities as other members of the company. 60 V. c. 36, s. 107. Power to insure. Members.

108. In a cash-mutual company the premium note shall, subject to section 111, be liable for claims arising against the company generally. 60 V. c. 36, s. 108. Liability on premium notes.

109. No member of the company shall be liable in respect of any loss or other claim or demand against the company, otherwise than upon and to the extent of the amount unpaid upon his premium note or undertaking. 60 V. c. 36, s. 109. Liability of members

110. Any member of the company may, with the consent of the directors, withdraw therefrom upon such terms as the directors may lawfully require. 60 V. c. 36, s. 110. Members withdrawing.

111. The person insured shall, if insured against fire on the premium note plan, be liable to pay his proportion of the losses, expenses and reserve of the company to the time of cancelling the policy, and on payment of his proportion of all assessments then payable and to become payable in respect of such losses and expenses, and reserve up to such period, shall be entitled to a return of his premium note or undertaking. 60 V. c. 36, s. 111. Cancellation of policies

2. *General Meetings. — (Mutual and Cash-Mutual Fire Insurance Companies.)*

Annual meeting for election of directors

112. A meeting of the members for the election of directors shall be held in every year, within two months after the thirty-first day of December in each year, at such time and place as may be prescribed by the by-laws of the company. 60 V. c. 36, s. 112.

Annual statement.

113. At annual meetings prior to the election of directors the statement mentioned in section 91 for the year ending on the previous thirty-first day of December, shall be presented and read. 60 V. c. 36, s. 113.

Notice of annual or special meetings

114. Notice of any annual or special meeting of the members of the company shall be published in one or more newspapers for at least two weeks previous to the day of the meeting, and the board of directors may convene at any time a general meeting of the company upon any urgent occasion, giving notice thereof as herein provided. 60 V. c. 36, s. 114.

Members to have votes proportionate to the amount of their insurance.

115.—(1) Each member of the company shall be entitled at all meetings of the company, to the number of votes proportioned to the amount of insurance by him held, according to the following scale, that is to say, for any sum under $1,500, one vote; from $1,500 to $3,000, two votes; from $3,000 to $6,000, three votes; and one vote for every additional $3,000; but no member shall be entitled to vote while in arrear for any assessment or instalment or fixed payment due by him to the company.

(2) Where a policy on the premium note plan is made to two or more persons, the person whose name stands first on the register of policy-holders, and no other, shall be entitled to vote. 60 V. c. 36, s. 115.

Right of applicants to vote

116. No applicant for insurance shall be competent to vote or otherwise take part in the company's proceedings until his application has been accepted by the board of directors. 60 V. c. 36, s. 116.

3. *Directors, Qualification, Election, etc. — (Mutual and Cash-Mutual Fire Insurance Companies).*

Qualification of directors

117. The directors shall be members of the company and insured therein, for the time they hold office, to the amount of $800 at least, and, where the company has a share capital, two-thirds of the directors shall have the further qualification mentioned in section 26 of this Act. 60 V. c. 36, s. 117.

118.—(1) The board of directors shall consist of six, nine, twelve or fifteen directors, as shall be determined by resolution passed at the meeting held under section 13, or at an annual meeting of the company, or at a special general meeting called for the purpose of such determination and election. Number of directors to be determined by resolution.

(2) The number of directors constituting such board may from time to time be increased or decreased, if so decided at a special general meeting of the company called for the purpose, or at an annual meeting, if notice in writing of the intention to move a resolution for that purpose at such annual meeting is given to the secretary of the company at least one month before the holding of the meeting; but the increased or decreased number of directors shall in any such case be six, nine, twelve or fifteen as aforesaid. 60 V. c. 36, s. 118.

119. A copy of the resolution specified in the last preceding section, together with a list of the directors elected thereunder, both documents being duly certified under the hands of the chairman and secretary of the annual meeting or special general meeting aforesaid, shall be filed in the office of the Insurance Registrar. 60 V. c. 36, s. 119. Copy of resolution and list of directors to be filed.

120. Of the directors elected, as hereinbefore provided, one-third shall retire annually in rotation, and at the first meeting of the directors, or as soon thereafter as possible, it shall be determined by lot which of them shall hold office for one, two or three years respectively, and the determination shall be entered of record as part of the minutes of the said first meeting. 60 V. c. 36, s. 120. Retirement of directors in rotation.

121. At every annual meeting of the company thereafter, one-third of the total number of directors shall be elected for a period of three years, to fill the places of the retiring members, who shall be eligible for re-election. 60 V. c. 36, s. 121. Annual election to fill vacancies.

122. The manager of the company may be a director of the company, and may be paid an annual salary, under a by-law passed as enacted in section 105. 60 V. c. 36, s. 122. Manager may be a director. His salary.

123. No agent, or paid officer, or the banker of the company, or person in the employment of the company, other than the manager, shall be eligible to be elected as a director, or shall be allowed to interfere in the election of directors for the company; but nothing herein contained shall prevent a director from receiving applications for insurance, or from taking to his own use the customary application, survey, or policy fee, but the said fee shall not exceed $150 for any one application or policy. 60 V. c. 36, s. 123. Certain persons not eligible to be elected directors.

Election of directors

124.—(1) The election of directors shall be held and made by such members of the company as attend for that purpose in their proper persons.

Mode of election.

(2) The election of directors shall be by ballot.

Case of a tie at an election.

(3) If at any such election two or more members have an equal number of votes, in such manner that a less number of persons than the whole number to be elected appear to have been chosen directors by a majority of votes, then the said members of the company shall proceed to elect by ballot, until it is determined which of the persons so having an equal number of votes shall be the director or directors, so as to complete the whole number of directors to be elected, and the directors shall at their first meeting after any such election, proceed to elect by ballot among themselves, a president and vice-president, and at such election the secretary shall preside.

Election of president and vice-president.

Provision in case of failure to elect directors on proper day.

(4) In case an election of directors is not made on the day on which it ought to have been made, the company shall not for that cause be dissolved, but the election may be held on a subsequent day, at a meeting to be called by the directors, or as otherwise provided by the by-laws of the company, and in such case the directors shall continue to hold office until their successors are elected. 60 V. c. 36, s. 124.

Vacancies in office of directors, how filled up.

125. If a vacancy happens among the directors during the term for which they have been elected, by death, resignation, ceasing to have the necessary qualification under section 117 of this Act, insolvency, or by being absent, without previous leave of the board, from the board for three regular meetings in succession (which shall, *ipso facto*, create such vacancy), the vacancy, in the case of a board limited to six directors, shall be filled up, and in the case of a board limited to a number of directors exceeding six, may be filled up, until the next annual meeting, by any person duly qualified, to be nominated by a majority of the remaining directors, and as soon as may be after the vacancy occurs, and at the next annual meeting the vacancy shall be filled for the portion of the term still unexpired. 60 V. c. 36, s. 125.

Quorum of directors.

126.—(1) Three directors shall constitute a quorum for the transaction of business, and in the case of an equality of votes at any meeting of the board, the question shall pass in the negative.

Directors disagreeing may record their dissent.

(2) A director disagreeing with the majority of the board at a meeting, may have his dissent recorded, with his reasons therefor. 60 V. c. 36, s. 126.

4. *Premium Notes and Assessments.* (*Mutual and Cash-Mutual Fire Insurance Companies.*)

Company may accept premium notes.

127.—(1) The company may accept the premium note or the undertaking of the assured for assurance, and may under-

take contracts in consideration thereof, said notes or undertakings to be assessed for the losses, expenses and reserve of the company in the manner hereinafter provided.

Form of premium notes.

(2) Where the premium note or undertaking is made upon a sheet or page which contains other matter, the premium note or undertaking shall be so entitled in conspicuous type, and shall be separated from such other matter by a blank space of at least an inch wide carried across the sheet or page, and if such other matter requires, or is intended to receive the assent of the maker of the premium note or undertaking, such assent shall be evidenced by a signature wholly distinct from the signature to the premium note or undertaking, and any violation of this section shall render the premium note or undertaking absolutely null and void; but the notice required by section 138 of this Act to be embodied in or indorsed upon the premium note shall not be deemed to be "other matter" within the meaning of this sub-section. 60 V. c. 36, s. 127.

Minimum rates.

128. The rate to be charged or taken by way of premium note for insuring first-class isolated non-hazardous property shall not be less than one dollar per one hundred dollars per annum, and the minimum rate of insurance upon other property shall be increased relatively with the increased risk, according to the nature of such property: provided that premium notes of not less that $1 per $100 per annum may be charged or taken when and so long as the gross amount at risk exceeds $2,000,000, and the total assets of the company do not fall below two per centum of the gross amount at risk, or so long as the company keeps on deposit with the Provincial Treasurer the full amount required of new companies licensed after the commencement of this Act. 60 V. c. 36, s. 128.

Part payment may be demanded at the time of application for insurance.

129.—(1) The directors may demand in cash a part or first payment of the premium, or premium note or undertaking at the time that application for insurance is made, and such first payment shall be credited upon said premium note or undertaking or against future assessments, but not more than sixty per centum of any premium or premium note or undertaking shall be paid in cash at the time of such application or of effecting the insurance.

First payment on premium note may be made in annual instalments.

(2) Instead of requiring the whole of the first payment to be made in cash at the time of insuring, the directors may make the said sum payable in annual instalments, the first of which shall be payable on the day of insuring, and the remaining instalments shall be respectively payable on the first day of each subsequent year of the term of insurance. The said annual instalments may be known and described as "the first or second, *or as the case may be*) fixed payment."

Proviso.

Provided that non-payment of any of the fixed payments subsequent to the first shall not forfeit the insurance unless

thirty days' notice of the fixed payment due, or to become due, has been mailed to the person by whom the fixed payment is payable, directed to his post office address as given in his original application, or otherwise in writing to the company. 60 V. c. 36, s. 129.

Assessment on premium note.

130. All premium notes or undertakings belonging to the company shall be assessed under the direction of the board of directors, at such intervals from their respective dates, for such sums as the directors determine, and for such further sums as they think necessary and as are authorized by this Act for losses, expenses, and reserve, during the currency of the policies for which said notes or undertakings were given, and in respect of which they are liable to assessment; and every member of the company, or person who has given a premium note or undertaking shall pay the sums from time to time payable by him to the company during the continuance of his policy in accordance with the assessment, and the assessment shall become payable in thirty days after notice thereof has been mailed to the member, or person who has given the premium note or undertaking, directed to his post office address, as given in his original application, or otherwise in writing to the company. 60 V. c. 36, s. 130.

Notice to be given of the assessment.

Policy to be void, if any assessment or note is not paid within thirty days;

131. If the assessment on the premium note or undertaking upon a policy is not paid within thirty days after notice mailed as in section 130 enacted, the contract of insurance, for which the assessment has been made shall be null and void as respects all claim for losses occurring during the time of non-payment; but the contract shall be revived when the assessment has been paid, unless the secretary gives notice to the contrary to the assessed party in the manner in this Act provided, but nothing herein contained shall relieve the assured from his liability to pay the assessment or any subsequent assessments, nor shall the assured be entitled to recover the amount of loss or damage which happens to property insured under the contract while the assessment remains due and unpaid, unless the board of directors in their discretion decide otherwise. 60 V. c. 36, s. 131.

but shall be revived by subsequent payment.

Requisites of notice of assessment.

132. A notice of assessment upon any premium note or undertaking mailed as aforesaid shall be deemed sufficient if it embodies the register number of the contract, the period over which the assessment extends, the amount of the assessment, the time when and the place where payable. 60 V. c. 36, s. 132.

Assessment, how proportioned.

133 Subject to the provisions of section 128, the assessment upon premium notes or undertakings shall always be in proportion to the amount of the notes or undertakings.

Provided that where any company alters its premium note rate, but still holds in respect of subsisting contracts premium

notes of the prior rate, it shall be lawful for the company, as between the respective premium notes so differing in rate, to make and levy such differential assessments as will in risks of the same amount, and of the same class of hazard, equalize the cost of insurance to the makers of the respective premium notes. 60 V. c. 36, s. 133.

Company may sue for assessments on premium notes.

134. If, for thirty days after notice of assessment mailed as aforesaid, a member or other person who has given a premium note or undertaking refuses or neglects to pay the assessment, the company may sue for and recover the same with costs of suit, and such proceeding shall not be a waiver of any forfeiture incurred by such non-payment. 60 V. c 36, s. 134.

Certificate of the secretary to be *prima facie* evidence of amount due to the company.

135. Where an assessment is made on any premium note or undertaking given to the company for a risk taken by the company, or as a consideration for any policy of insurance issued, or to be issued by the company, and an action is brought to recover the assessment, the certificate of the secretary of the company, specifying the assessment and the amount due to the company on the note or undertaking by means thereof, shall be taken and received as *prima facie* evidence thereof in any Court in this Province. 60 V. c. 36, s. 135.

Reserve fund.

Annual assessment.

How applied.

136.—(1) The company may form a reserve fund, to consist of all moneys which remain on hand at the end of each year, after payment of the ordinary expenses and losses of the company, and for that purpose the board of directors may levy an annual assessment not exceeding ten per centum on the premium notes or undertakings held by the company, and the reserve fund may from time to time be applied by the directors to pay off such liabilities of the company as may not be provided for out of the ordinary receipts for the same or any succeeding year.

How invested.

(2) The reserve fund shall be invested as provided by section 92. 60 V. c. 36, s. 136.

Directors may retain amount of premium notes.

137.—(1) If there is a loss on property insured by the company, the board of directors may retain the amount of the premium note or undertaking given for insurance thereof until the time has expired for which insurance has been made, and at the expiration of said time the insured shall have the right to demand and receive such part of the retained sum as has not been assessed for.

Return of premium note after insurance ended.

(2) On the expiration of forty days after the term of insurance has ended, the premium note or undertaking given for the term shall be absolutely null and void, except as to first payment or fixed payments remaining unpaid, and except as to lawful assessments of which written notice pursuant to sections 130 and 131 has been given to the maker of the premium note or undertaking during the currency of the policy

or within the said period of forty days, and on the expiration of the said period the premium note or undertaking shall, upon application therefor, be given up to the maker thereof, provided all liabilities with which the premium note or undertaking is chargeable as aforesaid have been paid. 60 V. c. 36, s. 137.

Actions in division courts where brought.

138.—(1) Any action cognizable in a Division Court upon or for any premium note or undertaking, or any sum assessed or to be assessed thereon, may be entered and tried and determined in the Court for the division wherein the head office or any agency of the company is situate, where and where only within the body of such note or undertaking, or across the face thereof, there was at the time of the making or entering into the same, printed in conspicuous type, and in ink of a colour different from any other in or on such note, the words following: "Any action which may be brought or commenced in a Division Court in respect or on account of this note or undertaking, or any sum to be assessed thereon, may be brought and commenced against the maker hereof in the Division Court for the division wherein the head office or any agency of the company is situate." 60 V. c. 36, s. 138 (1).

[*For appeal in Division Court actions where the effect of a decision is to render invalid a general assessment by a mutual insurance company, see Cap. 60, Sec. 155.*]

Premium notes not to create lien on land.

139. No premium note or undertaking shall create a lien upon lands on which the insured property is situate. 60 V. c. 36, s. 139.

Powers of incorporated companies to insure on the cash-premium principle.

140. Any cash-mutual fire insurance company registered under this Act may effect any insurance upon the cash-premium principle, for a period not exceeding three years, on farm and other non-hazardous property, and for one year or less on any other class of property, but the amount of cash insurances in one year shall be limited, so that the cash premiums received thereon during any one year shall not be in excess of one-half of the amount still payable in respect of premium notes or undertakings on hand on the thirty-first day of December of the previous year, according to the statement made under section 96, and all the property and assets of the company, including premium notes and undertakings, shall be liable for all losses which may arise under insurances for cash premiums. 60 V. c. 36, s. 140.

Issue of execution against company.

141.—(1) No execution shall issue against a mutual or cash-mutual company upon a judgment until after the expiration of sixty days from the recovery thereof, but this section shall not apply to any judgment recovered on any policy or undertaking of the company issued or given where more

than sixty per centum of the premium, or premium note, or undertaking, was paid in cash at the time of the insurance or the application therefor.

(2) A Judge in Chambers, or the Master in Chambers, shall upon the recovery of a judgment against the company, upon the application of the person in whose favour the same has been recovered, upon notice to the company, inquire into the facts, and if he certifies that more than sixty per centum of the premium note, or undertaking, was paid in cash at the time of the insurance, or upon the application therefor, execution may be forthwith issued upon such judgment. 60 V. c. 36, s. 141.

GENERAL PROVISIONS RELATING TO CONTRACTS OF INSURANCE.

Application of sections 143-146.

142. Sections 143 to 146 inclusive shall apply to contracts of insurance generally. 60 V. c. 36, s. 142.

Contracts to be deemed made in Ontario.

143. Where the subject matter of any insurance contract is property, or an insurable interest within the jurisdiction of Ontario, or is a person domiciled or resident therein, any policy, certificate, interim receipt or renewal receipt, or writing evidencing the contract, shall, if signed, countersigned, issued or delivered over in Ontario, or committed to the post office or to any carrier, messenger or agent, to be delivered or handed over to the assured, his assign or agent in Ontario, be deemed to evidence a contract made therein, and the contract shall be construed according to the law thereof, and all moneys payable under the contract shall be paid at the office of the chief officer or agent in Ontario of the insuring corporation, in lawful money of Canada, and this section shall have effect notwithstanding any agreement, condition or stipulation to the contrary. 60 V. c. 36, s. 143.

Terms, etc., of contracts invalid unless set out in full.

144.—(1) Where any insurance contract made by any corporation whatsoever, within the intent of section 2 of this Act is evidenced by a sealed or written instrument, all the terms and conditions of the contract shall be set out by the corporation in full on the face or back of the instrument forming or evidencing the contract, and unless so set out, no term of, or condition, stipulation, warranty or proviso, modifying or impairing the effect of any such contract made or renewed after the commencement of this Act shall be good and valid, or admissable in evidence to the prejudice of the assured or beneficiary.

(*a*) Nothing herein contained shall exclude the proposal or application of the assured from being considered with the contract, and the Court shall determine how far the insurer was induced to enter into the contract by any material misrepresentation contained in the said application or proposal.

Proviso.

(*b*) A registered friendly society may instead of setting out the complete contract in the certificate or other instru-

ment of contract, indicate therein by particular references those articles or provisions of the constitution, by-laws or rules which contain all the material terms of the contract not in the instrument of contract itself set out, and the society shall, at or prior to the delivery over of such instrument of contract, deliver also to the assured a copy of the constitution, by-laws and rules therein referred to.

Contract not to be invalidated by erroneous statement in application unless material.

(2) No contract of insurance made or renewed after the commencement of this Act shall contain, or have indorsed upon it, or be made subject to any term, condition, stipulation, warranty or proviso, providing that such contract shall be avoided by reason of any statement in the application therefor, or inducing the entering into of the contract by the corporation, unless such term, condition, stipulation, warranty or proviso is limited to cases in which such statement is material to the contract, and no contract within the intent of section 2 of this Act, shall be avoided by reason of the inaccuracy of any such statement, unless it be material to the contract.

Materiality, how decided.

(3) The question of materiality in any contract of insurance whatsoever shall be a question of fact for the jury, or for the Court if there be no jury; and no admission, term, condition, stipulation, warranty or proviso to the contrary, contained in the application or proposal for insurance, or in the instrument of contract, or in any agreement or document relating thereto shall have any force or validity.

Proviso.

(4) Nothing in sub-sections 1, 2 and 3 of this section contained shall be deemed to impair the effect of the provisions contained in sections 168 to 173 inclusive, or the effect of the provisions contained in section 55 of *The Act respecting the Insurance of Live Stock.* 60 V. c. 136, s. 144.

Rev. Stat. c. 204.

Insurer's right of entry after loss.

145.—(1) After any loss or damage to insured property the insurer has, by a duly accredited agent an immediate right of entry and access sufficient to survey and examine the property, and make an estimate of the loss or damage, but the insurer is not entitled to the disposition, control, occupation, or possession of the insured property, or of the remains or salvage thereof, unless the insurer undertakes reinstatement, or accepts abandonment of the property.

Duty of assured after loss.

(2) After loss or damage to insured property, it shall be the duty of the assured when, and as soon as practicable, to secure the insured property from damage, or from further damage, and to separate as far as reasonably may be, the damaged from the undamaged property, and to notify the insurer when such separation has been made, and thereupon the insurer shall be entitled to entry and access sufficient to make an appraisement or particular estimate of the loss or damage.

Proviso.

(3) At any time after the loss or damage the insurer and the assured may under a term of the contract of insurance or by special agreement make a joint survey, exam-

ination, estimate, or appraisement of the loss or damage, in which case the insurer shall be deemed to have waived all right to make a separate survey, examination, estimate or appraisement thereof. 60 V. c. 36, s. 145.

Consolidation of actions for insurance money.

146.—(1) In case of several actions being brought for insurance money, the Court shall consolidate or otherwise deal therewith so that there shall be but one action for and in respect of the shares of all the persons entitled under a policy.

Where infants are entitled to insurance money.

(2) If an action is brought for the share of one or more infants entitled, all the other infants entitled, or the trustees, executors, or guardians entitled to receive payments of the shares of such other infants, shall be made parties to the action, and the rights of all the infants shall be dealt with and determined in one action. The persons entitled to receive the shares of the infants may join with any adult persons claiming shares in the policy. In all actions where several persons are interested in the money, the Court or Judge shall apportion among the parties entitled any sum directed to be paid, and shall give all necessary directions and relief.

Action for annuity or recurring payment.

(3) In any action commenced in a Division or County Court for any insurance or benefit alleged to be payable to the assured or any beneficiary, assignee, representative or guardian, when the insurance or benefit claimed is in the nature of an annuity, or other periodical or recurring payment, so that the present or capitalized value of the insurance or benefit amounts or may amount to a sum beyond the jurisdiction of the Court in which the action is brought, the defendant may file with the Registrar or Local Registrar of the High Court an affidavit setting out such facts, and thereafter upon the application of the defendant the action shall be removable into the High Court of Justice. 60 V. c. 36, s. 146.

INSURANCE OF THE PERSON.

1. *General provisions applicable to all Insurers.*

Application of secs. 148 to 165.

147. Sections 148 to 165, inclusive, shall apply to insurance of the person within the meaning of clause 46 of section 2. 60 V. c. 36, s. 147.

Days of grace for payment of premiums.

148.—(1) In any insurance of the person, where the money payable by way of premiums, dues or assessments (not being the initial premiums, dues or assessments), under any contract whatsoever, is unpaid, any of the persons hereinafter mentioned may within thirty days from and including the first day on which the money is due, by registered letter or otherwise, pay, deliver or tender to the company at its head office or at its chief agency in Ontario, or to the company's collector or authorized agent, the sum in default. On payment, delivery or tender as aforesaid by the assured, or by any of the bene-

ficiaries under the contract, the contract shall be deemed to have been *ipso facto* revived or renewed, and any stipulation or agreement to the contrary shall, as against the assured or his beneficiaries, be utterly void, the thirty days hereinbefore mentioned shall run concurrently with the period of grace or credit (if any) allowed by the insurer for the payment of a premium or of an instalment of premium, and nothing herein contained shall be deemed to extend the period of grace or credit beyond the total of thirty days. This sub-section shall not be deemed to extend the time allowed for the payment of contributions or assessments by section 165 of this Act.

Limitation of actions.

(2) Notwithstanding any stipulation or agreement to the contrary, any action or proceeding against the insurer for the recovery of any claim under or by virtue of a contract of insurance of the person may be commenced at any time within the term of one year next after the happening of the event insured against or within the further term of six months, by leave of a Judge of the High Court, or the Master in Chambers upon its being shown to his satisfaction that there was a reasonable excuse for not commencing the action or proceeding within the first mentioned term. 60 V. c. 36, s. 148.

Error in age not to avoid contract, but benefit to abate.

149.—(1) Where the age of a person is material to any contract and such age is given erroneously in any statement or warranty made for the purposes of the contract, such contract shall not be avoided by reason only of the age being other than as stated or warranted, if it appears that such statement or warranty was made in good faith and without any intention to deceive, but the person entitled to recover on such contract shall not be entitled to recover more than an amount which bears the same ratio to the sum that such person would otherwise be entitled to recover as the premium proper to the stated age of such person bears to the premium proper to the actual age of such person, the said stated age and the actual age being both taken as at the date of the contract.

Proviso.

Provided that in no case shall the amount receivable exceed the amount stated or indicated in the contract.

Proviso.

Provided, also, that where the application for and contract of insurance expressly limit the insurable age, and where the actual age of the applicant for insurance at the date of his application exceeds the age so limited, the contract shall, during the lifetime of the assured and not later than five years from the date of the contract, be voidable at the discretion of the insurer within thirty days after the error in age comes to the knowledge of the insurer.

"Premiums."

(2) For the purposes of the next preceding sub-section the word "premium" shall mean the net annual premium as shown in or deduced from the H.M. Tables of the Institute of Actuaries of Great Britain, the rate of interest being taken at $4\frac{1}{2}$ per cent per annum.

(3) If the error in age includes a fractional part of a year exceeding a half year, such fractional part shall be computed as a whole year, but if the fractional part does not exceed a half year it shall be wholly disregarded in the computation. Fractional part of a year.

(4) When by the terms and for the purposes of the contract, the age of the person in respect of whose age the contract is taken to be greater than the actual age of such person, the number of years added to such age shall, for the purposes of the calculation provided for by this section, be added to the true age of such person. Where age is by agreement taken as greater than known age.

(5) Where any error is discovered in respect of any contract of insurance, or of the premium or premiums paid or to be paid upon such contract, nothing herein contained shall be construed in any way to prevent at any time before the maturity of the contract an adjustment between the insurer and the assured of the amount or amounts payable in respect of any insurance effected or of the premium or premiums paid or to be paid. 60 V. c. 36, s. 149. Error may be adjusted between insurer and assured at any time before maturity of contract.

150.—(1) In any insurance of the person, except an annuity on life, it shall be necessary for the validity of the contract that the beneficiary under the contract (being other than the assured, or the parent, or *bona fide* donee, grantee or assignee of the assured, or a person entitled under the will of the assured, or by operation of law), have had at the date of the contract a pecuniary interest in the duration of the life or other subject insured, provided that any otherwise lawful contract of annuity upon life shall not require for its validity that the annuitant has or at any time had an insurable interest in the life of the nominee. Insurable interest necessary to support contract

(2) No corporation shall insure or pay on the death of a child under 10 years of age, any sum of money which added to any sum payable on the death of such child by any other insuring corporation exceed the following amounts respectively, that is to say :— Sums insurable at ages less than ten.

If any such child dies under the age of			2	years,	$32
"	"	"	3	"	40
"	"	"	4	"	48
"	"	"	5	"	56
"	"	"	6	"	83
"	"	"	7	"	92
"	"	"	8	"	110
"	"	"	9	"	129
"	"	"	10	"	147

(*a*) Provided that nothing in this section contained shall apply to such insurances on the lives of children under ten years of age as were in force on the fourteenth day of April, 1892, or apply to insurance on the lives of children of any age where the person effecting the insurance has a pecuniary interest in the life of the assured. Proviso.

Where insurance excessive.

(3) Where the age of the assured is at the date of the contract, less than ten years, and the insuring corporation has knowingly, or without sufficient inquiry, entered into any contract prohibited by the next preceding subsection, the premiums paid thereunder shall be recoverable from the corporation by the person or persons paying the same together with legal interest thereon.

Subsecs. 1 to 5 to appear on circular, etc.

(4) Every corporation undertaking or effecting insurances on the lives of children under ten years of age shall print subsections 1, 2, 3, 4 and 5 of this section in conspicuous type upon every circular soliciting, and upon every application for, and every instrument of contract of, such insurance; and any contravention of this subsection shall be punishable as for an offence against section 85, the proceedings and penalty enacted in which section shall apply to an offence committed against this sub-section.

Insurance of children's lives.

(*a*) Instead of printing the matter required by this subsection, the company may with the consent in writing of the Insurance Registrar print or stamp the following words in lieu thereof :—"Any insurance undertaken or offered to be undertaken in the Province of Ontario in respect of the lives of children under ten years of age is subject to the restrictions enacted by sub-sections 1 to 5 (inclusive) of section 150 of *The Ontario Insurance Act.*"

Insurance effected by parents upon the lives of minor children generally.

(5) In respect of insurances heretofore or hereafter effected on the lives of persons under twenty-one years of age, where such insurance has been effected by a parent upon the life of his child, such insurance shall not be deemed to be invalid by reason only of the parent's want of pecuniary interest in the life of the child.

Minors of fifteen years and upwards competent to effect insurance on their own lives and give discharge.

(6) In respect of insurance heretofore or hereafter, by any person not of the full age of twenty-one years but of the age of fifteen years or upwards effected upon his own life, for either his own benefit or for the benefit of his father, mother, brother or sister, the assured shall not by reason only of his minority, be deemed incompetent to contract for such insurance or for the surrender of such insurance, or to give a valid discharge for any benefit accruing, or for money payable under the contract. 60 V. c. 36, s. 150.

Insurable interest in one's own life.

151.—(1) Every person of the full age of twenty-one years shall be deemed to have an unlimited insurable interest in his own life and may effect *bona fide* at his own charge insurance or insurances of his own person for the whole term of life, or any shorter term for the sole or partial benefit of himself, or his estate or any other person, persons or corporation whatsoever, whether such other beneficiary has or has not an insurable interest in the life of the assured. The insurance money may be made payable to any person either for his own use or as trustee for another person.

(2) If the policy was effected and premiums paid by the assured with intent to defraud his creditors, the creditors shall be entitled to receive out of the sum secured an amount equal to the premiums so paid. Frauds in payments of premiums.

(3) The assured may designate or ascertain the beneficiary by the contract of insurance or by instrument in writing attached to or indorsed on, or identifying the said contract by number or otherwise, and may by the said contract or by the above mentioned, or other like instrument apportion the insurance money, or by like instrument from time to time re-apportion the same, or alter or revoke the benefits, or trusts or add or substitute new beneficiaries, or trustees, or divert the insurance money wholly or in part to himself or his estate; provided that the assured shall not alter, or revoke, or divert the benefit of any person who is a beneficiary for value; nor shall the assured divert the benefit of a person who is of the class of preferred beneficiaries to a person not of the said class or to the assured himself, or to his estate. Beneficiary, how ascertained.

(4) This section shall apply not only to any future contract of insurance, and to any declaration made on or relating to any such contract, but also to any contract of insurance heretofore issued and declaration heretofore made. Application of section.

(5) Nothing contained in this Act shall be held or construed to restrict or interfere with the right of any person to effect or assign a policy for the benefit of any one or more beneficiaries, in any other mode allowed by law. Act not to affect other modes of assignment.

(6) If one or more of the beneficiaries die in the lifetime of the assured and no apportionment or other disposition is subsequently made by the assured, the insurance shall be for the benefit of the surviving beneficiary or beneficiaries in equal shares if more than one; and if all the beneficiaries die in the lifetime of the assured, the benefit of the contract and the insurance money shall form part of the estate of the assured. Provision in case of death of persons entitled where no apportionment.

(7) Until the insurer has received the original or a copy of any declaration, apportionment, will or other instrument or disposition in writing affecting the insurance moneys or any portion thereof, or of any appointment or any revocation of a trustee, the insurer may deal with and obtain a valid discharge from the assured, or (as in the respective case may be) with and from his beneficiaries (such beneficiaries not being persons under incapacity), or with and from his trustees, executors, administrators or assigns in the same manner and with the like effect as if such declaration, apportionment, disposition, appointment or revocation had not been made. 60 V. c. 36, s. 151. Protection of insurer in paying insurance before notice of declaration.

152. In every contract of insurance against accident or casualty, or disability, total or partial, the event insured against shall be deemed to include any bodily injury occasioned by external force or agency, and either happening without the What accident includes.

direct intent of the person injured, or happening as the indirect result of his intentional act, such act not amounting to voluntary or negligent exposure to unnecessary danger, and no term, condition, stipulation, warranty or proviso of the contract varying the aforesaid obligation or liability of the corporation shall as against the assured have any force or validity. 60 V. c. 36, s. 152.

Maximum named in contract shall *prima facie* be payable.

153.—(1) Where the event has happened on the occurrence of which any benefit or insurance money is payable under the contract, but the amount payable is matter of dispute, the amount payable by the insurer to the beneficiary shall *prima facie* be the maximum amount stated or indicated in the contract, and it shall lie on the insurer to prove the contrary.

Where maximum not paid claimant entitled to inspect insurer's books.

(2) If, when a claim accrues under a contract, the insurer offers the claimant a less sum than the maximum named in the contract, and either offers no explanation, or alleges as a reason for not paying the maximum, that the insurer's general contract fund, or some other fund is insufficient, the claimant shall, on written notice to the insurer, be entitled as of right, to inspect personally or by agent, all books and documents relating to the contract funds generally, or the fund alleged to be insufficient.

Claimant may have order from Registrar to inspect.

(3) If the insurer refuses or neglects to afford the claimant a reasonable opportunity of inspection as in the last sub-section provided, the claimant may file with the Insurance Registrar, an affidavit to the effect that he rightfully claims under a certain contract of the insurer, giving particulars sufficient to identify the contract, or if required, producing the contract, and that the insurer has refused or neglected to afford him opportunity of inspection as aforesaid, thereupon the Insurance Registrar may, under his hand and seal, give the claimant or his agent an order to inspect on a day named; and neglect or refusal thereafter to afford him an opportunity of inspection, shall be an offence, punishable as an offence or offences committed against section 85, the proceedings and penalty enacted in which section shall apply in the case of an offence against this section. 60 V. c. 36, s. 153.

Insurance money, how payable.

154.—(1) When the insurance money becomes due and payable, it shall be paid within the time prescribed by section 80, and according to the terms of the policy or of any declaration or instrument as aforesaid, and shall, in the case of preferred beneficiaries, be free from the claims of any creditors of the assured except as in section 151 provided.

Case of infant beneficiaries.

(2) Where the insurance money or part thereof is for the benefit, in whole or in part, of infants, and the infants are mentioned as a class and not by their individual names, the money shall not be payable to the infants until reasonable proof is furnished to the insurer of the number, names and ages of the infants entitled. 60 V. c. 36, s. 154.

155.—(1) The assured may, by the policy or by his will, or by any writing under his hand, appoint a trustee or trustees of the money payable under the contract of insurance, and may from time to time revoke such appointment in like manner, and appoint a new trustee or new trustees and make provision for the appointment of a new trustee or of new trustees, and for the investment of the moneys payable under the contract. Payment made to such trustee or trustees shall discharge the corporation. Appointment of trustees.

(2) If no trustee is named in the contract of insurance, or appointed as mentioned in sub-section 1, to receive the shares to which infants are entitled, their shares may be paid to the executors of the last will and testament of the assured, or to a guardian of the infants duly appointed by one of the Surrogate Courts of this Province or by the High Court, or to a trustee appointed by the last named Court, upon the application of the wife, or of the infants or their guardian, and such payment shall be a good discharge to the insurance corporation. Where no trustee, payment of shares of infants.

(3) A guardian appointed under subsection 2 shall give security to the satisfaction of the Court or Judge for the faithful performance of his duty as guardian, and for the proper application of the money which he may receive. Security by guardian.

(*a*) Provided that where any insurance money not exceeding $3,000 is payable to the wife and children of the assured, and some or all of the children are infants, the Court or Judge shall have discretion to appoint the widow of the assured, being the mother of such infants, as their guardian without security. Proviso.

(4) Where probate of a will or letters of administration or letters of guardianship are sought for the sole purpose of obtaining insurance money, the fees payable thereon shall be as follows: Surrogate fees in certain cases.

Where the insurance money does not exceed $1,000, $4;

Where the insurance money exceeds $1,000, but does not exceed $2,000, $6;

Where the insurance money exceeds $2,000, but does not exceed $3,000, $8;

and such fees shall be regulated in the manner prescribed by section 76 of *The Surrogate Courts Act*. Rev. Stat., c. 59.

(5) Subject to the express terms of the trust instrument (if any), any trustee named as provided for in subsections 1, 2 and 3, and any executor or guardian may invest the money received in any security in which trustees under the law of the Province may invest trust funds, and may from time to time alter, vary and transpose the investments; and, where the money is held for infants, may also apply all or part of the annual income arising from the share or presumptive share of each of the infants, in or towards his or her maintenance and education, in such manner as the trustee, executor or guardian thinks fit, and may also advance to and for any of the infants, notwithstanding his or her minority, the whole or any part of the share of the infant of and in the money, for the advance- Investment of shares. Application of infant's shares.

ment or preferment in the world, or on the marriage, of such infant. 60 V. c. 36, s. 155.

Death of assured abroad, payment to foreign representative.

156.—(1) Where under a contract made or by law deemed to be made in Ontario or a contract issued by an insurance corporation having its head office in Ontario, the insurance money is payable to the representatives of a person who at his death was domiciled or resident in a foreign jurisdiction, and no person has become his personal representative in Ontario, the money may on the expiration of two months after such death, be paid to the personal representative appointed by the Court of the foreign jurisdiction provided it appears upon the probate or letters of administration, or other like document of such Court, or by a certificate of the Judge, under the seal of the Court, that it has been shewn to the satisfaction of the Court that the deceased at the time of his death was domiciled or resident at some place within the jurisdiction of such Court.

When contract directs payment to foreign representative.

(2) When the contract of such insurance provides that the insurance money may be paid to the personal representative appointed by the Court of the jurisdiction in which the deceased was resident or domiciled at the time of his death, the money may be paid to such representative accordingly at any time after the death aforesaid or according to the terms of the policy.

Intestacy: payment (without representation) according to foreign law.

(3) Where under a contract made or by law deemed to be made, in Ontario the insurance money is payable to the representatives of a person who, at the time of his death was domiciled or resident in a foreign jurisdiction and died intestate, the money may after the expiration of three months after such death, if no person has become his personal representative in Ontario, be paid to the person or persons entitled according to the law of the foreign jurisdiction to receive the money and give a discharge for the same as if such money were by the terms of the contract payable in such foreign jurisdiction.

Testacy: payment according to foreign law.

(4) When a testator domiciled or resident in a foreign jurisdiction disposes of the insurance money by a will, valid according to the law of that jurisdiction, then such money may be paid at any time after death, or according to the terms of the contract in that behalf, to the person or persons entitled under such will to receive and give a valid discharge for money payable in such foreign jurisdiction.

Where guardian appointed by foreign Court.

(5) Where it appears by any letters of guardianship or other like document, relating to persons under incapacity, issued or to be issued by a Court in a foreign jurisdiction, or by a certificate of the Judge under the seal of such Court, that it has been shewn to the satisfaction of such Court that the assured at the maturity of the policy was domiciled or resident within its jurisdiction, and where security to the satisfaction of the Court has been given by the guardian or other

like officer appointed by the said letters or document, then the High Court upon application for the appointment of the said guardian or like officer as trustee under this section, may dispense with the giving of security, provided it has also been shown that the infants or other beneficiaries under incapacity reside within the jurisdiction of the foreign Court, and that the proposed trustee is a fit and proper person, and that the security has, in accordance with the practice of such foreign Court, been given in respect of and for the due application and account of the money payable under the policy.

(6) This section shall apply to policies heretofore issued as well as to policies to be issued hereafter, and whether the death has occurred before the passing of this Act or not. 60 V. c. 36, s. 156.

Insurer may pay money into court.

157.—(1) If there is no trustee, executor, or guardian competent to receive the share of any infant in the insurance money, and the insurer admits the claim or any part thereof, the insurer at any time after the expiration of two months from the date of the admission of the claim or part thereof, may obtain an order from the High Court for the payment of the share of the infant into Court, and in such case the costs of the application shall be paid out of the share (unless the Court otherwise directs), and the residue shall be paid into Court pursuant to the order, and such payment shall be a sufficient discharge to the insurer for the money paid; and the money shall be dealt with as the Court may direct.

Where claim admitted, but money not paid.

(2) If the insurer does not within sixty days from the time that the claim is admitted, either pay the same to some person competent to receive the money under this Act, or pay the same into the High Court, the said Court may upon application made by some one competent to receive the said money or by some other person on behalf of the infant, order the insurance money, or any part thereof, to be paid to any trustee, executor, or guardian competent to receive the same, or to be paid into Court to be dealt with as the Court may direct, and any such payment shall be a good discharge to the insurer.

Costs.

(3) The Court may order the costs of the application, and any costs incidental to establishing the authority of the person applying for the order, to be paid out of such moneys, or by the insurer, or otherwise, as may seem just, and the Court may also order the costs of, and incidental to, obtaining out of Court moneys voluntarily paid in by an insurer, to be paid out of such moneys. 60 V. c. 36, s. 157.

Power to convert into paid up policy.

158.—(1) If a person who has heretofore effected, or who hereafter effects, an insurance for the benefit of any preferred beneficiary or beneficiaries, whether such benefit appears by the terms of the policy or by indorsement thereon, or by an instrument referring to and identifying the policy, finds him-

self unable to continue to meet the premiums, he may surrender the policy to the insurer, and accept in lieu thereof a paid up policy for such sum as the premiums paid would represent, payable at death or at the endowment age or otherwise, as the case may be, in the same manner as the money insured by the original policy if not surrendered would have been payable; and the company may accept the surrender and grant the paid up policy, notwithstanding any declaration or direction in favour of any preferred beneficiary or beneficiaries.

Power to borrow on the policy.

(2) The assured may, from time to time, borrow from the insurer, or from any other corporation, company or person, on the security of the policy, such sums as may be necessary and shall be applied to keep the policy in force, and on such terms and conditions as may be agreed on; and the sums so borrowed, together with such lawful interest thereon as may be agreed, shall, so long as the contract remains in force, be a first lien on the contract and on all moneys payable thereunder, notwithstanding any declaration or direction in favour of any preferred beneficiary or beneficiaries.

Power of assured and adults to deal with policy.

(3) Where all the beneficiaries, whether preferred or ordinary, are of full age, they and the assured may surrender the contract of insurance, or assign the same, either absolutely or by way of security.

Who deemed person entitled to benefit of policy for purposes of subsection 3.

(4) Where by any contract of insurance or by the declaration indorsed upon or attached to or identifying by its number or otherwise, any contract of insurance (whether such declaration has heretofore been or is hereafter made), it is provided that the contract shall be for the benefit of a person, and in the event of the death of such person for the benefit of another person, such first mentioned person shall, if living, be deemed for the purposes of subsection 3 of this section, the person entitled to be benefited under such contract.

(5) This section shall apply not only to any future contract of insurance, and to any declaration made or relating to any such contract, but also to any contract of insurance heretofore issued and declaration heretofore made. 60 V. c. 36, s. 158.

Preferred beneficiaries.

159.—(1) Where a person (hereinafter called the assured) effects insurance on his or her own life, and either by the contract of insurance, or by instrument in writing attached to or indorsed on, or identifying the said contract by number or otherwise, declares the insurance money or a portion of the principal or interest thereof to be for the benefit of the husband, wife, children, grandchildren or mother of the assured, then such contract shall (subject to the right of the assured to apportion or alter as hereinafter enacted) create a trust in favour of the said beneficiary or beneficiaries, according to the intent so expressed or declared, and so long as any object of the trust remains, the money payable under the contract shall not be subject to the control of the assured, or of his or her

creditors, or form part of his or her estate, when the sum secured by the contract becomes payable; but this shall not be held to interfere with any pledge of the policy to any person prior to such declaration.

Who shall constitute preferred beneficiaries

(2) The husband, wife, children, grandchildren and mother of the assured shall constitute a class which may be known as "preferred beneficiaries," and all other beneficiaries may be known as "ordinary beneficiaries."

(3) In the case of a policy or written contract of life insurance effected before marriage, a declaration under this section shall be, and shall be deemed to be as valid and effectual as if such policy or contract had been effected after marriage.

Insurance for benefit of future wife.

(4) Where a contract of life insurance is effected by an unmarried man, for the benefit of his future wife, or future wife and children, but the contract does not designate by name, or otherwise clearly ascertain a specific person as such intended wife, the contract (not being within the intent of subsection 5 or 6 hereof) shall be construed as provided in subsection 7.

Where assured unmarried or widower without issue.

(5) Where a contract is effected as in subsection 4, but at the maturity of the contract, the assured is still unmarried, or is a widower without issue, the insurance money shall fall into, and become part of the estate of the assured.

Where assured does not marry the specified beneficiary.

(6) Where a contract of life insurance is effected by an unmarried man, for the benefit of his future wife, or future wife and children, and the intended wife is designated by name, or is otherwise clearly ascertained in the contract, but the intended marriage does not take place, all questions arising on such contract shall be determined as if this Act had not been passed.

Where beneficiaries ascertained, but no apportionment made.

(7) Where two or more beneficiaries are designated or ascertained but no apportionment as among them is made, all the said beneficiaries shall be held to share equally in the same, and where it is stated in the policy or declaration that the insurance is for the benefit of the wife and children generally, or of the children generally, without specifying the names of the children, the word "children" shall be held to mean all the children issue of the assured, living at the maturity of the policy, whether by his then or any former wife, and the wife to benefit by the policy shall be the wife living at the maturity thereof.

Where apportionment made, but beneficiary predeceases assured.

(8) If one or more of the preferred beneficiaries in whose favour the apportionment has been made, die in the lifetime of the assured, the assured may, by an instrument in writing, attached to or indorsed on or referring to and identifying the policy of insurance, by number or otherwise, declare that the share formerly apportioned to the person so dying shall be for the benefit of such other person or persons as he may name in that behalf, not being other than one or more of the class of preferred beneficiaries, and in default of any such declaration,

the share of the person so dying shall be for the benefit of the survivor or survivors of such preferred beneficiaries in equal shares.

Application of section.

(9) This section shall apply not only to any future contract of insurance, and to any declaration made on or relating to any such contract, but also to any contract of insurance heretofore issued and declaration heretofore made. 60 V. c. 36, s. 159.

Assured may vary benefit or beneficiary.

160.—(1) The assured may, by an instrument in writing attached to or indorsed on, or identifying the policy by its number or otherwise, vary a policy or declaration or an apportionment previously made, so as to restrict or extend, transfer or limit, the benefits of the policy to the wife alone or to the children, or to one or more of them, or to the mother or any other preferred beneficiary of the assured, as a beneficiary or sole beneficiary, although the policy is expressed or declared to be for the benefit of the wife and children, or of the wife alone, or of the child or children alone, or of the mother, or such other preferred beneficiary, or for the benefit of the wife for life, and of the children after her death, or for the benefit of the wife, and in case of her death during the life of the assured, then for the child or children, or any of them, or for the benefit of any one or more of the above mentioned persons for life, and, after his or their decease, for the benefit of any one or more of the survivors; or, although a prior declaration was so restricted; and he may also apportion the insurance money among the persons so intended to be benefited; and may, from time to time, by instrument in writing attached to or indorsed on the policy, or referring to the same, alter the apportionment as he deems proper; he may also, by his will make or alter the apportionment of the insurance money; and an apportionment made or altered by his will, shall prevail over any other made before the date of the will, except so far as such other apportionment has been acted on before notice of the apportionment by will; and whatever the assured may, under this section, do by an instrument in writing attached to or indorsed on or identifying the policy, or a particular policy or policies, by number or otherwise, he may also do by a will identifying the policy or a particular policy or policies by number or otherwise.

Apportionment of insurance money by will.

"Apportion," "apportionment," meaning of.

(2) "Apportion" or "apportionment" in this section shall include and authorize any division, subdivision, re-apportionment, or disposition of insurance moneys or benefits among any of the class of persons who under this Act are persons included in the class of preferred beneficiaries; and shall also include and authorize any disposition of the said moneys or benefits such as partly or wholly to divest the right or to enlarge or diminish the interest of a beneficiary or beneficiaries acquired under any prior disposition of the said moneys or benefits, or such as to substitute one beneficiary of the said class for any other or others, or all others, or conversely.

Provided that the assured shall not by virtue of the preceding subsections be authorized to divert the said moneys, or benefits from all of the said class to a person not of the said class, or to the assured himself, or to his estate; or to divert the said insurance moneys or benefits, or any part thereof, from the original beneficiary where the policy expressly states that the beneficiary was a beneficiary for value. Proviso.

(3) Where it is proved to the satisfaction of the executive of a registered friendly society that any beneficiary under an insurance certificate or contract of the society is leading a criminal or an immoral life, then, and notwithstanding anything contained in this, or any other Act of the Province, it shall be competent for the assured, with the consent of the said executive, to declare either by indorsement on the certificate or contract or by other writing, that all right, title and interest of the said beneficiary in or to the benefit under the certificate is forfeited and annulled; and thereupon the said right, title and interest shall be forfeited and annulled accordingly; and the assured by a like writing may then or thereafter from time to time make a new appropriation in accordance with the lawful rules of the society, and may reappropriate the benefit; and the right of the assured in this behalf shall be in addition to his rights under this or other Acts of the Province. Where beneficiary under friendly society contract is leading a criminal or immoral life.

(4) Where the contract is made by an insurer other than as mentioned in sub-section 3, then upon petition, and upon the like facts as in the said sub-section mentioned being proved to the satisfaction of a Judge of the High Court, the Judge may make an order annulling the benefit and granting such other relief as under the circumstances appears proper. Case of other contracts.

(5) This section shall apply not only to any future contract of insurance, and to any declaration made on or relating to any such contract, but also to any contract heretofore issued, and declaration heretofore made. 60 V. c. 36, s. 160. Application of section.

161.—(1) The assured may in writing require the insurer to pay the bonuses or profits, or portions thereof, accruing under the contract of insurance, to the assured, or to apply the same in reduction of the annual premiums payable by the assured, in such way as he may direct; or to add the said bonuses or profits to the benefit; and the insurer shall pay or apply such bonuses or profits as the assured directs; and according to the rates and rules established by the insurer; Provided always that the insurer shall not be obliged to pay or apply such bonuses or profits in any other manner than as lawfully stipulated in the contract or the application therefor. This section shall apply to contracts made before the 4th day of March, 1881, and to bonuses and profits then declared in respect of such policies, as well as to policies thereafter made and hereafter to be made. Assured may direct application of bonuses and profits. Proviso.

(2). Any contract of insurance may be surrendered or assigned,

(a) Where the policy is for the benefit of children only, and the children surviving are all of the full age of twenty-one years, if the assured and all such surviving children agree to surrender or assign; or

(b) Where the policy is for the benefit of both a wife and children, and the surviving children are all of the full age of twenty-one years, if the assured and his then wife (if any) and all such surviving children agree to surrender or assign; or

(c) Where the policy is for the benefit of a wife only, or of a wife and children, and there are no children living, if the assured and his then wife agree to surrender or assign. 60 V. c. 36, s. 161.

2. *Additional provisions, applicable to Friendly Societies only.*

Application of sections 163 to 165.

162.—The additional provisions contained in sections 163 to 165 inclusive shall apply only to friendly societies registered as such under this Act. 60 V. c. 36, s. 162.

Rules deliverable on demand.

163.—(1) A copy of all rules of a friendly society relating to its insurance contracts and to the management and application of the insurance funds shall be delivered by the society to every person on demand, on tender of twenty-five cents.

Delivery of untrue rules.

(2) If any officer or agent of a society, with intent to mislead or defraud, gives to any person a copy of rules other than the rules then in force, on the pretence that the same are the rules then in force, he shall be guilty of an offence; and shall, upon summary conviction thereof before any Police Magistrate or Justice of the Peace having jurisdiction where the offence was committed, be liable as for an offence committed against section 85 of this Act.

Officially certified rules.

(3) Any revision of or amendment to the rules of a corporation directed in terms of this Act by the Insurance Registrar to be made and made accordingly or purporting to be so made and certified by the said Registrar as conformable to his direction, or as assented to by him when assent in writing suffices without direction, shall so certified be transferred to the office of the Provincial Registrar, there to be filed and indexed, and the rules so certified shall, notwithstanding the declaration or other instrument filed under any general or special Act, be final and conclusive evidence of the rules in force on, from and after the date of the said certificate until any subsequent revision or amendment in like manner certified and filed, and so from time to time; and until so revised or amended and the revision or amendment is so certified, the prior certified rules shall be binding and obligatory upon all members of the corporation.

(4) Where at any time doubt arises as to what are the subsisting rules of the corporation, the Insurance Registrar may hear and determine the question, and his certificate filed as in the next preceding sub-section shall have the same effect as therein enacted. 60 V. c. 36, s. 163. Official determination in case of doubt.

164.—(1) The liabilities of any member of a friendly society under his contract shall at any date be limited to the assessments, fees and dues of which at that date notice has been actually given by the society. Limitation of member's liability in friendly society.

Provided that the society with the assent in writing of the Registrar of Friendly Societies may from time to time make other provision by its rules for the absolute severance of a member and the determination of his liability ; and such other rules, together with the written assent, shall be transferred to the office of the Provincial Registrar, there to be filed and indexed ; and on, from and after the day of the said assent, the said rules shall be binding and obligatory upon all the members until superseded by other provision in like manner filed.

Provided also that in no case shall the period over which the said assessments, fees and dues extend exceed twelve months.

(2) By paying or tendering payment of said assessments, fees and dues, and giving notice thereupon of his withdrawal by a writing delivered, or by registered letter to the society, any member shall become thereby released from all further liability under his contract. 60 V. c. 36, s. 164. Release from liability.

165.—(1) No forfeiture or suspension shall be incurred by any member of a friendly society, or person insured therein, by reason of any default in paying any contributions or assessment, except such as are payable at fixed dates, until after notice to the member stating the amount due by him, and apprising him that in case of default of payment by him within a reasonable time, not being less than thirty days, to the proper officer, to be specified in such notice, his interest or benefit will be forfeited or suspended, and until after default has been made by him in paying his contribution or assessment in accordance with such notice. "Fixed date" in this sub-section shall include any numbered day, or any Monday, Tuesday, *(or as the case may be,)* numbered, alternate, or recurring, of a stated month or months. Notice before forfeiture of benefit.

(2) For any purpose of this Act or of the rules of the society notice may be effectually given if written or printed notice is delivered, or by registered post prepaid is sent to the member, or left at his last known place of abode or of business, by or in behalf of the society. Proviso.

(3) Where under the rules or by-laws of the society a defaulting member is entitled to be reinstated on payment of Proviso.

arrears, after a stated number of days' default, this section shall not in any wise operate to prejudice the rights of such member.

Conditions of forfeiture to be just and reasonable.

(4) Where the benefit of the contract is stipulated to be suspended or reduced or forfeited for any other reason than for non-payment of premium moneys, or money in the nature thereof, no such additional condition suspending, reducing or forfeiting the benefit shall be valid, unless it is held by the Court, or Judge before whom a question relating to the contract is tried, to be just and reasonable under the circumstances of the case, such decision to be subject to review or appeal.

Proviso.

(*a*) Provided that in any contract of which total abstinence from intoxicating liquors is made an express condition, such condition shall be deemed to be just and reasonable. 60 V. c. 36, s. 165.

CONTRACTS OF FIRE INSURANCE.

1. *General provisions.* (*All Fire Insurance Companies.*)

Property which may be insured.

166. Every company licensed and registered for the transaction of fire insurance may, within the limits prescribed by the license and registry, insure or reinsure dwelling houses, stores, shops and other buildings, household furniture, merchandise, machinery, live stock, farm produce, and other commodities, against damage or loss by fire or lightning, whether the same happens by accident or any other means, except that of design on the part of the assured, or by the invasion of an enemy, or by insurrection. 60 V. c. 36, s. 166.

Terms of contracts.

167.—(1) Contracts of fire insurance shall not exceed the term of three years; and the insurance of mercantile and manufacturing risks shall, if on the cash system, be for terms not exceeding one year.

Proviso.

(*a*) Provided that contracts of mutual fire insurance by any mutual or cash-mutual fire insurance company may be for any term not exceeding four years.

Renewing contracts.

(2) Any contract that may be made for one year or any shorter period on the premium note system, or for three years or any shorter period on the cash system may be renewed at the discretion of the board of directors by renewal receipt instead of policy, on the insured paying the required premium, or in the case of a contract on the premium note system by giving a new premium note or undertaking; and any cash payments or premium notes for renewal shall be made at the end of the year, or other period for which the premium note was granted, otherwise the policy shall be null and void. 60 V. c. 36, s. 167; c. 3, s. 3.

2. *Statutory Conditions and Provisions Relating Thereto.*

(Binding all fire insurance contracts whatsoever in Ontario.)

Statutory conditions to be part of every policy unless varied.

168. The conditions set forth in this section shall, as against the insurer, be deemed to be part of every contract, (whether sealed, written or oral,) of fire insurance hereafter entered into or renewed or otherwise in force in Ontario with respect to any property therein or in transit therefrom or thereto, and shall be printed on every such policy with the heading *Statutory Conditions*, and no stipulation to the contrary, or providing for any variation, addition or omission, shall be binding on the assured unless evidenced in the manner prescribed by sections 169 and 170. 60 V. c. 36, s. 168.

Rev. Stat. 1887. c. 167, s. 114 (17), to apply to contracts in force at passing of 60 V. c. 36.

Provided that statutory condition 17 given in section 114 of *The Ontario Insurance Act* being chapter 167 of The Revised Statutes of Ontario, 1887, shall, notwithstanding anything herein contained, apply to contracts of insurance in force prior to the 13th day of April, 1897. 60 V. c. 36, s. 198 (3).

Statutory Conditions.

Misrepresentation or omission.

1. If any person or persons insures his or their buildings or goods, and causes the same to be described otherwise than as they really are, to the prejudice of the company, or misrepresents or omits to communicate any circumstance which is material to be made known to the company, in order to enable it to judge of the risk it undertakes, such insurance shall be of no force in respect to the property in regard to which the misrepresentation or omission is made.

Policy sent to be deemed as applied for unless variance pointed out.

2. After application for insurance it shall be deemed that any policy sent to the assured is intended to be in accordance with the terms of the application, unless the company points out, in writing, the particulars wherein the policy differs from the application.

When a change as to risk shall avoid a policy. Notice of change, etc.

3. Any change material to the risk, and within the control or knowledge of the assured, shall avoid the policy as to the part affected thereby, unless the change is promptly notified in writing to the company or its local agent; and the company when so notified may return the premium for the unexpired period and cancel the policy, or may demand in writing an additional premium, which the assured shall, if he desires the continuance of the policy, forthwith pay to the company; and if he neglects to make such payment forthwith after receiving such demand, the policy shall be no longer in force.

Change of property.

4. If the property insured is assigned without a written permission indorsed hereon by an agent of the company duly authorized for such purpose, the policy shall thereby become void; but this condition does not apply to change of title by succession or by the operation of the law, or by reason of death

Partial damage—salvage.

5. Where property insured is only partially damaged, no abandonment of the same will be allowed unless by the consent of the company or its agent; and in case of removal of property to escape conflagration, the company will contribute to the loss and expenses attending such act of salvage proportionately to the respective interests of the company or companies and the assured.

Money, securities, etc.

6. Money, books of account, securities for money, and evidences of debt or title are not insured.

Plate, paintings, clocks, etc.

7. Plate, plate glass, plated ware, jewelry, medals, paintings sculptures, curiosities, scientific and musical instruments, bullion, works of art, articles of vertu, frescoes, clocks, watches, trinkets and mirrors are not insured unless mentioned in the policy.

Prior or subsequent insurance.

8. The company is not liable for loss if there is any prior insurance in any other company, unless the company's assent thereto appears herein or is indorsed hereon, nor if any subsequent insurance is effected by any other company, unless and until the company assents thereto, or unless the company does not dissent in writing within two weeks after receiving written notice of the intention or desire to effect the subsequent insurance, or does not dissent in writing after that time and before the subsequent or further insurance is effected.

Case of assent to other insurance.

9. In the event of any other insurance on the property herein described, having been assented to as aforesaid, then this company shall, if such other insurance remains in force, on the happening of any loss or damage, only be liable for the payment of a rateable proportion of such loss or damage without reference to the dates of the different policies.

Liability in case of non-ownership.

10. The company is not liable for the losses following, that is to say:

(*a*) For the loss of property owned by any other party than the assured, unless the interest of the assured is stated in or upon the policy;

Riot, invasion, etc.

(*b*) For loss caused by invasion, insurrection, riot, civil commotion, military or usurped power;

Chimneys, ashes, stoves.

(*c*) Where the insurance is upon buildings or their contents—for loss caused by the want of good and substantial brick or stone chimneys; or by ashes or embers being deposited, with the knowledge and consent of the assured, in wooden vessels; or by stoves or stovepipes being, to the knowledge of the assured, in an unsafe condition or improperly secured;

Goods to which fire heat is being applied.

(*d*) For loss or damage to goods destroyed or damaged while undergoing any process in or by which the application of fire heat is necessary;

(*e*) For loss or damage occurring to buildings or to their contents while the buildings are being repaired by carpenters, joiners, plasterers or other workmen, and in consequence thereof, unless permission to execute such repairs has been previously granted in writing, signed by a duly authorized agent of the company. But in dwelling houses fifteen days are allowed in each year for incidental repairs, without such permission; Repairs by carpenters, etc.

(*f*) For loss or damage occurring while petroleum, or rock-earth or coal oil, camphene, gasoline, burning fluid, benzine, naphtha or any liquid products thereof, or any of their constituent parts (refined coal oil for lighting purposes only, not exceeding five gallons in quantity, or lubricating oil not being crude petroleum nor oil of less specific gravity than required by law for illuminating purposes, not exceeding five gallons in quantity, excepted), or more than twenty-five pounds weight of gunpowder is or are stored or kept in the building insured or containing the property insured, unless permission is given in writing by the company. Gunpowder, coal oil, etc.

11. The company will make good loss caused by the explosion of coal gas in a building not forming part of gas works, and loss by fire caused by any other explosion or by lightning. Explosion. Lightning.

12. Proof of loss must be made by the assured, although the loss be payable to a third party. Proof of loss when payable to other than assured.

13. Any person entitled to make a claim under this policy is to observe the following directions: Directions to be observed on making claim.

(*a*) He is forthwith after loss to give notice in writing to the company;

(*b*) He is to deliver, as soon after as practicable, as particular an account of the loss as the nature of the casepermits;

(*c*) He is also to furnish therewith a statutory declaration declaring,

That the said account is just and true;

When and how the fire originated, so far as the declarant knows or believes;

That the fire was not caused through his wilful act or neglect, procurement, means or contrivance;

The amount of other insurances;

All liens, and incumbrances on the subject of insurance;

The place where the property insured, if movable, was deposited at the time of the fire;

(*d*) He is in support of his claims, if required and if practicable, to produce books of account, warehouse receipts and stock lists, and furnish invoices and other vouchers; to furnish copies of the written portion of all policies; to separate as far as reasonably may be the damaged from the undamaged goods, and to exhibit for examination all that remains of the property which was covered by the policy;

(*e*) He is to produce, if required, a certificate under the hand of a magistrate, notary public, commissioner for taking affidavits, or municipal clerk, residing in the vicinity in which the fire happened, and not concerned in the loss or related to the assured or sufferers, stating that he has examined the circumstances attending the fire, loss or damage alleged, that he is acquainted with the character and circumstances of the assured or claimant, and that he verily believes that the assured has by misfortune and without fraud or evil practice sustained loss and damage on the subject assured to the amount certified.

Proof of loss may be made by agent.

14. The above proofs of loss may be made by the agent of the assured, in case of the absence or inability of the assured himself to make the same, such absence or inability being satisfactorily accounted for.

False statement or fraud vitiates claim.

15. Any fraud or false statement in a statutory declaration, in relation to any of the above particulars, shall vitiate the claim.

Arbitration in case of differences,

16. If any difference arises as to the value of the property insured, of the property saved, or of amount of the loss, such value and amount and the proportion thereof (if any) to be paid by the company shall, whether the right to recover on the policy is disputed or not, and independently of all other questions be submitted to the arbitration of some person to be chosen by both parties, or if they cannot agree on one person, then to two persons, one to be chosen by the party assured and the other by the company, and a third to be appointed by the persons so chosen, or on their failing to agree, then by the County Judge of the county wherein the loss has happened; and such reference shall be subject to the provisions of *The Arbitration Act*; and the award shall, if the company is in other respects liable, be conclusive as to the amount of the loss and proportion to be paid by the company; where the full amount of the claim is awarded the costs shall follow the event; and in other cases all questions of costs shall be in the discretion of the arbitrators.

Rev. Stat. c. 62.

Loss when payable.

17. The loss shall not be payable until sixty days after the completion of the proofs of loss, unless otherwise provided for by the contract of insurance.

18. The company, instead of making payment, may repair, rebuild or replace, within a reasonable time, the property damaged or lost, giving notice of their intention within fifteen days after receipt of the proofs herein required. Company may replace, instead of paying.

19. The insurance may be terminated by the company by giving notice to that effect, and, if on the cash plan, by tendering therewith a rateable proportion of the premium for the unexpired term, calculated from the termination of the notice: in the case of personal service of the notice, five days' notice, excluding Sunday, shall be given. Notice may be given by any company having an agency in Ontario by registered letter addressed to the assured at his last post office address notified to the company, or where no address notified, then to the post office of the agency from which the application was received; and where such notice is by letter, then seven days from the arrival at any post office in Ontario shall be deemed good notice: And the policy shall cease after such tender and notice aforesaid, and the expiration of the five or seven days as the case may be. Insurance terminable on notice.

(*a*) The insurance, if for cash, may also be terminated by the assured by giving written notice to that effect to the company or its authorized agent, in which case the company may retain the customary short rate for the time the insurance has been in force, and shall repay to the assured the balance of the premium paid.

20. No condition of the policy, either in whole or in part, shall be deemed to have been waived by the company, unless the waiver is clearly expressed in writing, signed by an agent of the company. Waiver of condition.

21. An officer or agent of the company, who assumes on behalf of the company to enter into any written agreement relating to any matter connected with the insurance, shall be deemed *prima facie* to be the agent of the company for the purpose. Officers assuming to agree in writing to be deemed agents.

22. Every action or proceeding against the company for the recovery of any claim under or by virtue of this policy, shall be absolutely barred, unless commenced within the term of one year next after the loss or damage occurs. Actions to be brought within one year.

23. Any written notice to a company for any purpose of the statutory conditions, where the mode thereof is not expressly provided, may be by letter delivered at the head office of the company in Ontario, or by registered post letter addressed to the company, its manager or agent, at such head office, or by such written notice given in any other manner to an authorized agent of the company. 60 V. c. 36, s. 168. [illegible] tutes written notice.

169. If the insurer desires to vary the said conditions, or to omit any of them, or to add new conditions, there shall be Variations how indicated.

added on the instrument of contract containing the printed statutory conditions words to the following effect; printed in conspicuous type and in ink of a different colour.

Variations in Conditions.

"This policy is issued on the above Statutory Conditions with the following variations and additions:

"These variations (*or as the case may be*) are, by virtue of the Ontario Statute in that behalf, in force so far as, by the Court or Judge before whom a question is tried relating thereto, they shall be held to be just and reasonable to be exacted by the company." 60 V. c. 36, s. 169.

Variations not binding unless clearly indicated.

170. No such variation, addition or omission, shall, unless the same is distinctly indicated and set forth in the manner or to the effect aforesaid, be legal and binding on the assured; and no question shall be considered as to whether any such variation, addition or omission is, under the circumstances, just and reasonable, but on the contrary, the policy shall, as against the insurer, be subject to the statutory conditions only, unless the variations, additions or omissions are distinctly indicated and set forth in the manner or to the effect aforesaid.

Optional with insurers to pay claims void under certain statutory conditions.

Provided it shall be optional with the insurers to pay or allow claims which are void under the 3rd, the 4th, or the 8th Statutory Condition, in case the insurers think fit to waive the objections mentioned in the said conditions, 60 V. c. 36, s. 170.

Policy containing other than statutory conditions.

171. In case a policy is entered into or renewed containing or including any condition other than or different from the conditions set forth in section 168 of this Act, if the said condition so contained or included is held, by the Court or Judge, before whom a question relating thereto is tried, to be not just and reasonable, such condition shall be null and void. 60 V. c. 36, s. 171.

If due proof of loss not given through accident, etc., or objection not made thereto, or made on other grounds than non compliance with conditions;

172.—(1) Where, by reason of necessity, accident or mistake, the conditions of any contract of fire insurance on property in this Province as to the proof to be given to the insurance company after the occurrence of a fire have not been strictly complied with; or where after a statement or proof of loss has been given in good faith by or on behalf of the assured, in pursuance of any proviso or condition of such contract, the company through its agent or otherwise, objects to the loss upon other grounds than for imperfect compliance with such conditions or does not within a reasonable time after receiving such statement or proof notify the assured in writing that such statement or proof is objected to, and what are the particulars in which the same is alleged to be defective, and so from time to time; or where, for any other reason,

the Court or Judge before whom a question relating to such insurance is tried or inquired into, considers it inequitable that the insurance should be deemed void or forfeited by reason of imperfect compliance with such conditions—no objection to the sufficiency of such statement or proof or amended or supplemental statement or proof (as the case may be) shall, in any of such cases be allowed as a discharge of the liability of the company on such contract of insurance wherever entered into.

or, if full compliance adjudged inequitable.

In above cases liability and policy not vacated.

(2) If in any action or proceeding upon a contract of fire insurance, the assured, being plaintiff in such action or proceeding, has in the opinion of the Court or Judge, wilfully neglected or unreasonably refused to furnish necessary information respecting the property for which the insurance money is claimed, and if as a consequence of such neglect or refusal, the defendant company has been at expense in obtaining information or evidence, the Court or Judge may, in disposing of costs, take into consideration the expense so incurred by the defendant company. 60 V. c. 36, s. 172.

Allowance for costs occasioned by default of plaintiff.

173. A decision of a Court or Judge under this Act shall be subject to review or appeal to the same extent as a decision by such Court or Judge in other cases. 60 V. c. 36, s. 173.

Decisions under Act subject to ordinary right of appeal.

INVESTIGATION OF FIRES.

[*See Chapter. 275.*]

INSPECTION OF INSURANCE COMPANIES LICENSED BY THE PROVINCE.

174.—(1) The Lieutenant-Governor in Council may appoint an officer to be called the Inspector of Insurance, who shall act under the instructions of the Minister, and his duty shall be to examine and report to the Minister from time to time upon all matters connected with insurance, as carried on by the companies licensed by the Province under this Act.

Appointment of Inspector.

(2) The salary of the Inspector shall be such sum per annum as the Legislature shall, from time to time determine; and it shall be lawful to provide from time to time such assistance as may be found necessary. 60 V. c. 36, s. 176.

Salary.

175. The Inspector shall keep on file the various documents required by this Act to be filed in his office, and shall keep a record of all licenses issued by the Minister. 60 V. c. 36, s. 177.

Inspector to keep papers on file.

176.—(1) The Inspector of Insurance shall, personally or by deputy, visit the head office of every such company in Ontario at least once in every year, and shall carefully examine the

Duties.

statement of the company as to its condition and affairs and report thereon to the Minister, as to all matters requiring his attention and decision.

Inspection of books and papers.

(2) In order to facilitate the inspection of an insurance company's books and papers, the company may be required by the Inspector to produce, and thereupon the company shall produce the said books and papers at the county town of the county in which the head office of the insurance company is situated, or at such other convenient place as the Inspector may direct. The officer or officers of the company who have custody of the books shall be entitled to be paid by the company for the actual expenses of such attendance.

Annual report.

(3) The Inspector shall from such examination prepare and lay before the Minister an annual report of the condition of every company's business, as ascertained from such inspection, and such report shall be published forthwith after the completion thereof.

Powers of inspector.

(4) It shall be the duty of the officers or agent of the company to cause their books to be open for the examination of the Inspector, and otherwise to facilitate the examination so far as may be in their power; and the Inspector or deputy aforesaid, shall have power to examine under oath any officer or agent of the company relative to its business.

Report of inspector.

(5) A report of all companies so visited shall be entered in a book kept for that purpose, with notes and memoranda, showing the condition of each company; and, where a special examination has been made, a special written report shall be communicated to the Minister, stating the Inspector's opinion of the condition and financial standing of the company, and all other matters desirable to be made known to the Minister.

Entries, untrue or omitted.

Access to books and papers.

(6) Every director, officer, manager, agent, collector, auditor or employee of a company, who, knowingly makes or assists to make any untrue entry in any of the company's books, or who refuses or neglects to make any proper entry therein, or to exhibit the same or allow the same to be inspected and extracts to be taken therefrom shall be guilty of an offence, and the procedure and penalty shall be as enacted in subsection 7 of section 83 of this Act. 60 V. c. 36, s. 178.

Provision if company appears unsafe

177.—(1) If it appears to the Inspector that the assets of any company are insufficient to justify its continuance of business, or that the company is unsafe for the public to effect insurance with, he shall make a special report on the affairs of the company to the Minister.

Suspending license of company.

(2) After full consideration of the report and a reasonable time being given to the company to be heard, and if, after such further inquiry and investigation (if any), as he may see proper to make, the Minister reports to the Lieutenant-Governor in Council that he agrees with the Inspector in the opinion

expressed in his report, then, if the Lieutenant-Governor in Council also concurs in such opinion, an Order in Council may issue, suspending or cancelling the license of the company, and prohibiting the company from doing any further business, and thereafter it shall not be lawful for the company to do any further business in Ontario, until the suspension or prohibition is removed by the Lieutenant-Governor in Council. 60 V. c. 36, s. 179.

Notice of suspension of license.

178. Notice of the suspension or cancelling of any license and prohibition from doing any further business, shall be published in the *Ontario Gazette*; and thereafter any person transacting any business in behalf of the company, except for winding up its affairs pursuant to section 7, shall be deemed to have contravened section 35, and shall be liable for each offence to the penalty enacted in the said section. 60 V. c. 36, s 180.

Examination of company's affairs.

179. Wherever the affairs of any insurance company doing business in Ontario appear to require the same, the Inspector of Insurance, with the approval of the Minister, may, at the expense of the company, have abstracts prepared of its books and vouchers and a valuation made of the assets and liabilities; and the certificate of the Inspector approved of by the Minister, shall be conclusive as to the expenses to be paid by the company in respect thereof. 60 V. c. 36, s. 181.

Inspector and officers not to be interested in any company.

180. The Inspector of Insurance, or any officer under him, shall not be interested as shareholders directly or indirectly with any insurance company doing business in Ontario. 60 V. c. 36, s. 182.

Contribution from companies to expenses.

181.—(1) Towards defraying the expenses of the office of the Inspector, a sum not exceeding $3,000 shall be annually contributed by the companies required to be licensed by the Province under this Act.

Mode of determining the amount of contribution to expenses.

(2) The amount to be annually contributed by the insurance companies under the provisions of the last preceding sub-section shall be assessed *pro rata* and based on the gross amount at risk as shown by the books of the several companies on the 31st day of December next preceding.

Time and manner of payment.

(3) All sums under this Act payable to the Provincial Treasurer shall be so paid before the issue of the license, and, in any disputed case, the Minister's certificate, or approval of an account certified by the Inspector, shall as to the amount so payable by each or any company be held to be conclusive. 60 V. c. 36, s. 183.

VOLUNTARY LIQUIDATION OF PROVINCIAL INSURANCE COMPANIES.

Voluntary liquidation.

182.—(1) Where a Provincial Insurance Company other than a Dominion licensee proposes to go into voluntary

liquidation, at least one month's notice in advance shall be given to the Minister and to the Insurance Registrar, and like notice shall also be published by the company in two consecutive issues of the *Ontario Gazette*, and in some other newspaper if the Registrar so require; and the notice shall state the date at which contracts are to cease to be taken by the company, also the name and address of the company's liquidator, or the intention of the company to apply on a stated day for the appointment of a liquidator.

Disposal of reserve at winding up of company.

(2) At the winding up of a Provincial Mutual or Cash-Mutual Fire Insurance Company, after notice has been given as required by sub section 1, it shall be lawful for the directors of such company to re-insure out of the reserve or surplus funds the unexpired contracts for which premiums or premium notes have been taken.

Re-insuring companies.

(3) Such reinsurance shall be effected in some company registered to transact business in the Province and approved by the Minister.

Unearned premiums.

(4) When any company is wound up each person contracted with on the cash plan shall be entitled to a refund from the company for the unearned proportion of the cash premium calculated from the date at which the company, according to the notice in sub-section 1, ceased to undertake contracts; but this shall not destroy or defeat any other remedy such person may have against the company in respect thereof or for any other cause.

Receiver to give bonds; their form, amount and custody.

(5) Every receiver (including therein every liquidator or assignee) of a Provincial insurance company other than a Dominion licensee, shall, forthwith, give such bonds or securities for his fidelity as would be required of a receiver under section 186; and in case of dispute or doubt, the Master in Ordinary upon motion of any creditor or person interested, or of the Insurance Registrar, shall conclusively determine the kind and amount of such bonds or securities. The bonds or securities given by any receiver shall be made and deposited as enacted in subsection 9 of the said section.

Receiver to file statements.

(6) Every liquidator or receiver under this section shall (until the affairs of the company are wound up and the accounts are finally closed) within seven days after the close of each month, file with the Court or other authority appointing him, and also with the Insurance Registrar, detailed schedules showing, in such form as may be required, receipts and expenditures, also assets and liabilities, and he shall, whenever by the authority appointing him, or by the Insurance Registrar so required to do, exhibit the company's books and vouchers, and furnish such other information respecting the company's affairs as may be required; and any receiver, assignee or liquidator refusing or neglecting to furnish such information, shall, for each offence, be subject to a penalty of not less than

$50 nor more than $200, to be recovered on behalf of Her Majesty for the use of this Province; and he shall in addition render himself liable to be dismissed or removed. '60 V. c. 36, s. 184.

VOLUNTARY LIQUIDATION OF FRIENDLY SOCIETIES, OR OF THE INSURANCE FUNDS THEREOF: DISSOLUTION BY A SOCIETY OF ITS SUBORDINATE BRANCHES OR LODGES; AMALGAMATION OF BRANCHES OR LODGES.

Friendly society or fund may be voluntarily wound up.

183 —(1) Any registered friendly society (being a Provincial corporation), or any insurance fund thereof, may be voluntarily wound up after resolution (hereinafter called the winding-up resolution) passed in that behalf in a general meeting, ordinary or special, after at least one month's notice of such intended resolution. Such resolution may be assented to and filed as provided in subsection 3 of section 163, and, after such assent and filing, the resolution shall have the same legal effect as therein enacted. Such resolution may provide for the transfer of the liabilities and assets of the society or of the fund to some other corporation.

Liquidator to be appointed by winding up resolution.

(2) Where there are assets to be realized, distributed, disposed of or dealt with, the winding-up resolution shall appoint a competent and otherwise suitable person as liquidator, and shall fix the amount of his bonds (which shall be of sufficient amount for the purposes of liquidation), and shall state the amount and form of his compensation. Unless otherwise provided in the winding-up resolution, the then executive officers (other than such one, if any, of the number as is appointed liquidator) shall act as a committee of inspection and shall audit the liquidator's accounts at least once a month until his accounts are closed, and shall certify their audit.

Documents to be filed with Registrar.

(3) Preliminary to any winding up or transfer under this section, there shall be filed with the Insurance Registrar a statement made by one or more of the executive officers of the society or fund, declaring, upon oath, the facts and circumstances of the case, and annexing to the statement as exhibits a true copy of the winding-up resolution, and also a financial statement showing in such form as shall be required the liabilities and assets of the society or of the fund; such other information then and from time to time during the winding up shall be furnished as the Insurance Registrar may require, and the provisions of subsections 5 and 6 of section 182 shall apply to a liquidator under this section.

Liquidator's bonds and accounts.

Endowment fund may be distributed.

(4) Where, in such a society as mentioned in subsection 1, endowment or expectancy insurance is transacted and there exists an endowment fund separate and distinct from the life insurance fund, then, by a resolution passed by a majority of the persons assembled in a general meeting, ordinary or special, after at least one month's notice of such intended resolution, the society may determine that the endowment or expectancy

insurance shall be discontinued, and that the endowment or expectancy fund shall be distributed *pro rata* among the members then in good standing (contributors to such fund) according to the total contribution of each such member to the fund. After the resolution has been assented to and filed, as provided in sub-section 1, the executive officers of the society may proceed to ascertain the persons legally entitled to rank upon the fund, and may distribute the fund among those so entitled; and such distribution shall discharge the society and all executive officers thereof from all further or other liability in respect of such fund and in respect of endowment or expectancy contracts undertaken by the society.

Or may be converted into life insurance fund.

(5) In such case as mentioned in sub-section 4, if all the members interested in the endowment or expectancy fund are also interested as holders of life insurance contracts, then the general meeting or the majority of the members present thereat instead of determining that the endowment or expectancy fund shall be distributed, may determine that such fund shall be converted into, or merged in a life insurance fund; and after the said resolution has been assented to and filed as provided in subsection 1, the endowment or expectancy fund shall be deemed to have become and to be a life insurance fund.

No endowment insurance to be thereafter transacted.

(6) After the passing of such a resolution as mentioned in subsection 4 or subsection 5, it shall be unlawful for the society thereafter to undertake or transact any endowment or expectancy insurance whatsoever.

Dissolution of subordinate branches and lodges.

(7) If the registered society at any time revokes the warrant or charter under which a subordinate branch or lodge is operated (whether such branch or lodge is incorporated or not) such revocation shall be certified in duplicate by the presiding officer and the secretary of the society under the seal thereof; one of the said duplicates shall be filed with the Registrar of of Friendly Societies, the other with the Provincial Registrar; and this certificate from the filing thereof in the office of the Provincial Registrar, shall, *ipso facto*, operate to dissolve the subordinate branch or lodge, and to vest its property, assets, funds and effects in the presiding officer and the secretary of the registered society and their successors in office, as trustees for the creditors and persons beneficially entitled; and the surplus (if any) after the liabilities are satisfied, shall vest in the registered society to its own use absolutely.

Amalgamation of lodges

(8) A registered society organized on the lodge plan may by a general or special by-law or by-laws provide for the amalgamation of two or more of its subordinate branches or lodges, and for the transfer of the liabilities and assets to the new or continuing branch or lodge.

Master in Ordinary to finally dispose of doubts, difficulties or disputes.

(9) In any winding up, transfer or dissolution under this section, or under section 182, if doubts, difficulties or disputes arise as to any matter whatsoever, the Insurance Registrar or the liquidator, or any of the committee of inspection, or any

person interested in the estate may apply to the Master in Ordinary who shall finally dispose of the matter; and the said Master may on the motion of any of the said persons remove the liquidator and appoint another liquidator, or do any other matter or thing which the Master might do in the winding-up begun or proceeding under sections 184 to 195 of this Act; or upon the motion of the said persons or of the said committee, the said Master may by order remove into his office the winding up, transfer or dissolution which shall thereafter proceed as if begun or proceeding under the said sections.

Duration of winding up; s. 189 (4) to apply.

(10) The duration of any winding-up under this section shall not be prolonged beyond the period mentioned in sub section 4 of section 189, all the provisions of which subsection shall apply to a liquidator under this section.

How proceedings may be entitled.

Notice.

(11) For the purposes of any motion or other proceeding under this section or section 182, it shall be sufficient to entitle the proceeding as in the matter of this Act and of the Insurance corporation or fund concerned; and at least two clear days' notice of motion shall be given unless otherwise directed by the said Master. 60 V. c. 36, s. 185.

COMPULSORY LIQUIDATION OF PROVINCIAL INSURANCE CORPORATIONS.

Application of sections 185 to 195.

184.—(1) Sections 185 to 195 inclusive shall apply to Provincial insurance corporations other than those being wound up under sections 182 and 183, and other than licensees of the Dominion of Canada within the meaning of section 59.

(*a*) Where the corporation is not constituted exclusively or chiefly for insurance purposes, and the insurance branch and fund are completely severable from every other branch and fund of the corporation, then the word "corporation" for the purposes of sections 185 to 195 inclusive, shall mean only the insurance branch of the corporation.

Case of two or more custodians of funds, etc.

(2) To such corporations the said sections shall apply where the accounts, account books, and insurance fund are in the charge, custody, possession or power of two or more persons; and in such case the words "receiver" and "interim receiver" shall include all of such persons unless and until other appointment or other disposition of the matter is made by the Court.

Commencement of winding up.

(3) The winding up of any corporation under this Act shall be deemed to commence at the beginning of the day on which the corporation became unregistered in terms of section 76; and where the corporation is constituted for the transaction of insurance exclusively, its corporate powers shall *ipso facto* cease and determine except for the sole purpose of winding up its affairs.

Effect of winding up.

(4) After the date of the commencement of the winding up, any transfer of shares unless made by authority of the High Court, or any alteration in the status of members of the corporation shall be void; and no suit, action or other proceeding shall be proceeded with or commenced against the corporation except by leave of the Court and subject to such terms as the Court imposes; and every attachment, sequestration, distress or execution put in force against the estate of the corporation shall be void.

Cesser of contracts of employment.

(5) All contracts of employment entered into by the corporation shall *ipso facto* cease and determine at the commencement of the winding up.

No marshalling of assets, nor preference of creditors except as enacted.

(6) In any winding up under this Act all the funds, assets and property of the liquidating corporation or any liquidating branch or lodge thereof shall be deemed general assets of the liquidating corporation, branch or lodge, respectively, for the payment of all debts of the corporation, branch or lodge respectively, and shall not be applied to the payment of any particular debts, preferentially or exclusively, except as otherwise herein expressly enacted. 60 V. c. 36, s. 186.

Effect of certain events or of non-registry.

185.—(1) Upon the happening of any of the events mentioned in subsection 1 of section 76, or upon notice given by the Insurance Registrar of the corporation's registry being cancelled, or where a corporation neglects to register or renew its registry, the treasurer or other officer of the corporation in Ontario having in his charge, custody, possession or power the accounts, account books and insurance funds of the corporation, or the liquidator, if any, appointed under Chapter 183 of these Revised Statutes, shall *ipso facto*, and during the pendency of an action or appeal, if any, become interim receiver for the corporation and an officer of the High Court subject to its control and direction, and shall so remain unless and until other appointment or other disposition of the matters is made by the Court.

Remedies by the estate against receiver.

Receiver to deposit forthwith in bank.

(2) The interim receiver shall forthwith deposit in the chartered bank prescribed by Rule 405 of the Consolidated Rules of Practice of the Supreme Court of Judicature, all moneys and securities for money in the charge, custody, possession or power of the corporation or of himself as officer of the corporation, and shall from time to time so deposit all further moneys and securities that come into his possession or power as receiver, unless and until otherwise ordered by the Court.

Bank to give receipts.

(3) On receiving from the interim receiver the moneys and securities for money of the corporation, together with his written notice that by virtue of this Act, the insurance corporation *(naming it)* has become unregistered, and that he is interim receiver for the same, the bank shall give the interim receiver a receipt for the moneys, and a separate receipt for the securities, specifying each security, each receipt being in triplicate; and the said receipts shall acknowledge the moneys and the securities respectively to have been deposited by the

interim receiver *(naming him)* to the credit of the unregistered insurance corporation *(naming it)*, and as subject to the order of the High Court, and such moneys and securities when so deposited shall be held to be deposited to the joint credit of the said unregistered corporation and of the Accountant of the Supreme Court of Judicature for Ontario.

Interest on moneys deposited.

(4) The payment of interest on the moneys so deposited in the bank shall be governed by the same rules as in the case of money received by the bank to the credit of a cause.

Notice that the assets are a fund in Court.

(5) Notice from the Insurance Registrar to any person or corporation that the registry of an insurance corporation has been revoked or cancelled, or that the corporation has become unregistered, shall be sufficient notice that the funds and securities of the unregistered corporation are subject solely to the order of the High Court. 60 V. c. 36, s. 187.

Application to be filed by interim receiver in Master's office.

186.—(1) After depositing the moneys and securities in the bank as required by subsection 2 of section 185, the interim receiver shall forthwith file an application in the office of the Master to the effect of Schedule B to this Act.

Bank receipt and affidavit to be filed with the application.

(2) Together with the foregoing application the interim receiver shall file in the office of the Master one of each of the triplicate receipts given by the bank as aforesaid, and also an affidavit to the effect of Schedule C to this Act, the necessary variations being made where by operation of this Act, two or more persons are made interim receiver, and join in the affidavit; and the interim receiver shall forthwith deliver another of the triplicate receipts to the Accountant of the Supreme Court of Judicature for Ontario, at Osgoode Hall, Toronto.

Before whom the affidavit may be sworn.

(3) Such affidavit may be sworn to before any person duly authorized to administer oaths in any legal proceeding.

Securities previously given by receiver to remain in force.

(4) Until the interim receiver is discharged from his office, or until new securities are taken from him by order of the Court, the securities given by him to the corporation and in force at the cesser of registry, shall continue in as full force and validity as if the corporation had continued to be registered.

The Master to issue his certificate of the filing and call in the securities.

(5) On the filing of the documents specified in this section the Master shall issue to the interim receiver his certificate of the filing, and shall issue his order to the person or persons having in his or their charge, custody possession or power the securities mentioned in the next preceding subsection, to deliver the same forthwith at the Master's office to be filed, and on any refusal neglect or delay to obey the order, such person or persons shall be liable to be committed for contempt of Court as provided in sections 185 and 188.

Non-delivery punishable as a contempt.

Where no securities exist, or the securities are not satisfactory or sufficient.

(6) If there are no such securities as mentioned in sub-section 5, or if the existing securities are not in the opinion of the Master satisfactory or sufficient the Master may order the interim

receiver within a time limited to give securities or to give other or additional securities; and on the interim receiver's default of compliance, the Master may remove him and appoint another interim receiver.

Guarantee company's bond as security.

(7) The Master may accept as the receiver's security the bond of any guarantee company duly registered under this Act.

Bonds, etc., of receiver to be made to Insurance Registrar.

(8) The bonds, guarantee policies or other securities of every receiver under this Act shall be made to the Insurance Registrar, and when approved by the Master, shall be transferred to the Insurance Registrar to be deposited and remain in the same custody as securities deposited by insurance companies under this Act.

Insurance Registrar to be corporation sole, for purposes of holding receivers' securities.

(9) For the purposes of holding the securities of the receiver, and all estate therein, to the use of the unregistered corporation, the Insurance Registrar shall be a corporation sole, by the name of "Insurance Registrar for Ontario," and the said Registrar as such corporation sole, shall have perpetual succession, and may sue and be sued, may plead and be impleaded in any of Her Majesty's Courts in this Province.

Receivers' securities heretofore made.

(10) All securities heretofore made to any person or persons, other than the Insurance Registrar and in force at the passing of this subsection, shall forthwith be assigned and transferred to the Insurance Registrar, to be deposited and remain in the same custody as prescribed by subsection 8 of this section. 60 V. c. 36, s. 188.

Place and time to be appointed for hearing application.

187.—(1) The Master in and by the certificate of filing mentioned in sub-section 5 of section 186, or by *ex parte* order or otherwise, may appoint a place and a time, (such time being not less than twenty-one days from the date of the certificate or order), at which time he will hear the application of the interim receiver and will confirm the interim receiver in his office, or appoint another receiver, or make such other disposition of the matter as shall appear proper.

Public notice of application and of the hearing.

(2) Public notice shall be given by the interim receiver of his application and of the place and time appointed by the Master for the hearing of the same; such notice shall be published in two issues of the *Ontario Gazette*, and once a week for two weeks in a newspaper published in the county where the head office or chief office of the unregistered corporation is situated, and a copy of the notice shall be delivered to the Insurance Registrar at his office, at least ten days before the day appointed for the hearing of the application, and the notice shall be to the effect of Schedule D to this Act. 60 V. c. 36, s. 189.

On default of interim receiver Master may appoint another.

188.—(1) If the person or persons made interim receiver by this Act or by order hereunder, fail to comply with the provisions of section 185 within eight days after becoming interim receiver, then the Insurance Registrar or any policy holder, or

certificate holder, or any claimant or creditor may on motion, supported by an affidavit declaring the facts, move the Master to issue his certificate of default, and may by the same or subsequent motion, move the Master to appoint an interim receiver, and to appoint a place and time for confirming such interim receiver in his office, or for disposing of the matter otherwise, and upon such motion or motions the Master may issue his certificate of default, and may appoint an interim receiver and make such further order or orders as seem necessary or expedient for securing the property of the corporation.

Duties of new interim receiver.

(2) An interim receiver appointed by the Master shall under the direction of the Master, take immediate possession of the moneys and securities for moneys of the corporation, and shall thereafter perform all the duties required of an interim receiver by this Act, and on default of performance shall be liable to the penalties imposed by this Act.

Proceedings on default of compliance.

(3) On any non-compliance by an interim receiver or by any officer, agent or employee of the corporation with any provision of sections 185 and 186 or with any order made, or summons or direction issued by the Master under this Act, then upon motion as enacted in sub-section 1 of this section, any of the persons therein mentioned may move the Master to issue his certificate of the default, and his certificate shall be conclusive evidence of such default for the purposes of any proceedings taken by any of such persons, under sections 185 and 186, or under subsection 5 of this section.

Motion to commit.

(4) A motion to commit such defaulter may on two clear days' notice be made before a Judge of the High Court in Chambers.

Penalty for non-compliance with sections 185 and 186 after notice.

(5) If any person or persons made interim receiver by this Act or by order hereunder, receive from the Insurance Registrar notice under his hand and the seal of his office directing such person or persons to comply with the provisions of section 185, or of section 186, and if the person or persons so notified do not within ten days after the notice delivered comply accordingly, such person or persons shall each and every of them be guilty of an offence, and upon summary conviction thereof before any Police Magistrate or Justice of the Peace having jurisdiction where the offence was committed, be liable to a penalty not exceeding $500 and costs and not less than $100 and costs, and in default of payment the offender shall be imprisoned with or without hard labour for a term not exceeding three months and not less than one month; and on a second or any subsequent conviction, he shall be imprisoned with hard labour for a term not exceeding twelve months and not less than three months.

Application of s. 185 (4, 5, 7).

(6) All the provisions contained in sub-sections 4, 5 and 7 of section 185 shall apply in the case of an offence committed under this section.

Evidence.

(7) The provisions contained in section 74 shall apply to evidence in any cause, matter, proceeding or trial, arising under or out of this section. 60 V. c. 36, s. 190.

Disposal of application by Master.

189.—(1) At the place and time appointed for hearing the application mentioned in section 186 the Master may confirm the interim receiver in or discharge him of his office, and may appoint another person to be receiver, or with the consent in writing of the Insurance Registrar, may then or afterwards dispense with a receiver, and generally, may make then or afterwards, such disposition of the matter as will best expedite the beneficial realization of the assets, the discharge of the liabilities, and the distribution of the surplus among the persons entitled. Provided that, where there is no receiver, the procedure shall, as nearly as may be, conform to the procedure herein prescribed for winding up with a receiver; and the assets shall be realized and distributed by or under the direction of the Master among the persons entitled thereto, in the same way, as nearly as may be, as if the distribution were being made by the receiver; a Judge of the High Court may make an order directing how the books, accounts and documents of the corporation and of the receiver are to be disposed of, and may order that they be deposited in Court, or otherwise dealt with as may be thought fit. Provided also that in any case there shall not be more than one receiver at any one time, except with the consent in writing of the Insurance Registrar.

Proviso.

Trust company as receiver.

(2) The Master may appoint as receiver any trust company approved by the Lieutenant-Governor in Council and accepted by the High Court as a trust company.

Powers of the Master.

(3) Subject to the provisions hereinafter contained, the Master shall decide upon the security or securities to be given by the receiver, upon the mode and amount of his compensation; shall fix the times for the submission and passing of his accounts; shall settle advertisements deemed to be necessary; shall determine what persons are entitled to notice of any matter or proceeding, and the time, mode and form of notice to be given; shall settle and determine lists of the debtors and the contributories and the amounts which they are respectively liable to pay and contribute to the assets of the estate; and shall also settle and determine the claims of creditors, and the amounts to which they are respectively entitled, and all matters of set-off affecting or alleged to affect such debts, contributions or claims; shall direct the realization of assets, the discharge of liabilities and the distribution of the surplus; and shall make such orders and issue such directions as will best effectuate the provisions of this Act; and generally shall have all the powers which might be exercised on any reference to him under a judgment or order of the High Court. Orders and certificates made by the Master under this Act, shall be appealable to a Judge of the High Court in like manner as other orders and certificates of the Master, and so far as not

Appeal from Master's decision.

inconsistent with the provisions of this Act, the Rules of the Supreme Court of Judicature shall apply to all proceedings under this Act. Consolidated rules to apply.

(4) In fixing the receiver's remuneration his efficiency and expedition in winding up shall be considered; in no case shall the winding up be prolonged beyond the space of one year from the commencement, except for special and urgent cause shown to the satisfaction of the Insurance Registrar, and when prolonged beyond the said period for such cause so shown the Insurance Registrar by a consent in writing shall limit a day for the final closing of the books and accounts of the estate. Where the creditors are subjected to delay or the estate to expense by any want of care, diligence or efficiency in the receiver, the Master or a Judge in Chambers on an appeal from the Master, on motion of the Insurance Registrar or of any creditor, contributory or other person interested in the estate may impose a fine on the receiver of not less than $20 nor more than $200 and costs, which thereupon shall be deemed to be a debt adjudged due from the receiver to the estate, and execution may issue forthwith or the amount may be charged against any remuneration already earned by but not yet paid to the receiver. Remuneration of receiver. Duration of winding up. Laches of receiver.

(5) Under the direction of the Master the receiver shall as far as practicable, act personally in all matters relating to the estate, shall attend on correspondence, give notices, file or copy documents, prepare schedules, make calls on persons found or adjudged subject thereto, and shall personally perform such other duties and services in the receivership as may from time to time be proper and necessary in the business of the receivership; and no costs shall be paid or allowed for the performance of duties or services which properly devolve upon the receiver personally, either within the intent of this Act or by virtue of any law or practice relating to receivers in force in Ontario. 60 V. c. 36, s. 191. Receiver to act personally as far as practicable.

190. Every receiver shall be subject to the summary jurisdiction of the Court, in the same manner, and to the same extent, as the ordinary officers of the Court are subject to its jurisdiction; and the performance of his duties may be compelled, and all remedies sought or demanded for enforcing any claim for a debt, privilege, mortgage, lien or right of property, upon, in or to any effects or property, in the hands, possession or custody of a receiver, may be obtained by an order of the Court on summary petition, and not by action, suit attachment, seizure or other proceeding of any kind whatsoever; and obedience by the receiver to such order may be enforced by the Court under the penalty of imprisonment, as for contempt of court, or disobedience thereto; and in the discretion of the Court he may be removed, and with or without removal of the receiver, the Court may order the amount of any damage, loss or costs, ascertained to have Receiver subject to summary jurisdiction of Court. Remedies against estate obtained by summary order.

been occasioned to the estate by his misconduct, misfeasance, laches or neglect, to be deducted from his remuneration earned, or to be paid by him or his sureties. 60 V. c. 36, s. 187 (2)

Form of advertisement for creditors.

191.—(1) The advertisement for or notice to creditors or claimants shall be to the effect of the form in Schedule E. hereto.

Certain claims to be collocated without other proof than company's books, etc.

(2) Upon the evidence mentioned in sub-section 10 of section 74 of this Act (unless upon error shown to the satisfaction of the Master), and without the creditor or claimant filing further or other proof or making any formal claim or giving notice, the receiver shall prepare each in duplicate the three several schedules next hereinafter mentioned with the amount for which or having relation to which each creditor or claimant appears entitled to rank on the assets. Upon the said several amounts being verified to the satisfaction of the Master, and in the absence of contestation by any person interested, or party, the creditor or claimant shall be collocated and ranked accordingly.

Three schedules of claimants to be prepared.

Schedule of preferred creditors.

(3) The first of the said three schedules may be described as the *Schedule of Preferred Creditors*. This schedule shall include the names, addresses and descriptions of the persons mentioned in sub-section 7 of section 195 hereof, together with the total amount to which, on the aforesaid evidence, (particular reference being made to the book and page, or as the case may be) the said persons are severally entitled, together also with the amount in respect of which they are severally entitled to rank as preferred creditors.

Schedule of ordinary creditors.

(4) The second of the said schedules may be described as the *Schedule of Ordinary Creditors*. The schedule shall include those preferred creditors who, in respect of an unpreferred residue, are entitled to rank as ordinary creditors and the amount in each case of such residue; also all creditors entitled to claim under policies matured before the commencement of the winding up, or under policies having at that date a fixed surrender value, or under policies unmatured at the commencement of the winding up, but secured by deposit under this Act, together with the following particulars in the case of each policy, viz.: The number and description of the policy, the date of issue (and in the case of any life insurance policies the age of the assured at date of issue) the name and address of the assured, and of his assignee, if any, the amount for which the policy was issued and the value of the policy or of the unearned premiums, as the case may be, taken as at the commencement of the winding up, and in the case of policies issued for a term of years, the date of the expiry of the term. The said second schedule shall further include particulars of the several obligations other than policies issued by the corporation and outstanding at the commencement of winding up, with the names of the obligees and payees, and the value of the said obligations taken as at that date, and shall also in-

clude the names and addresses, so far as known, of all other persons entitled to rank upon the assets not being persons and claims falling within the scope of the first and third of these schedules.

Schedule of the unmatured and unsecured policies.

(5) The said third schedule may be described as the Schedule of *Unmatured and Unsecured Policies*. This schedule shall include all policies in force at the commencement of the winding up, but not falling within the scope of the said second schedule, and shall furnish the like particulars as therein mentioned, except as to the value of the policy, and shall further show the aggregate of the contributions made by the assured to the reserve or surplus fund, if any, of the corporation; and in any distribution of any surplus assets the distributive share under any policy shall be proportionate to the said aggregate of contributions by the assured, with or without interest thereon, as the Master under the circumstances may deem to be just; Provided that where the registry of the corporation was cancelled for insolvency or impending insolvency, or where the Master is of opinion that the assets of the estate are insufficient or not more than sufficient to pay in full the claims entitled to be ranked in the said first and second schedules, the Master may dispense with the preparation of the said third schedule.

Proviso.

Schedules of debtors and creditors.

(6) As soon as may be after the commencement of the winding up the receiver shall prepare *Schedules of Debtors and Contributories*. The *Schedule of Debtors* shall show the names and addresses (so far as the addresses can be ascertained) of all persons actually indebted to the estate or against whom the estate holds obligations or accounts accruing due with particulars of the same, and of the securities if any held by the estate, reference being in every case made to the books, or vouchers relating thereto. *The Schedule of Contributories* shall show the names and addresses (so far as the addresses can be ascertained) of all members of the corporation and persons who are subject to call, or otherwise liable to contribute to the assets of the estate, and the extent of such liability, giving the like reference to books and vouchers.

Schedules to be in triplicate; how disposed of.

(7) The several schedules in this subsection mentioned shall be prepared by the receiver in triplicate; one of the triplicates verified by his oath shall be filed in the Master's office; another shall be delivered to the Insurance Registrar; and the third shall be kept in the receiver's office, and made accessible on demand to all persons interested in the estate. 60 V. c. 36, s. 192.

Procedure after expiry of the time limited for claims.

192. (1) After the expiration of the time limited by the advertisement for creditors or notice to claimants, the Master shall then proceed without delay to settle and determine the list of creditors and the claims of alleged creditors, and the amounts to which those persons by him adjudged to be creditors are respectively entitled; also to settle and determine the

lists of debtors and contributories and the amounts they severally are liable to pay or contribute to the assets of the corporation; also to settle and determine all matters of set-off affecting or alleged to affect such claims against, or debts or contributions to the estate. The Master shall have authority to disallow and exclude all claims of which notice was not given within the time limited; and thereafter he shall report directing a distribution of the assets among the persons entitled thereto, having regard only to the claims of which the receiver had notice within the time limited; but it shall also be competent for the Master to make an interim report or reports whenever deemed advisable; and, when deemed necessary, to direct the payment of an interim dividend or interim dividends. It shall not be necessary or advisable to procure an order for the payment out of Court of any dividend declared by the Master's report, after the said report becomes absolute or confirmed by lapse of time or is affirmed on final appeal as the case may be. Such payment out shall be made by the Accountant of the Supreme Court of Judicature upon the production of the report with a certificate by the said Master, certifying the date of the filing and that the said report has become absolute, or has been affirmed on final appeal as the case may be.

Inquiry into misfeasances and defaults of directors, etc.

(2) Where, in the course of winding up a corporation under this Act, it appears to the Master or to the Insurance Registrar that any past or present trustee, auditor, director, manager, officer, official, receiver or liquidator of the corporation has misapplied or retained in his own hands or become liable or accountable for any money, assets, or property of the corporation, or has been guilty of any misfeasance or breach of trust or duty in relation to the corporation, or whose conduct in the management of the affairs of the corporation has been such as in the opinion of the Insurance Registrar to require investigation, the Master, on the application of the Insurance Registrar, and after at least ten days' notice served on the person or on the several persons whose conduct or dealings are to be investigated, shall, and is hereby authorized and empowered, notwithstanding that the offence is one for which the offender is criminally responsible, to examine into the conduct and dealings of the said person or persons, and report to the Court his conclusions upon the evidence; and where the Master by his report finds as a fact that such default or misfeasance has been committed, and ascertains the loss to the estate thereby, and ascertains the person or persons who committed the act or acts of default or misfeasance, or breach of trust or duty, the Master by his report may direct the said person or persons severally or jointly, or jointly and severally to pay to the estate a certain sum or sums of money with or without interest, and with costs if any, occasioned by the default, misfeasance or breach of trust or duty, or the Master may by his report disallow any account that such defaulter

or misfeasant may have for his services or salary, and the report of the Master when made shall be subject to the provisions of this Act as to filing, confirmation and enforcement. 60 V. c. 36, s. 193.

Filing of Master's report and notice of filing.

193.—(1) Where any report is made, the Master shall deliver it to the receiver, and the receiver shall forthwith file the same in the Master's office, or if the matter or proceeding is in Toronto, or the County of York, then in the proper office at Osgoode Hall; and thereupon, in the *Ontario Gazette* and in a newspaper issued at or nearest the place where the head office of the unregistered corporation is situate, the receiver shall give notice of the date of filing; the receiver shall also forthwith deliver a copy of the report to the Insurance Registrar and notice of the day of filing; the receiver shall also keep in his own office a copy of the report indorsed with the date of filing, and make the same accessible on demand to all persons interested in the estate.

Effect of report becoming absolute.

(2) Upon any report of the Master (or the said report as amended on appeal, if any) becoming absolute under the rules of the Court, every person ascertained by the report to be indebted in a specified sum to the estate of the corporation shall *ipso facto* and without further proceedings, and as after final judgment be deemed and be debtor to the estate in the sum specified, and thereafter the Master may under his hand certify that by his report dated and filed in on the day of 18 (*supplying the necessary particulars*) the person or persons named in the certificate has or have been found indebted to the estate of the unregistered corporation (naming it) in the sum of $ with $ interest (if any) and $ costs (if any).

Fee.

(*a*) A fee of 25 cents shall be payable to a Local Master in respect of each certificate under this subsection.

Transcript of judgment.

(3) The receiver or the Insurance Registrar thereupon by præcipe or requisition directed to the clerk of any Division Court or County Court, or to the proper officer of the High Court, may require the said certificate to be entered as a judgment of the Court, and thereupon it shall be entered accordingly, and thereafter the receiver or the Insurance Registrar may take any proceedings or process for the enforcing and collecting judgment that could be had or taken for the like purpose upon any judgment of the said Court.

General writ of execution within county.

(4) Where the Master finds that certain contributories or other persons liable to pay to the estate any sum of money damages or costs reside within the county or bailiwick of any sheriff, he may direct one writ of execution to issue commanding the sheriff to execute the said writ against the goods and lands of each of the persons named therein in respect of the sum of money, damages or costs specified as payable

by each of the said persons respectively; and thereupon the sheriff shall proceed to execute the said writ of execution as he would if separate writs of execution for the sum of money, damages or costs had been issued against each of the said persons respectively.

Purchase of assets by officers, etc., prohibited.

(5) Any purchase of assets of the unregistered or liquidating corporation, or of any member's right to rank on the assets, or of a member's dividend by any person directing, managing, auditing, or employed by the corporation within three years next before receivership or liquidation, or any such purchase by any receiver, or liquidator or inspector of the estate is hereby absolutely prohibited, and any pretended purchase or assignment such as aforesaid shall be utterly void. This subsection shall apply to any winding up of an insurance corporation under any Act of this Province. 60 V. c. 36, s. 194; [illegible].

Books, etc., of receiver to be accessible to Insurance Registrar.

194.—(1) The books, financial statements, schedules, accounts and vouchers of every receiver under this Act shall be accessible to the Insurance Registrar, or to any person authorized under his hand and seal, as enacted by section 82; and if any receiver refuses or neglects to afford such access, or if he makes a wilfully false statement or untrue entry, he shall be guilty of an offence as against subsection 7 of section 83, all the provisions of which sub-section shall apply in the case of an offence committed against this subsection.

Receiver to deposit moneys in bank.

(2) Unless and until otherwise ordered by the court, the receiver shall forthwith deposit in the bank prescribed by subsection 2 of section 185, to the credit of the unregistered insurance corporation all moneys by him from time to time received, and, ten days before the day appointed for the passing or taxation of any account, or bill of costs, he shall deliver a certified copy of the account, or bill of costs to the Insurance Registrar at his office and obtain his receipt therefor; and within five days after the passing or taxation of any account or bill of costs, the receiver shall in like manner deliver to the Insurance Registrar a certified copy of the account or bill of costs as passed or taxed. A duplicate of the account or bill of costs to be passed or taxed shall by the person rendering the same be supplied without charge to the receiver to be by him certified and delivered to the Insurance Registrar.

Default of receiver in leaving or passing accounts, etc.

(3) In case of default by any receiver in leaving or passing any account, or in making any deposit or payment, or of laches or negligence in performing any other duty devolving upon the receiver by virtue of his office under this Act, or of an order or direction of the Court, the Master either without motion, or on motion by the Insurance Registrar or any person interested, may deal with the receiver as provided in Consolidated Rule 766, or may remove the receiver and appoint another, or make such other order as will best effectuate the purposes of this Act.

(4) Where any insurance corporation is being wound up under this Act or under any other Act of this Province, the Insurance Registrar shall be a competent party for commencing or prosecuting any action, matter or proceeding relative to the estate of the corporation, or to a receiver or liquidator thereof, or to the sureties of or securities given by either; and to every such action, matter or proceeding otherwise taken, commenced or prosecuted and to every taxation, retaxation, review or revision of costs affecting the estate, the Insurance Registrar shall be a competent and necessary party. Insurance Registrar a party.

(5) Vacations in the High Court shall not apply to proceedings under sections 182 to 195 of this Act; and any proceedings, reports or appeals under the said sections may be brought, made and carried on in such vacations. (9 V. c. 36, s. 195). High Court vacations not to apply to proceedings under sections 182 to 195.

COSTS: PRIORITIES.

195.—(1) Except by consent in writing of the Insurance Registrar no counsel or solicitor shall be employed to act for the receiver or others at the expense of the unregistered corporation or of its funds or estate. Employment of counsel or solicitor by receiver.

(2) A minute entered in the Master's book shall have the same force as a formal order or direction; and except in special cases, no costs shall be allowed for attending on or taking out a formal order or direction. A copy of any minute certified under the hand of the Master shall be competent evidence thereof, and for every such certificate a fee of 50 cents shall be payable. Minute on Master's book to have force of formal order or direction.

(3) The Local Master or other local officer after taxing any bill of costs payable wholly or in part out of the estate shall forthwith transmit the same for revision to the proper taxing officer at Toronto, as directed by the Rules of the Supreme Court in the case of the costs in actions or proceedings where the amount is to be paid out of a fund in court, all of which said rules shall, where not inconsistent with this Act, apply to the costs of all matters and proceedings in any receivership, liquidation, or winding up under this Act. Revision of taxed costs.

(4) The costs of any matter or proceeding in the Master's office under this Act shall be on the County Court scale. Costs in Master's office to be on County Court scale.

(5) The taxed costs of any action, matter or proceeding taken by the Insurance Registrar, or by the receiver with the written consent of the Insurance Registrar, shall be paid out of the funds or estate of the corporation; but, except with the said consent, no costs shall be allowed out of the estate for separate, or other representation of members or certificate holders of the corporation or for the representation of any class of members or certificate holders; the costs of all other actions, matters, or proceedings shall be in the discretion of the Court. Costs of proceedings in winding up.

Costs of winding up to be first charge on estate.

(6) All costs charged and expenses properly incurred in the receivership and winding up of the corporation, including the remuneration of the receiver, shall be payable out of the assets of the corporation in priority to all other claims.

Clerks and wage earners to be preferred creditors.

(7) Subject to the foregoing provisions, the Master in distributing the assets of the corporation under this Act, shall pay in priority to the claims of the ordinary or general creditors, the salary or wages of all clerks and wage-earners in the employment of the corporation due at the date when the corporation became unregistered or within one month before, not exceeding three months' salary or wages, and such persons shall be entitled to rank as ordinary or general creditors for the residue of their claims. 60 V. c. 36, s. 196.

FEES.

Fees for incorporation of joint stock companies.

196. The fees for incorporation of joint stock companies under this Act shall be as prescribed by the Lieutenant-Governor in Council by order made in that behalf. 60 V. c. 36, s. 197 *part*.

Fees payable to Provincial Treasurer.

197.—(1) The fees under the next preceding section prescribed, and the fees in this section mentioned shall be payable to the Provincial Treasurer of Ontario, who shall cause to be delivered to the person making the payment a receipt in duplicate therefor:—

1. Provincial licenses.

Division I.—Insurance Companies Licensed by the Province.

1. For recording and filing the documents required by sections 3 and 17	$10 00
2. For filing power of attorney under sections 66 and 67	5 00
3. Application for change of name or of head office	10 00
4. For initial license to do business:—	
Joint Stock Company	100 00
Cash Mutual Company	50 00
Mutual	25 00
5. For each annual renewal of license:—	
Joint Stock Company	50 00
Cash Mutual Company	25 00
Mutual	5 00

6. For each supplementary license :—	
Initial	$20 00
Renewal	10 00
7. For filing annual statements :—	
Joint Stock Company	5 00
Cash Mutual Company	5 00

Division II.—Corporations deriving their powers from the Province.

II. Corporations deriving powers from the Province.

Ontario licensees.

1. Inasmuch as insurance corporations licensed by the Province are under the provisions of this Act required to pay annually to the Province license fees and an assessment, the said corporations shall without application and without additional charge be entitled to be registered under this Act.

Friendly Societies incorporated by Ontario.

2. In the case of Ontario corporations registered or applying for registry on the Friendly Society Register, the fees shall be as follows :—

A.—Corporations or incorporated branches having in Ontario 500 members or less :

(*a*) Application for initial registry	$ 2 00
(*b*) Extension of time for making application or delivering documents	1 00
(*c*) Certificate of registry, original or renewed	3 00
(*d*) Interim certificates or extension of certificates	2 00
(*e*) Revivor of registry after suspension	2 00
(*f*) Change of name or of head office	4 00

B.—Corporations or incorporated branches having in Ontario over 500 and not more than 1,500 members :

(*a*) Application for initial registry	$ 3 00
(*b*) Extension of time for making application or delivering documents	2 00
(*c*) Certificate of registry, original or renewed	10 00
(*d*) Interim certificate, or extension of certificate	3 00
(*e*) Revivor of registry after suspension	6 00
(*f*) Change of name or of head office	6 00

C.—Corporations or incorporated branches having in Ontario over 1,500 and not more than 2,500 members :

(*a*) Application for initial registry	$ 4 00
(*b*) Extension of time for making application or delivering documents	2 00
(*c*) Certificate of registry, original or renewed	15 00
(*d*) Interim certificate, or extension of certificate	4 00
(*e*) Revivor of registry after suspension	8 00
(*f*) Change of name or of head office	8 00

D.—Corporations or incorporated branches having in Ontario more than 2,500 members:

(*a*) Application for initial registry	$ 5 00
(*b*) Extension of time for making application or delivering documents	2 00
(*c*) Certificate of registry, original or renewed	25 00
(*d*) Interim certificate or extension of certificate	5 00
(*e*) Revivor of registry after suspension	10 00
(*f*) Change of name or of head office	10 00

III. Corporations empowered by Acts of Canada.

Part III.—Corporations deriving their powers from an Act of Canada or from a document of authorization issued under The Insurance Act of Canada.

Licensees.

R. S. C. c. 124.

1. In the case of corporations deriving their powers from a license or document of authorization issued under *The Insurance Act* of Canada, except corporations included in section 38 thereof, the fees shall be as follows:

(*a*) Application for initial registry	$ 5 00
(*b*) Extension of time for making application or delivering documents	2 00
(*c*) Filing power of attorney in case of extra-provincial corporations	5 00
(*d*) Filing change of power of attorney	5 00
(*e*) Certificate of registry, original or renewed	150 00
(*f*) Interim certificate of registry, or extension of certificate	5 00
(*g*) Revivor of registry after suspension	25 00

Corporations empowered under R. S. C. c. 124, s. 38.

2. In the case of corporations empowered under section 38 of *The Insurance Act* of Canada, the fees shall be as follows:—

(*a*) Application for initial registry	$5 00
(*b*) Extension of time for making application or delivering documents	2 00
(*c*) Filing power of attorney in case of extra-provincial corporations	5 00
(*d*) Filing change of power of attorney	5 00
(*e*) Certificate of registry, original or renewed	100 00
(*f*) Interim certificate of registry, or extension of certificate	5 00
(*g*) Revivor of registry after suspension	20 00

Ocean marine insurance.

R. S. C., c. 124.

3. In the case of corporations, companies, insurers or underwriters undertaking or transacting ocean marine insurance only, and also in case of corporations, companies, insurers and underwriters within the intent of section 3 (*a*) or section 32 of *The Insurance Act* of Canada found admissible to registry under this Act, the fee for certificate of registry, whether original or renewed, shall be $10

4. In the case of corporations mentioned in clauses 2 4 and 5 of section 60 of this Act, the fees shall be as in subdivision 2 A of *Division II.* of this section. 2 Corporations empowered by sundry, other Acts of Canada.

5. In the case of the corporations mentioned in clause 3 of section 60 of this Act, the fees shall be as follows:— 3 Trade Union insurance societies.

(*a*) Application for initial registry	$2 00
(*b*) Extension of time for making application or delivering documents	1 00
(*c*) Filing power of attorney in extra-provincial corporations	2 00
(*d*) Filing change of power of attorney	2 00
(*e*) Certificate of registry, original or renewed	3 00
(*f*) Interim certificate of registry, or extension of certificate	2 00
(*g*) Revivor of registry after suspension	3 00

Division IV.—Friendly Societies not included in either of the foregoing Divisions. IV. Other Friendly Societies.

1. In the case of extra-provincial friendly societies, the fees shall be in respect of powers of attorney as enacted in subdivision 1 of *Division III.* and in other respects shall be as in subdivision 2 D of *Division II.* of this section.

Provided, that when the fee for any term of registry under any division of this section exceeds $10, the fee payable for a certificate covering a period of six months or under shall be one-half of the fee payable for the full term. Proviso.

Division V.—Miscellaneous. V. Miscellaneous.

Office copy of decision of Insurance Registrar	$1 00
Certified copy of certificate of registry	1 00
Certified copy of entry on register	50
Copies of or extracts from documents filed with or issued by the Insurance Registrar per folio of 100 words	10
Certificate of exemption from registry	1 00
Filing of certificate of incorporation or any other separate document required by this Act to be filed in the office of the Provincial Registrar	1 00

60 V. c. 36, s. 197.

198. In the case of an application or other document or instrument to be filed, examined or deposited, the fees shall be paid and the duplicate of the Provincial Treasurer's receipt Time for payment of fees.

therefor shall be delivered to the Insurance Registrar before the application, or other document or instrument is considered; in the case of registry or certificates of registry, the fee shall be payable before the corporation is registered. 60 V. c. 36, s. 197 *part.*

SCHEDULE A.

[*Section* 60 (6).]

Age at entry.	Net level Premium for all-life insurance of $1,000.			
	Yearly, in advance.	Half-yearly, in advance.	Quarterly, in advance.	Monthly, in advance.
	$	$	$	$
18	9.86	5.00	2 51	.84
19	10.20	5 18	2.60	.87
20	10.55	5.36	2.69	.90
21	10.91	5.53	2.78	.93
22	11 28	5.71	2.87	.96
23	11.66	5.89	2.96	.99
24	12.03	6.07	3.05	1.02
25	12.42	6 25	3 14	1.05
26	12.76	6.43	3.23	1 08
27	13.12	6 60	3.32	1 11
28	13.49	6.78	3.41	1.14
29	13.87	7.02	3.53	1.18
30	14.31	7.20	3.62	1.21
31	14.76	7.44	3.74	1.25
32	15.22	7.68	3.86	1.29
33	15.73	7.91	3.98	1.33
34	16.25	8.21	4.13	1.38
35	16.82	8.51	4.28	1.43
36	17.42	8.81	4.43	1.48
37	18.05	9.10	4.57	1.53
38	18.71	9.46	4.75	1.59
39	19.42	9.82	4.93	1.65
40	20.18	10.17	5.11	1.71
41	20.97	10.59	5.32	1.78
42	21.81	11.01	5.53	1.85
43	22.70	11.48	5.77	1.93
44	23.65	11.96	6.01	2.01
45	24.66	12.44	6.25	2.09
46	25.72	12.97	6.52	2.18
47	27.31	13.80	6.94	2.32
48	28.10	14.16	7.12	2 38
49	29.36	14.82	7.45	2.49
50	30 72	15.53	7.80	2.61
51	32.17	16.24	8.16	2.73
52	33.71	17.02	8.55	2.86
53	35.34	17.85	8.97	3.00
54	37.07	18.74	9.42	3.15
55	38.94	19.64	9.87	3.30

SCHEDULE B.

[*Section* 186 (1).]

INTERIM RECEIVER'S APPLICATION FOR CONFIRMATION OR DISCHARGE.

Form of application for confirmation or discharge.

In the High Court of Justice,

In the matter of *The Ontario Insurance Act*.

And in the matter of (*name of corporation*), an unregistered insurance corporation.

I, C. D., by virtue of *The Ontario Insurance Act*, (*or* of order made thereunder, *as the case may be*), interim receiver for the above named corporation, do on the grounds set forth in the annexed affidavit apply to the Court for the confirmation of me in my office of receiver (*or* for the discharge of me from my office of receiver, *according as the interim receiver applies to be confirmed or discharged*), and for an appointment of a day on which my application shall be considered.

Dated at this day of 18 .

C. D.

SCHEDULE C.

[*Section* 186 (2).]

AFFIDAVIT OF INTERIM RECEIVER.

Form of affidavit.

In the High Court of Justice,

In the matter of *The Ontario Insurance Act*.

And in the matter of (*name of the corporation*) an unregistered insurance corporation and the application of C. D., interim receiver, bearing date the day of 18 .

I, C. D., by virtue of *The Ontario Insurance Act*, interim receiver for the (*naming the corporation*), make oath and say as follows :

1. The (*naming the corporation*) ceased to be registered under *The Ontario Insurance Act*, on the day of 18 , and thereupon by virtue of the said Act I became interim receiver for the said corporation.

2. When the said corporation so ceased to be registered, I held therein the office of treasurer (*or as the case may be*) and as such officer I had in my custody, possession or power the funds (*or if a corporation having funds separate and distinct from the funds of the insurance branch, then say* insurance funds) of the corporation.

3. All the moneys and securities for money in my custody, possession or power when the said corporation ceased to be registered or subsequently and up to the time of making deposit in the bank as required by the said Act, are fully and truly set out in Schedule A to this my affidavit ; and the said deposit thereof is correctly vouched for by the bank's receipts hereto annexed.

4. The other assets of the said corporation, including moneys or securities for money which have come into my charge, custody, possession or power since the time of making the said deposit are fully and truly set out in Schedule B to this my affidavit.

5. As treasurer (*or other officer as the case may be*) of the said corporation, I gave securities for the faithful performance of my duties to the corporation as follows:—

Here specify the securities given; if bonds, give names and addresses of the sureties and the sums in which they are severally bound.

6. The said securities are still in force and are now in the custody, possession or power of (*here give the name and address of the custodian or bailee*).

7. I have filed herewith an application in the Master's office, praying the Court to confirm me in my office as receiver (*or* to discharge me from my office as receiver, *as the case may be*, and the following are the material facts in support of the said application (*here state shortly the material facts*).

Sworn at
this day of 18 . } (*Signature.*)
before me, etc.

60 V. c. 36, s. 188 (3), *part.*

SCHEDULE D.

[*Section* 187.]

In the High Court of Justice

In the matter of *The Ontario Insurance Act.*

Form of notice.

In the matter of the (*naming the corporation*) an unregistered insurance corporation.

TAKE NOTICE that C. D., interim receiver of the said corporation, has filed in the Master's office at an application to be confirmed in his office (*or* to be discharged of his office) as receiver, and that the Master has appointed (*place, day and hour*) for the hearing of the said application, at which place and time the Master will make such disposition of the matter as may appear proper.

Dated at the
day of 18 C.D.

60 V. c. 36, s. 189, *part.*

SCHEDULE E.

[*Section* 191 (1).]

ADVERTISEMENT FOR CREDITORS.

Ontario Insurance Act.

In the High Court of Justice,

In the matter of , an unregistered insurance corporation.

Pursuant to the judgment and direction of the Insurance Registrar herein, dated the day of , 18 , revoking and cancelling the registration of the above named corporation (*or as the case may be*).

The creditors and persons (others than holders of unmatured policies or certificates of the corporation) having claims against the said corporation are, on or before the day of , 18 , to deliver or send by post, prepaid, to , of , the Receiver of the above mentioned corporation, an affidavit showing their christian names and surnames ,addresses and descriptions, the full particulars of their claims, a statement of their accounts and the nature of the security, if any, held by them ; or, in default thereof, they will be peremptorily excluded from the benefit of the said judgment and direction, and from all share in the assets of the estate ; and the said creditors and claimants, if so required by notice in writing from the said Receiver, are to come in and prove their debts and claims and produce their securities, if any, before me at my chambers at , on the day of , 18 , at o'clock in the noon, being the time appointed for hearing and adjudicating upon debts and claims ; or, in default thereof, they will be excluded from the benefit of any distribution of assets.

The status and rights of persons interested under unmatured policies of the corporation shall, in the absence of contestation and without any claim made, be determined by the books and records of the corporation, or of its officers ; a schedule showing the said status and rights may be seen in the office of the Receiver at the above address.

Notices and letters respecting the estate or any alleged right or interest therein, are to be addressed to the Receiver as above, and all letters requiring answer are to enclose a stamped and addressed envelope for reply.

Dated this day of , 18 .

Master.

60 V. c. 36, Sched. B.

CHAPTER 204.

An Act respecting the Insurance of Live Stock.

INTERPRETATION, s. 1.
FORMATION OF COMPANIES, ss. 2-13.
- Proceedings for incorporation, ss. 2-9.
- Election of directors and officers, s. 10.
- Notification to Inspector of Insurance, ss. 11-12.
- Issue of license, s. 13.

MANAGEMENT OF COMPANY, ss. 14-47.
ANNUAL STATEMENT, ss. 48, 49, 50.
CONTRACTS, STATUTORY CONDITIONS, ETC., ss. 51-60.
INVESTIGATIONS AS TO CAUSE OF LOSSES, s. 61.
APPLICATION OF THE INSURANCE ACT, s. 62.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation.

1. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:—

1. (1) The words and phrases following, that is to say: "The Minister," "Municipality," "Mutual Company," "Cash Mutual Company," "Inspector," "Member," "Contract," "Mutual Insurance," "Written," shall have the same meanings as in *The Ontario Insurance Act* 52 V. c. 33, s. 1.

Rev. Stat. c. 203.

2. "Registry Office," shall mean the office of the registrar of deeds for the registry division wherein the head office of the company is situate. 52 V. c. 33, s. 1 *part.*

Meetings to establish companies, how called.

2. Ten owners of live stock in any municipality or association of municipalities may call a meeting of owners of live stock to consult whether it be expedient to establish therein a live stock insurance company, upon the mutual or cash-mutual principle. 52 V. c. 33, s. 2.

Advertisement calling such meeting.

3. The meeting shall be called by advertisement, mentioning the time and place and object of the meeting; and the advertisement shall be published once in *The Ontario Gazette* and for three weeks in one or more of the newspapers published in the county. 52 V. c. 33, s. 3.

Subscription books.

4. If thirty residents of the municipality, being owners of live stock in the Province of Ontario, are present at the meet-

ing, and a majority of them determine that it is expedient to establish a mutual or cash-mutual live stock insurance company, they may elect three persons from among them to open and keep a subscription book, in which owners of live stock within the Province of Ontario, may sign their names, and enter the sums for which they shall respectively bind themselves to effect insurances with the company. 52 V. c. 33, s. 4.

When meeting may be called.

5. Where fifty or more persons, being owners of live stock in the Province of Ontario, have signed their names in the subscription book, and bound themselves to effect insurances in the company, which in the aggregate shall amount to $50,000 at least, a meeting shall be called, as hereinafter provided. 52 V. c. 33, s. 5.

How meeting to be called.

6.—(1) As soon as convenient after the subscription book has been completed in manner aforesaid, any ten of the subscribers thereto may call the first meeting of the company, at such time and place within the municipality as they may determine; such meeting shall be called by sending a printed notice by mail, addressed to every subscriber at his post office address, at least ten days before the day of the meeting, and by advertisement in one or more papers published in the county in which the municipality is situated.

(2) The said notice and advertisement shall contain the object of the meeting and the time and place at which it is to be held. 52 V. c. 33, s. 6.

Election of directors.

7.—(1) At such meeting the name and style of the company, including the appellations "Live Stock" and "Mutual," shall be adopted, and a secretary *ad interim* appointed, and a board of directors elected as hereinafter provided and the place named at which the head office of the company shall be located.

(2) To constitute a valid meeting for the purposes of the next preceding subsection, at least twenty-five of the aforesaid subscribers must be present.

(3) In case of a county or township the head office may be in any city, town or village within the boundaries of the county or township, or in any city, town or village adjacent thereto. 52 V. c. 33, s. 7.

Documents to be filed in registry office.

8.—(1) Copies of the resolutions adopting the name or style and the place of the head office of the company and of the subscription book, and the names of the directors elected shall thereupon be made; and all such documents certified as correct under the hands of the chairman and secretary, shall be filed in the registry office.

Thereon the corporation formed.

(2) Upon the filing of such documents, with the certificate, the subscribers and all other persons thereafter effecting

mutual insurance in the company, shall become members of the company and shall be a body corporate by and under the name so adopted. 52 V. c. 33, s. 8 (1, 2).

Forfeiture of corporate powers. Rev. Stat. c. 203.

9. The corporate powers of the company shall be forfeited by non-user, or by discontinuance of business, or by suspension or cancellation of license as provided in section 7 of *The Ontario Insurance Act*. 52 V. c. 33, s. 8 (3).

Meeting of directors to elect officers.

10. As soon after the aforesaid meeting as convenient, the secretary *ad interim* shall call a meeting of the board of directors, for the election of a president and vice-president from amongst themselves, for the appointment of a secretary, treasurer or manager, and the transaction of such other business as may be brought before them. 52 V. c. 33, s. 9.

Copies of resolutions, subscription books, and statements of proposed business to be transmitted to insurance inspector.

11. After the company has filed in the registry office, the documents mentioned in section 7, and before the company transacts or shall be entitled to transact any insurance business, the chairman and secretary shall transmit or deliver like copies, duly certified by them to be true copies and indorsed by the registrar as having been duly filed, to the Inspector at his office in Toronto, accompanied by a statement signed by the chairman and secretary, stating the kind and character of the risks intended to be taken by the company, and whether the company has been organized and incorporated as a mutual or as a cash-mutual company. 52 V. c. 33, s. 10.

Inquiries to be made by Inspector receiving statement.

12. Upon receipt of such certified copies and of the aforesaid statement by the Inspector, he shall proceed to ascertain whether the proceedings for the incorporation of the company have been taken in accordance with the law in that behalf, and whether the subscriptions are *bona fide*, and by persons possessing property to insure, and whether the proposed name is the same as that of any existing company, or may be easily confounded therewith, and he may require the declaration of any person or persons upon oath to be filed with him, touching any matters concerning which he is called upon to make inquiry. 52 V. c. 33, s. 11.

On report of Inspector the Minister may issue license.

13.—(1) If, upon examination, the Inspector finds that the said subscriptions have been made in good faith by persons entitled to make the same, and that the proposed name is satisfactory, and that the company has complied with this Act in respect of deposit, and in all other respects, the Minister may thereupon issue a license under his hand and seal setting forth that it has been made to appear to him that the company has complied with the requirements of the law, and that the company is accordingly licensed to transact the kind of business specified in the license, for a term therein also specified, but not exceeding twelve months from the date

of issue; but such license may from time to time be renewed as hereinafter provided. 52 V. c. 33, s. 12.

(2) The company so licensed shall be entitled to be registered by the Insurance Registrar under and subject to the provisions of *The Ontario Insurance Act*. 60 V. c. 36, s. 58. Registry of company so licensed. Rev. Stat. c. 203.

14. Where a change of name or of head office is desired by the company, application may be made as provided in section 40 of *The Ontario Insurance Act*, and the said section shall be taken and read as part of this Act, as shall also the following sections of *The Ontario Insurance Act*, that is to say: sections 41 to 52 inclusive (relating to government deposits), and section 53 (relating to license). 52 V. c. 33, s. 13; 60 V. c. 36, s. 41 (2) (4 (*d*),). Change of name or of head office. Rev. Stat. c. 203.

15. The company may admit as a member thereof, the owner of any live stock, and may insure the same, and every person admitted as a member of the company by the insurance shall be entitled to the like rights, and be subject to the like liabilities as other members of the company. 52 V. c. 33, s. 14. Power to admit members and insure.

16. No member of any mutual insurance company to which this Act may apply shall be liable in respect of any loss or other claim or demand against the company, otherwise than upon and to the extent of the amount unpaid upon his premium note or undertaking. 52 V. c. 33, s. 15. Liabilities of members.

17. Any member of the company may, with the consent of the directors, withdraw therefrom upon such terms as the directors may lawfully require. 52 V. c. 33, s. 16. Members withdrawing.

18. A meeting of the members for the election of directors shall be held in every year, within two months after the thirty-first day of December in each year, at such time and place as may be prescribed by the by-laws of the company. 52 V. c. 33, s. 17. Annual meeting for election of directors.

19. At annual meetings, in addition to the election of directors, a report of the transactions of the company for the year ending on the previous thirty-first day of December, shall be presented and read, together with a full and unreserved statement of its affairs, exhibiting receipts and expenditures, assets and liabilities, said statement having been first audited by two competent persons not directors, agents or employees of the company, and having been by the said auditors certified over their signatures as correct. 52 V. c. 33, s. 18. Annual report and statement.

20. Notice of any annual or special meeting of the members of the company shall be published in one or more newspapers for at least two weeks previous to the day of the Notice of annual or special meetings.

meeting; and a board of directors may convene at any time a general meeting of the company upon any urgent occasion, giving notice thereof as herein provided. 52 V. c. 33, s. 19.

Members to have votes proportionate to the amount of their insurance.

21. Each member of the company shall be entitled, at all meetings of the company, to the number of votes proportioned to the amount by him insured, according to the following scale, that is to say: for any sum under $1,500, one vote; from $1,500 to $3,000, two votes; from $3,000 to $6,000, three votes; and one vote for every additional $3,000; but no member shall be entitled to vote while in arrear for any assessment or premium due by him to the company. 52 V. c. 33, s. 20.

Right of applicants to vote.

22. No applicant for insurance shall be competent to vote or otherwise take part in the company's proceedings until his application and premium note have been accepted by the board of directors. 52 V. c. 33, s. 21.

Qualification of directors.

23. The directors shall be members of the company, and insured therein, for the time they hold office, to the amount of $200 at least. 52 V. c. 33, s. 22.

Number of directors to be determined by resolution.

24.—(1) The board of directors shall consist of six, nine, twelve or fifteen directors, as shall be determined by resolution passed at the meeting held under section 7 or at an annual meeting of the company, or at a special general meeting called for the purpose of such determination and election.

(2) The number of directors constituting such board may from time to time be increased or decreased, if so decided at a special general meeting of the company called for the purpose, or at an annual meeting, if notice in writing of the intention to move a resolution for that purpose at such annual meeting is given to the secretary of the company at least one month before the holding of the meeting; but the increased or decreased number of directors shall in any such case be six, nine, twelve or fifteen as aforesaid. 52 V. c. 33, s. 23.

Copy of resolution and list of directors to be filed.

25. A copy of the resolution specified in the last preceding section, together with a list of the directors elected thereunder, both documents being duly certified under the hands of the chairman and secretary of the annual meeting or special general meeting aforesaid, shall be filed in the office of the Inspector and also in the registry office. 52 V. c. 33, s. 24.

Retirement of directors in rotation.

26. Of the directors elected, as hereinbefore provided, one-third shall retire annually in rotation, and at the first meeting of the directors, or as soon thereafter as possible, it shall be determined by lot which of them shall hold office for one, two or three years respectively, and the determination shall be entered of record as part of the minutes of said first meeting. 52 V. c. 33, s. 25.

27. At every annual meeting of the company thereafter, one third of the total number of directors shall be elected for a period of three years, to fill the places of the retiring members, who shall be eligible for re-election. 52 V. c. 33, s. 26. Annual election to fill vacancies.

28. The manager of a mutual insurance company may be a director of the company, and may be paid an annual salary, but only under a by-law of the company. 52 V. c. 33, s. 27. Manager may be a director. His salary.

29. No agent or paid officer, or person in the employment of the company, other than the manager, shall be eligible to be elected a director, or shall be allowed to interfere in the election of directors for the company. 52 V. c. 33, s. 28. Certain persons not eligible to be elected directors.

30. The election of directors shall be held and made by such members of the company as attend for that purpose in their own proper persons. 52 V. c. 33, s. 29. Election of directors.

31. The election of directors shall be by ballot. 52 V. c. 33, s. 30. Mode of election.

32. If at any such election two or more members have an equal number of votes, in such manner that a less number of persons than the whole number to be elected appear to have been chosen directors by a majority of votes, then the said members of the company shall proceed to elect by ballot, until it is determined which of the persons so having an equal number of votes shall be the director or directors, so as to complete the whole number of directors to be elected; and the directors shall at their first meeting after any such election, proceed to elect by ballot among themselves, a president and vice-president, and at such election the secretary shall preside. 52 V. c. 33, s. 31. Case of a tie at an election. Election of a president and vice-president.

33. If a vacancy happens among the directors during the term for which they have been elected, by death, resignation, ceasing to have the necessary qualification under section 23 of this Act, insolvency, or by being absent, without previous leave of the board, from the board for three regular meetings in succession, which shall *ipso facto*, create such vacancy, the vacancy shall be filled up, until the next annual meeting, by any person duly qualified, to be nominated by a majority of the remaining directors, and as soon as may be after the vacancy occurs; and at the next annual meeting the vacancy shall be filled for the portion of the term still unexpired. 52 V. c. 33, s. 32. Vacancies in office of director, how filled up.

34. In case an election of directors is not made on the day on which it ought to have been made, the company shall not for that cause be dissolved, but the election may be held on a subsequent day, at a meeting to be called by the directors, or as otherwise provided by the by-laws of the company, and in Provision in case of failure to elect directors on proper day.

such case the directors shall continue to hold office till their successors are elected. 52 V. c. 33, s. 33.

Quorum of directors.

35. Three directors shall constitute a quorum for the transaction of business; and in case of an equality of votes at any meeting of the board, the question shall pass in the negative. 52 V. c. 33, s. 34.

Directors disagreeing may record their dissent.

36. A director disagreeing with the majority of the board at a meeting, may have his dissent recorded, with his reasons therefor. 52 V. c. 33, s. 35.

Appointment of manager and other officers.

37. The board of directors may from time to time appoint a manager, secretary, treasurer, and such other officers, agents, or assistants, as to them seem necessary; prescribe their duties, fix their compensations or allowances, take such security from them as is required by this Act for the faithful performance of their respective duties, and remove them and appoint others instead; the board may also adopt a table of rates, premiums, or premium notes, as the case may be, and vary such table from time to time, and determine the amount of the contract to be undertaken; they may hold their meetings monthly, or oftener if necessary, for transacting the business of the company; and they shall keep a record of their proceedings. 52 V. c. 33, s. 36.

Board may adopt a tariff of rates.

Meetings of the board.

The board may pass by laws.

38.—(1) The board may from time to time make and prescribe such by-laws as to them appear needful and proper, respecting the funds and property of the company, the duty of the officers, agents and assistants thereof, the effectual carrying out of the objects contemplated by this Act, the holding of the annual meeting, and all such other matters as appertain to the business of the company, and are not contrary to law, and may from time to time alter and amend the said by-laws, except in cases with regard to which it is provided that any such by-laws shall not be repealed, or where the repeal would affect the rights of others than the members of the company, in any of which cases such by-law shall not be repealed.

When by laws are not repealable.

When by-law of board to have effect as by-law of company.

(2) Every by-law of the board shall be duly entered in the minutes, and when confirmed at any subsequent meeting of the members, shall be held to be, and have the same force and effect as, a by-law of the company.

By-laws to be filed with Inspector.

(3) There shall be filed with the Inspector copies of all by-laws that may from time to time be passed by the company or the board. 52 V. c. 33, s. 37.

Board to manage property, etc., of company.

39. The board shall superintend and have the management of the funds and property of the company, and of all matters relating thereto, and not otherwise provided for. 52 V. c. 33, s. 38.

Re-insurance of risks.

40. The board may make arrangements with any other company licensed to transact live stock insurance business in the Province for the re-insurance, on such conditions with respect to the payment of premiums thereon as may be agreed between them. 52 V. c. 33, s. 39.

Investment of capital and funds of the company.

Recovery of assessments.

41. The board may, in the name of the company, invest the capital and funds of the company in any stock, debentures, or other securities in which trustees may invest trust money, and may, if a mutual or cash-mutual company, in the name of the company, recover from any member of such company, in any Court of competent jurisdiction, any premium or assessment upon his premium note payable by him. 52 V. c. 33, s. 40.

Directors may issue debentures and promissory notes for loans;

assets of the company to be liable for the same.

42.—(1) The board may issue debentures or promissory notes in favour of any person, firm, building society, banking or other company, for the loan of money, and may borrow money therefrom on such debentures or promissory notes for any term not exceeding twelve months, and on such conditions as they think proper, and may renew the same from time to time for any such term, the whole of the assets, including premium notes of the company, being held liable to pay the same at maturity, but no such debenture or promissory note shall be for a less sum than $100.

Amount of debentures, etc., limited.

(2) All the debentures and promissory notes at any one time outstanding shall not exceed one-fourth of the amount remaining unpaid upon the same premium notes. 52 V. c. 33, s. 41.

Land that may be held by the company.

43. Every company may hold such lands only as are requisite for the accommodation of the company, in relation to the transaction of their business, or such lands as have been *bona fide* mortgaged to them by way of security, or conveyed to them in satisfaction of debts contracted in the course of their dealings previous to such conveyance, or purchased at sales upon judgments obtained for such debts, and may from time to time sell and convey or lease any such lands. 52 V. c. 33, s. 42.

Loans to or from directors, forbidden.

44. No company shall contract with any director or officer thereof for any loan or credit, or borrowing of money, and every such attempted loan or borrowing is hereby prohibited; and any contract in violation of this section shall be void. 52 V. c. 33, s. 43.

Treasurer of company to give security.

45. The treasurer of the company or other officer having charge of the money of the company shall give security to the satisfaction of the board of directors in a sum of not less than $2,000 for the faithful discharge of his duties. 52 V. c. 33, s. 44.

Remuneration of directors.

46. At any annual meeting of the members of the company, or at any special general meeting thereof, if such purpose was

clearly expressed in the notice of the special general meeting, it shall be lawful to enact by-laws or pass resolutions for the remuneration of the directors of the company, and copies of such by-laws or resolutions shall, within one week after their passing, be filed with the Inspector, with whom also shall be filed copies of all other by-laws that may from time to time be enacted by the company or by the board of directors. 52 V. c 33, s. 45.

Company to keep classification and books.

Rev. Stat. c. 203.

47.—(1) Every company shall keep such a classification of its contracts, and such registers and books of account as are by section 87 of *The Ontario Insurance Act* required to be kept by registered insurance corporations; and the provisions of the said section 87 shall apply to companies to which this Act applies. 60 V. c. 36, s. 87; c. 3, s. 3.

(2) The books and records by this section required to be kept shall include only contracts within the intent of section 48 of *The Ontario Insurance Act*. 52 V. c. 33, s. 46 (2).

Yearly statement, what it must show and how it must be verified.

48.—(1) It shall be the duty of the president, vice-president, or managing director, secretary, or manager, and treasurer, when the secretary is not also treasurer of the company, to prepare annually under oath, and file with the Insurance Registrar, on the first day of January, or within one month thereafter, a statement of the condition and affairs of the company on the 31st of December then next preceding, exhibiting assets, liabilities, receipts and expenditure, in such form and with such items and detail as are required of registered insurance corporations under section 96 of *The Ontario Insurance Act*, the provisions of which section shall apply to companies to which this Act applies. 52 V. c. 33, s. 47; 60 V. c. 3, s. 3.

Rev. Stat. c. 203.

Penalty for contravention of above section.

49. Any violation of the next preceding section shall subject the company violating the same to a penalty of $200 for every violation, and of the additional sum of $100 for every month during which the company neglects to file such affidavits and statements as are therein required; if such penalties are not paid, the Lieutenant-Governor in Council may order such company's license to be suspended or cancelled, as may be deemed expedient. 52 V. c. 33, s. 48.

Report of Insurance Registrar.

Rev. Stat. c. 203.

50. From the annual statement, filed as aforesaid, the Insurance Registrar shall annually prepare a report which shall be incorporated with the report prescribed by section 97 of *The Ontario Insurance Act*. 52 V. c. 33, s. 49; 60 V. c. 3, s. 3.

Term of contracts.

51. (1) Contracts of live stock insurance shall not in any case exceed the term of two years.

(2) Any contract that may be made for one year or any shorter period, may be renewed at the discretion of the board of directors by renewal receipts instead of policy, on the insured paying the required premiums, or giving his premium note or undertaking; and all cash payments for renewal shall be made at the end of the year, or other period for which the policy was granted, otherwise the policy shall be void: Provided that no premium note taken under any contract of insurance shall exceed forty per centum or be less than ten per centum per annum of the sum insured. 52 V. c. 33, s. 50. Renewing policies. Proviso.

52. The company may, within the limits prescribed by the license, insure against loss of live stock by fire, lightning, accident, disease or any other means, except that of design on the part of the insured, or by the invasion of an enemy, or by insurrection. 52 V. c. 33, s. 51. Property which may be insured.

53. All contracts of live stock insurance issued by the board of directors, sealed with the seal of the company, signed by the president or vice-president, and countersigned by the secretary or acting secretary, shall be binding on the company. 52 V. c. 33, s. 52. Policies to be binding on the company.

54. The party insured shall if insured against loss on the mutual plan, be liable to pay his proportion of the losses and expenses of the company to the time of cancelling the policy, and, on payment of his proportion of all assessments then payable and to become payable in respect of losses and expenses sustained up to such period, shall be entitled to a return of his premium note or undertaking. 52 V. c. 33, s. 53. Cancellation of policies.

55. The conditions set forth in this section shall as against the insurers, be deemed to be a part of every contract, whether sealed, written or oral, of live stock insurance hereafter entered into or renewed or otherwise in force in Ontario with respect to any property therein or in transit therefrom or thereto, and shall be printed on every policy with the heading *Statutory Conditions*; and no stipulation to the contrary, or providing for any variation, addition or omission, shall be binding on the assured unless evidenced in the manner prescribed by sections 56 and 57 52 V. c. 33, s. 54. Statutory conditions to be part of every contract unless varied.

STATUTORY CONDITIONS.

1. If any person or persons insures his or their live stock and causes the same to be described otherwise than as they really are, to the prejudice of the company, or misrepresents or omits to communicate any circumstance which is material to be made known to the company, in order to enable it to judge of the risk it undertakes, such insurance shall be of Misrepresentation or omission.

no force in respect to the property in regard to which the misrepresentation or omission is made.

Policy sent to be deemed as applied for unless variance pointed out.

2. After application for insurance, it shall be deemed that any policy sent to the assured is intended to be in accordance with the terms of the application, unless the company points out, in writing, the particulars wherein the policy differs from the application.

Change of property.

3. If the property insured is, during the term of contract, pledged, mortgaged, sold or assigned without a written permission indorsed hereon by an agent of the company duly authorized for such purpose, the contract shall thereby become void: but this condition does not apply to change of title by succession, or by the operation of law, or by reason of death.

Salvage.

4. In case of the removal of the insured live stock to escape conflagration or other imminent danger, the company will contribute to the loss and expenses attending such act of salvage proportionately to the respective interests of the company or companies and the insured.

Prior or subsequent insurance.

5. The company is not liable for loss if there is any prior insurance in any other company, unless the company's assent thereto appears herein or is indorsed hereon, nor if any subsequent insurance is effected in any other company, unless and until the company assents thereto, or unless the company does not dissent in writing within two weeks after receiving written notice of the intention or desire to effect the subsequent insurance, or does not dissent in writing after that time and before the subsequent or further insurance is effected.

Liability in case of

6. The company is not liable for the losses following, that is to say:

Non-ownership.

(*a*) For loss of live stock owned by any other party than the assured, unless the interest of the assured is stated in or upon the policy;

Riot, invasion, etc.

(*b*) For loss caused by invasion, insurrection, riot, civil commotion, military or usurped power;

Proof of loss when payable to other than assured.

7. Proof of loss must be made by the assured, although the loss be payable to a third party.

Directions to be observed on making claim.

8. Any person entitled to make a claim under this policy is to observe the following directions:

(*a*) He is forthwith after loss to give notice in writing to the company;

(*b*) He is to deliver, as soon afterwards as practicable, as particular an account of the loss as the nature of the case permits;

(*c*) He is also to furnish therewith a statutory declaration, declaring,

That the said account is just and true;

When and how the loss was caused, so far as the declarant knows or believes;

That the loss was not caused through his wilful act or neglect, procurement, means or contrivance;

The amount of other insurances;

All liens and incumbrances on the subject of insurance;

The place were the live stock insured was at the time of the loss;

(*d*) He is to produce, if required, a certificate under the hand of a Magistrate, Notary Public, Commisioner for taking affidavits, or Municipal Clerk, residing in the vicinity in which the loss happened, and not concerned in the loss or related to the assured or sufferers, stating that he has examined the circumstances attending the loss alleged, that he is acquainted with the character and circumstances of the assured or claimant, and that he verily believes that the assured has by misfortune and without fraud or evil practice sustained loss on the subject assured, to the amount certified.

Proof of loss may be made by agent.

9. The above proofs of loss may be made by the agent of the assured, in case of the absence or inability of the assured himself to make the same, such absence or inability being satisfactorily accounted for.

False statement or fraud vitiates claim.

10. Any fraud or false statement in a statutory declaration, in relation to any of the above particulars, shall vitiate the claim.

Arbitration in case of differences.

11. If any difference arises as to the value of the property insured, of the property saved, or amount of the loss, such value and amount and the proportion thereof (if any) to be paid by the company, shall, whether the right to recover on the policy is disputed or not, and independently of all other questions, be submitted to the arbitration of some person to be chosen by both parties, or if they cannot agree on one person, then to two persons, one to be chosen by the party assured and the other by the company, and a third to be appointed by the persons so chosen, or on their failing to agree, then by the County Judge of the county wherein the loss has happened; and such reference shall be subject to the provisions of *The Arbitration Act;* and the award shall, if the company is in other respects liable, be conclusive as to the amount of the loss and proportion (if any) to be paid by the company; where the full amount of the claim is awarded, the costs shall follow the event; and in other cases, all questions of costs shall be in the discretion of the arbitrators.

Rev. Stat. c. 62.

Loss when payable.

12. The loss shall not be payable until sixty days after completion of the proofs of loss, unless otherwise provided for by the contract of insurance.

Insurance terminable on notice.

13. The insurance may be terminated by the company by giving notice to that effect, and, if on the cash plan, by tendering therewith a rateable proportion of the premium for the unexpired term, calculated from the termination of the notice; in the case of personal service of the notice five days' notice, excluding Sunday, shall be given. Notice may be given by any company having an agency in Ontario, by registered letter addressed to the assured at his last post-office address notified to the company, or, where no address notified, then to the post-office of the agency from which application was received, and where such notice is by letter, then seven days from the arrival at any post-office in Ontario, shall be deemed good notice: And the policy shall cease after such tender and notice aforesaid, and the expiration of the five or seven days as the case may be.

(*a*) The insurance, if for cash, may also be terminated by the assured by giving written notice to that effect to the company or its authorized agent, in which case the company may retain the customary short rate for the time the insurance has been in force, and shall repay to the assured the balance of the premium paid.

Waiver of condition.

14. No condition of the policy, either in whole or in part, shall be deemed to have been waived by the company, unless the waiver is clearly expressed in writing, signed by an agent of the company.

Officers assuming to agree in writing to be deemed agents.

15. Any officer or agent of the company who assumes on behalf of the company to enter into any written agreement relating to any matter connected with the insurance, shall be deemed *prima facie* to be the agent of the company for the purpose.

Actions to be brought within one year.

16. Every action or proceeding against the company for the recovery of any claim under or by virtue of this policy, shall be absolutely barred, unless commenced within the term of one year next after the loss or damage occurs.

What constitutes written notice.

17. Any written notice to a company for any purpose of the statutory conditions, where the mode thereof is not expressly provided, may be by letter delivered at the head office of the company in Ontario, or by registered post letter addressed to the company, its manager or agent, at such head office, or by such written notice given in any other manner to an authorized agent of the company. 52 V. c. 33. s. 54.

Variations, how indicated.

56. If a company desires to vary the said conditions, or to omit any of them, or to add new conditions, there shall be added, on the instrument of contract containing the printed statutory conditions, words to the following effect, printed in conspicuous type and in ink of different colour:—

"VARIATIONS IN CONDITIONS.

"This policy is issued on the above Statutory Conditions, with the following variations and additions :—

"These variations (*or as the case may be*) are, by virtue of the Ontario Statute in that behalf, in force so far as, by the Court or Judge before whom a question is tried relating thereto, they shall be held to be just and reasonable to be exacted by the company." 52 V. c. 33, s. 55.

Variations not binding unless clearly indicated.

57. No such variation, addition or omission shall, unless the same is distinctly indicated and set forth in the manner or to the effect aforesaid, be legal and binding on the assured; and no question shall be considered as to whether any such variation, addition or omission is, under the circumstances, just and reasonable, but on the contrary, the policy shall, as against the insurers, be subject to the Statutory Conditions only, unless the variations, additions or omissions are distinctly indicated and set forth in the manner or to the effect aforesaid. 52 V. c. 33, s. 56.

Policy containing other than statutory conditions.

58 Where a policy is entered into or renewed containing or including any condition other than or different from the conditions set forth in section 55 of this Act, if the said condition so contained or included is held, by the Court or Judge before whom a question relating thereto is tried, to be not just and reasonable, such condition shall be null and void. 52 V. c. 33, s. 57.

If due proof of loss not given through accident, etc., or objection not made thereto, or made on other grounds than non-compliance with conditions;

59. Where, by reason of necessity, accident or mistake, the conditions of any contract of live stock insurance on property in this Province as to the proof to be given to the insurance company after the occurrence of a loss, have not been strictly complied with; or where, after a statement or proof of loss has been given in good faith by or on behalf of the assured, in pursuance of any provision or condition of such contract, the company, through its agent or otherwise, objects to the loss upon other grounds than for imperfect compliance with such conditions, or does not within a reasonable time after receiving such statement or proof notify the assured in writing that such statement or proof is objected to, and what are the particulars in which the same is alleged to be defective, and so from time to time; or where, for any other reason, the Court or Judge before whom a question relating to such insurance is tried or inquired into, considers it inequitable that the insurance should be deemed void or forfeited by reason of imperfect compliance with such conditions—no objection to the sufficiency of such statement or proof or amended or supplemental statement or proof (as the case may be) shall, in any of such cases, be allowed as a discharge of the liability of the company on

or, if full compliance adjudged inequitable, in above cases, liability and policy not vacated.

such contract of insurance wherever entered into. 52 V. c. 33, s. 58.

Appeal.

60. A decision of a Court or Judge under this Act shall be subject to review or appeal to the same extent as a decision by such Court or Judge in other cases. 52 V. c. 33, s. 59.

Justices of the Peace, etc., may swear and examine witnesses regarding loss.

61.—(1) Any Justice of the Peace, or anyone having lawful authority to administer an oath or affirmation in any legal proceeding, may examine on oath or solemn affirmation any party or person who comes before him to give evidence touching any loss in which any live stock insurance company is interested, and may administer any oath or affirmation required under this Act.

May hold special investigation on request.

(2) On receiving a written request from any officer or agent of any insurance company with security for the expenses of an investigation, any Justice of the Peace may at once proceed to hold an investigation as to the origin or cause of any loss that has happened within his county or district, and as to the persons, if any, profiting thereby.

Powers.

(3) The Justice of the Peace shall have power to send for persons and papers, and to examine all persons that appear before him on oath or solemn affirmation; and he shall keep a record of all such proceedings and of the evidence given before him. 52 V. c. 33, s. 60.

Rev. Stat. c. 275, ss. 12-15, to apply.

(4) To investigations held under this section sections 12, 13, 14 and 15 of *The Act respecting the Investigation of Fires* shall apply. 60 V. c. 36, s. 175 (4); c. 3, s. 3.

Certain sections of Rev. Stat. cap. 203, to be read as part of this Act.

62. Of *The Ontario Insurance Act*, section 127 and sections 129 to 141 inclusive, and sections 174 to 182 inclusive, shall be taken and read as part of this Act, but for the purposes of this Act only, section 140 of *The Ontario Insurance Act* shall be deemed to have been amended so as to read as follows:—

Powers of companies to insure on the cash premium principle.

"140. Any cash-mutual live stock insurance company licensed under this Act may effect insurance upon the cash premium principle for one year or less; but the amount of cash insurances in one year shall be limited, so that the cash premiums received thereon during any one year shall not be in excess of one-half of the amount still payable in respect of premium notes or undertakings on hand on the thirty-first day of December of the previous year, according to the statement made under section 96; and all the property and assets of the company, including premium notes and undertakings, shall be liable for all losses which may arise under insurances for cash premiums."

52 V. c. 33, s. 61; 60 V. c. 3, s. 3.

3 *LOAN CORPORATIONS.*

CHAPTER 205.

An Act respecting Building Societies and other Loan Corporations

SHORT TITLE, s. 1.
INTERPRETATION, s. 2.
INCORPORATION OF NEW COMPANIES, s. 3 *et seq.*:
- Application and proceedings thereon, secs. 3-5.
- Provisional Directors, s. 6.
- Incorporation, how evidenced, s. 7; re-incorporation, s. 7 (2).
- Incorporation, may be limited in time, s. 8 (1); forfeiture for non-user, s. 8 (1).
- Renewal of terminating charter, s. 8 (2).
- Limitation of area, s. 8 (3), (4),(5).
- First by-laws, s. 8 (6).

EXTENSION OF BUSINESS BEYOND PROVINCE, s. 9.
TERMINATING SHARES, s. 10 *et seq.*;
PERMANENT SHARES, s. 15.
LENDING POWERS; PURCHASE AND SALE OF SECURITIES, s. 16.
POWER TO LEND ON AND PURCHASE AND SELL CERTAIN SECURITIES, s. 17 :—
- On what securities corporations may lend; power to hold real estate s. 17; reserve fund, s. 17; balloting for loans prohibited, s. 18; loans on corporation's own stock, s. 19.

INTEREST; PAYMENTS OF BLENDED INTEREST AND PRINCIPAL; LIMITATIONS OF MORTGAGOR'S LIABILITY FOR INTEREST, s. 20 *et seq.*
BORROWING POWERS, secs. 26-28.
BORROWING BY WAY OF DEPOSITS, DEBENTURES, OR GUARANTEE, secs. 29-32, BY WAY OF DEBENTURE STOCK, secs. 33-39.
AMALGAMATION OF COMPANIES; PURCHASE AND SALE OF ASSETS, secs. 40-49.
RIGHTS OF ALIENS AND MINORS; EXECUTION OF TRUSTS, secs. 50-53.
NOMINATION BY INVESTOR OR DEPOSITOR; INTESTACY; MISTAKEN PAYMENTS; TRANSMISSION OF INTEREST; CASE WHERE RIGHTS ARE IN DOUBT; EXECUTION CREDITORS, secs. 54-61.
GENERAL MEETINGS OF SHAREHOLDERS, secs. 62-66.
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BOARD OF DIRECTORS; ITS CONSTITUTION AND POWERS, secs. 75-88.
BOOKS TO BE KEPT BY CORPORATION, secs. 89-91.
AUDIT; STATEMENTS TO SHAREHOLDERS, secs. 92-93.
OFFICERS AND SERVANTS; CUSTODY OF BOOKS AND EFFECTS OF CORPORATION, secs. 94-98.
ANNUAL STATEMENT TO DEPARTMENT; REGISTRAR'S REPORT, secs. 99-102.
REGISTRAR; REGISTERS; PROCEEDINGS TO REGISTRY, secs. 103-109.
CORPORATE NAME; CHANGE OF NAME OR OF HEAD OFFICE, s. 110.
CORPORATIONS ADMISSIBLE TO REGISTRY; REFUSAL, SUSPENSION, REVIVOR, CANCELLATION OF REGISTRY; APPEAL, secs. 111-115.
NOTICE TO CORPORATION FOR ANY PURPOSE OF THE ACT, s. 116.
UNREGISTERED LOAN CORPORATIONS PROHIBITED, s. 117.
VERIFICATION OF ANNUAL STATEMENTS MADE TO REGISTRAR; SPECIAL AUDIT, s. 118.
OFFICIAL SEAL, s. 119.
FEES, ss. 120, 121.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1 This Act may be cited as "*The Loan Corporations Act.*" 60 V. c. 38, s. 1.

Interpretation.

2. Where the following words and expressions respectively occur in this Act, or in the Schedules hereto, they shall be construed for the purposes of this Act, in the manner hereinafter mentioned, unless a contrary intention appears :—

"Advanced shares." "Unadvanced shares."

1. "Advanced Shares" shall mean terminating shares on which a loan or advance has been made by the corporation issuing the shares; and "Unadvanced" or "Investment" shares shall mean terminating shares on which no such loan or advance has been made by the corporation; and "Investing Member" or "Investor" shall mean a holder of unadvanced shares.

"Investing member" or "investor."

"Appeal."

2. "Appeal" shall include every judicial revision or review of a decision, order, direction, determination, finding or conviction, and also every case stated or reserved, and every removal of proceedings by way of *certiorari* or otherwise.

"By-laws."

3. "By-laws" shall include regulations, rules and by-laws.

"Chief agency."

4. "Chief Agency" shall mean the principal office or place of business in the Province of a loan corporation which has its head office beyond the Province.

"Corporation" or "Loan corporation."

5. "Corporation," or "Loan Corporation," shall include every corporation, incorporated company, association or society (not being a chartered bank of Canada or an insurance corporation standing registered under the law of the Province), now or hereafter constituted, or authorized, or operated either under the law of the Province or otherwise, for the purpose (solely, or conjointly with other purposes) of lending money on real estate, or investing money in real estate securities, or lending on or investing in other securities hereinafter mentioned, (whether the corporation so loans or invests as principal or as agent, or as legal representative, or as trustee or guardian, or guarantees such loan or investment); or for the purpose of aiding its members or others in acquiring real property, in making improvements thereon, or in removing incumbrances therefrom; or for the purpose of issuing terminating shares, or for the purpose of accumulating a fund to be returned to the holders of the terminating shares in specified cases.

"Due application."

6. "Due application" shall include such information, evidence and material as shall be required; and also the payment to the Provincial Treasurer of the fees hereinafter prescribed in respect of any application, certificate or document required or issued by virtue of this Act.

7. "Head Office" shall mean the place where the chief executive officers of the corporation transact its business. "Head office."

8. "Law of the Province" shall include any law of the former Province of Canada, or of Upper Canada, continued as the law of Ontario, or consolidated or incorporated with the law of Ontario. "Law of the Province."

9. "Minister" shall mean the member of the Executive Council under whose direction this Act is administered. "Minister."

10. "Non-Provincial Corporation" shall mean any loan corporation other than Provincial. "Non-provincial corporation."

11. "Permanent Stock," or "Permanent Shares," shall include all stock, or all shares of permanent or fixed capital not liable to be withdrawn from or repaid by the corporation. "Permanent stock." "Permanent shares."

12. "Province" shall mean the Province of Ontario; "Province."

13. "Provincial Corporation" shall mean a loan corporation incorporated by the Province, and operated under the Act or instrument by virtue of which the corporation became so incorporated. "Provincial corporation."

14. "Local Loan Corporation" shall mean such a Provincial loan corporation as is by the Act or instrument constituting it limited in its operations to a specified area of the Province. "Local loan corporation."

15. "Real Estate" shall extend and apply to immovable estate and property generally. "Real estate."

16. "Registered Corporation" shall mean a loan corporation standing duly registered under this Act. "Registered corporation."

17. "Registrar," or "Corporations Registrar," shall mean the officer appointed Registrar under this Act. "Registrar" or "Corporations Registrar."

18. "Securities" shall extend and apply to privileges, mortgages (equitable as well as legal), and incumbrances upon real and immovable estate, as well as to other rights and privileges upon personal estate and property. "Securities."

19. "Shares" shall mean shares of capital or stock, either permanent or terminating. "Shares."

20. "Shareholder" shall mean any holder of such shares. "Shareholder."

21. "Terminating Stock," or "Terminating Shares," shall include all stock or shares of capital which are liable to be withdrawn from or repaid by the corporation. "Terminating stock," or "Terminating shares."

22. "Unregistered Corporation" shall include any loan corporation not standing duly registered under this Act, whether such corporation was never duly registered, or, having been so registered, has lost such registry through non-renewal, suspension, revocation or cancellation. "Unregistered corporation."

23. "Upon proof," as applied to any matter connected with the registry of a corporation, or with the filing or registration "Upon proof."

of any matter or thing required by this Act to be filed or registered, shall mean upon proof to the satisfaction of the proper officer.

INCORPORATION.

Incorporation of loan corporations.

3.—(1) An application for the incorporation of any loan corporation shall be made by petition to the Lieutenant-Governor in Council through the Provincial Secretary upon such printed form or forms as shall from time to time be prescribed.

Notice of application for incorporation.

(2) The applicants shall for one month next before filing their application with the Registrar publish a notice of their intended application in the *Ontario Gazette*, and shall also before the said filing give the like notice at least once in a newspaper published in the locality in which the head office of the corporation in Ontario is to be established. The said notice shall state the proposed corporate name, the location of the head office, the purposes of the corporation; also whether the corporation is to be constituted with permanent or with terminating stock, or both; and if with permanent stock, for what amount authorization will be asked.

Proviso.

Provided that the publication of notice may be dispensed with where this can be done without prejudice to public or private interests.

Application to include certain information.

(3) The application shall be deemed to include such information as may be required either by the printed form or by any demand made by the Provincial Secretary for further information.

Application for incorporation to be accompanied by a declaration.

(4) The application shall be accompanied by the original, or one of the duplicate originals, of a declaration adopted in a general meeting of the promoters, and executed under their respective hands and seals by at least twenty-five persons present at the meeting.

Contents of declaration.

(5) The declaration shall set out the names in full and the address and calling of each of the declarants and shall declare: that the said declarants assembled at on (*naming the place and time*; *naming also the chairman and the secretary of the meeting*) did there and then agree to constitute themselves a provisional loan corporation by the name of (*mentioning the proposed corporate name*) under the laws of the Province in that behalf, and under the proposed by-laws there and then adopted, and annexed to the declaration; also that the following persons, six in number (*naming them*) were elected provisional directors.

Reference of application to Registrar.

(6) The Provincial Secretary may refer any application or any question arising thereunder to the Registrar for a report, and the Registrar shall report thereon as required. 60 V. c. 38, s. 3.

4. Three copies of the said proposed by-laws shall accompany the declaration (one copy duly certified being annexed thereto) and the said by-laws shall *inter alia* set forth the particular matters prescribed in Schedule A to this Act. 60 V. c. 38, s. 4. By-laws to accompany declaration and set forth certain particulars.

5. On receiving any application for incorporation or registry if the Minister finds in the by-laws of the applicant anything repugnant to this Act or to the public general law of the Province, he may direct an amendment of the by-laws; and, upon their being amended as directed and returned certified as having been so amended, the application may be proceeded with. 60 V. c. 38, s. 5. Minister may direct amendment of by-laws.

6. Where incorporation is granted, the provisional directors named in the declaration of the applicants shall *ipso facto* by virtue of the incorporation so granted, be the first directors of the corporation, and shall continue in office until their successors are elected pursuant to the by-laws of the corporation, and to the provisions of this Act. 60 V. c. 38, s. 6. First directors of the corporation.

7.—(1) Where incorporation is granted it shall be by letters patent issued under and by virtue of this Act; and the letters patent shall set forth the name under which, and the date at which, the corporation became incorporated; the location of the head office; the amount of permanent capital stock (if any) authorized; whether or not the corporation is authorized to issue terminating stock or shares; the business to be undertaken by the corporation, distinguishing such business as in section 104 mentioned; and if the incorporation is granted with limitation of time or area, such limitation, or limitations, shall be specified as enacted in section 8. Letters patent of incorporation contents.

(2) There shall be the like authority to re-incorporate any loan corporation. In case of such re-incorporation the prior incorporation shall, as to this Province, be deemed to have been merged in and superseded by the said later incorporation, but without prejudice to obligations or contracts undertaken during the prior incorporation. 60 V. c. 38, s. 7. Re-incorporation.

8.—(1) Incorporation may be granted without limitation of time, or for any limited term of years not less than ten; and the letters patent of incorporation shall state whether the incorporation is granted without limitation of time, or is granted for a limited term of years, and, in such latter case, shall specify the first and the last day of the term, and shall also state whether the incorporation is granted with or without power to issue terminating shares: Provided, that, whether incorporation is granted with or without limitation of time, if a body incorporated under this Act does not go into actual *bona fide* operation within two years after incorporation, or for two Incorporation may be for a time limited or unlimited.

Forfeiture of franchise of non-user.

consecutive years does not use its corporate powers for the purposes set forth in its declaration required by section 3 of this Act, such non-user shall *ipso facto* work a forfeiture of the corporate powers except so far as may be necessary for winding up the corporation; and in any action or proceeding where such non-user is alleged, proof of user shall lie upon the corporation.

Renewal of terminating charter.

(2) When incorporation has been granted for a limited term application may, upon the same notice as required by section 3, be made on or before the expiry of the term, for the renewal or extension of the incorporation, and the incorporation may be renewed or extended either without limitation of time, or for a limited term, or may be refused.

Limitation of area when terminating stock is to issue.

(3) In the case of an application for incorporation where the applicant body by its by-laws takes power to issue terminating stock or shares the corporation created under this Act shall not have power to loan money or transact a loaning business or carry on its operations outside the limits of the county in which the corporation has its head office. A district or county or provisional county united with another county for judical purposes shall be considered for the purposes of this Act as a part of the county with which it is so united; but this subsection shall not apply to any loan corporation on the permanent stock of which has been paid in the sum of at least one hundred thousand dollars.

Limitations of area in certain other cases.

(4) Every company or society which after the first day of June, 1893, was incorporated under section 2 of chapter 169 of the Revised Statutes of Ontario, 1887, shall be deemed to be limited to the area prescribed by subsection 3 of this section.

Proviso.

Provided, that as to any of the corporations mentioned in this or the next preceding sub-section, upon proof that the corporation has a paid up permanent, non-withdrawable and unimpaired capital of not less than $100,000, the Lieutenant-Governor in Council may by letters patent in that behalf declare the said restriction of area removed; and, as from the date of such letters patent, the incorporation shall be deemed to be granted without limitation of area.

Limitation of area to be specified in the letters patent.

(5) Where incorporation is hereafter granted with limitation of area, such limitation shall be specified in the letters patent of incorporation.

First by-laws of corporation.

(6) The by-laws accompanying the declaration, with such amendments thereof as may have been required by the Minister, shall be the first by-laws of the corporation, and shall take effect and be in force from the date of the incorporation. 60 V. c. 38, s. 8.

EXTENSION OF BUSINESS BEYOND THE PROVINCE.

Extension of business beyond the Province.

9.—(1) Where the existence or operation of the corporation is not by the Act or instrument constituting it, limited

in time or area, the corporation, if constituted by the law of the Province, may in general meeting of the members having due notice of the by-law, pass a by-law authorizing its directors to extend the business of the corporation beyond the Province, but in compliance with the law of such foreign jurisdiction; and the directors may give effect to such by-law without being liable or responsible as for any breach of trust in so doing.

Erection or purchase of buildings required for use of corporation in the foreign jurisdiction.

(2) Where, as provided in the next preceding subsection, a Provincial corporation carries on business beyond the Province, the corporation may in general meeting of the members having due notice of the by-law pass a by-law authorizing the directors to invest the money of the corporation in the erection or purchase of buildings required for the occupation of the corporation in any place where the corporation is so carrying on business and within the limit (if any) authorized by the law of the foreign jurisdiction. 60 V. c. 38, s. 9.

TERMINATING SHARES.

Issue of terminating shares.

10. Where a loan corporation, by virtue of this or any former Act, has authority to raise a fund or stock by means of terminating shares, the corporation may issue terminating shares of one or more denominations, either fully paid or prepaid stock, or to be paid by periodical or other subscriptions, and may repay such funds when no longer required for the purposes of the corporation. The terminating shares shall not exceed the value of $400 for each share, and the subscription in payment thereof, shall not exceed $4 per month for each share; and the corporation may thereby create a stock or fund for the purpose of making loans or advances upon the securities authorized by the by-laws of the corporation and by this Act. 60 V. c. 38, s. 10.

Liability of holder upon terminating shares, unadvanced.

11. In any loan corporation whatever when terminating shares are issued, transferred or held in the Province, the liability of any holder of such shares, if no loan or advance has been made by the corporation thereon, shall be limited to the amount (if any) then in arrear upon such shares; the holder of such shares shall be released from all further or other liability thereon if he pays or tenders payment of the said amount to the corporation at its head office or chief agency in the Province; or if he sends to the corporation thereat in a registered letter a post office order, or a cheque accepted by a chartered bank of Canada, the order or cheque being for the said amount made payable to the corporation; and if with the said payment, tender, post office order or cheque he gives notice in writing to the corporation that he surrenders or abandons such terminating shares. In respect of any terminating shares upon which a loan or advance has been made by the corporation, the liability of the holder shall be limited to the amount

Liability of holder upon advanced shares.

payable thereon under any mortgage or other security, or under the by-laws of the corporation:

Proviso; forfeiture of shares.

Provided that the directors may under the by-laws of the corporation declare forfeited to the corporation, the terminating shares of a holder who is in default, or who neglects or omits to pay the number of instalments on monthly subscriptions by the said by-laws prescribed; and in case of forfeiture so declared, a minute shall be made thereof on the Terminating Shares Register; or, instead of forfeiting the shares, the directors may recover the arrears by action; and if the amount in arrear does not exceed $100, the action may be brought in the Division Court of the division wherein the head office or chief agency of the corporation in the Province is situated. 60 V. c. 38, s. 11.

Liability of corporation on terminating shares.

12. The liability of any registered loan corporation whatever in respect of terminating shares shall, unless otherwise provided by the by-laws in force at the passing of this Act, be limited to that portion of the shareholder's payments thereon which (under the by-laws of the corporation or the contract with the shareholder) is appropriated to the loan fund, together with the proportion of interest, profits, or earnings appertaining to such portion of his payments; and that portion of the shareholder's payments, which, under the said by-laws or contract is appropriated to the expense fund shall not be a liability of the corporation.

Proviso as to interest or dividend on unmatured terminating shares.

Provided that where a member withdraws his shares according to the by-laws of the corporation, no holder of terminating shares shall, except under the by-laws, be entitled to receive from the funds of the corporation any interest or dividend by way of annual or other profit upon any such share until the amount or value of the share has been realized. 60 V. c. 38, s. 12.

Shareholder whose terminating shares are paid up may receive or invest the amount; or may convert into permanent stock.

13.—(1) When any terminating shares in any loan corporation whatever have been fully paid up according to the by-laws of the corporation, or have become due or payable to the holder thereof, then and in such case the holder of the shares may either withdraw the amount of his shares from the corporation according to the by-laws thereof, or may with the consent of the corporation convert the amount of his withdrawable terminating shares into permanent shares or stock of the corporation, and receive in respect thereof periodically such proportion of the profits made by the corporation as may be declared by way of dividend, or as may be provided for by a by-law passed or to be passed for the purpose; and the amount of the terminating shares so converted shall become fixed and permanent capital or shares in the corporation, not withdrawable therefrom, but transferable in the same manner as other permanent shares in the corporation.

Directors may convert where shareholder after notice

(2) Where any loan corporation sends by post or delivers notice in writing addressed to a shareholder at his last

known address, informing him that any terminating shares standing in his name have matured and become due or payable to him, and the shareholder does not within three months from delivery of the said notice, or from the date when in the ordinary course of post the notice would arrive at the post office of his address, withdraw the amount payable to him in respect of his shares, the directors may at their option convert the said terminating shares into permanent shares of the corporation, and the amount so converted shall thereupon cease to be a liability of the corporation.

does not withdraw matured terminating shares;

(3) Where, under the by-laws of the corporation or the terms of his contract, a holder of terminating shares would be entitled (if all payments had been duly made in respect of his shares) to withdraw the money paid in by him with or without deduction or interest, but has not yet withdrawn the same, and his shares have not yet been fully paid and have fallen into at least two months' arrears in respect of the payments due thereon, the directors may at their option upon one month's notice thereafter, given as in subsection 2, appropriate the amount then standing to the credit of the said shares to payment in full of so many permanent shares or of so much permanent stock as the said amount will be sufficient to pay in full, and may convert such terminating shares into permanent shares or stock of the corporation, and the amount so converted shall cease to be a liability of the corporation.

or where terminating shares entitled to be withdrawn are in arrear.

(4) Any terminating shares in any loan corporation at any time, may in accordance with the by-laws and with the consent of the board of directors be paid up in full and converted and capitalized at once, as permanent stock, and such terminating shares heretofore paid in full, or in part, shall be as valid as if the same had been paid by periodical or other subscription.

Terminating shares may, with consent of directors, be at once paid up and converted.

(5) Where in any loan corporation whatever any terminating shares are converted into permanent shares, the corporation shall forthwith deliver to the person entitled a certificate certifying the issue, and the number and amount of such permanent shares. 60 V. c. 38, s. 13.

Certificate of permanent shares.

14.—(1) The directors of any loan corporation whatever at any time, and from time to time, as they may think expedient, may, by resolution, close for any specified time, or until further order, the subscription of terminating shares to be converted into permanent stock of the corporation, and thereafter, until the expiration of such specified time, or until such further order, no new terminating shares shall be subscribed for such conversion. Any new issue of such shares shall be allotted to the then existing shareholders *pro rata*, as nearly as possible without fractions; but in case the remaining shares are not taken up within thirty days, then the shares, or the remaining shares, shall be sold and any premium thereupon applied to the general benefit of the corporation.

Subscription of terminating shares for conversion may be closed by directors;

or by general meeting of shareholders, after notice.

(2) In any Provincial loan corporation the shareholders entitled to vote at any time may, by resolution to be passed at any ordinary or special general meeting (for which meeting notice of such intended resolution shall be duly given, according to sections 62 and 63 of this Act), determine that no new terminating shares, for purposes of conversion, shall thereafter be subscribed for; and thereafter no new terminating shares for such conversion shall at any time be subscribed for therein, and the subscription for and issue of such shares shall cease forever.

Shares to be immediately advanced excepted.

(3) Nothing done under the next preceding two subsections of this Act shall have the effect of preventing such corporation from creating, as it otherwise might, any terminating share or shares to be immediately advanced to the subscriber or subscribers thereof, or of preventing any person from subscribing, as he otherwise might, for any share or shares, in order immediately to obtain the advance thereof from the corporation by giving security therefor. 60 V. c. 38, s. 14.

Resolution for future issue of permanent stock only.

15.—(1) The qualified shareholders of a registered corporation which issues terminating shares may at any time, by resolution to be passed at any ordinary or special general meeting (for which meeting as in sections 62 and 63 notice of such intended resolution shall be duly given), determine that all shares thereafter issued and subscribed for in the corporation shall be fixed and permanent capital and not liable to be withdrawn therefrom; and any share thereafter subscribed for and issued in the corporation shall be fixed and permanent capital, and not withdrawable therefrom; such shares shall be transferable in such manner as the by-laws of the corporation may direct, but no such shares shall be transferred while any call thereon is in arrears or until the same has been forfeited for non-payment of calls.

Transfer of permanent shares.

Directors may fix the amount payable at subscription for permanent shares and premiums.

Calls.

Dividends.

(2) The directors of such corporation may fix the amount to be paid on the subscription of such permanent shares, and the premium (if any), which shall be paid thereon, and when the premium shall be payable; and it shall be in the discretion of the directors from time to time to call up the balance of any such shares at such time or times as they think best; and the corporation may from time to time, notwithstanding that such shares have not been paid in full, pay dividends by way of annual or other periodical profits upon the amount paid on such shares, and in all other respects, such shares shall be subject to the general provisions contained in this Act.

Provided that where partly-called shares were issued at a premium and the reserve has been reduced since the said issue, the rate of premium payable to the corporation at any subsequent call may be reduced in the ratio of the then reserve to the reserve at the time of issue,—the amount of the reserve in each case being taken to be the amount respectively shown by the next preceding yearly audit.

(3) No shareholder shall be liable for or chargeable in respect of permanent shares with the payment of any debt or demand due by the corporation, save only to the extent of the amount unpaid on his shares in the capital stock of the corporation. 60 V. c. 38, s. 15. Liability of holder of permanent shares.

LENDING POWERS; PURCHASE AND SALE OF SECURITIES.

16. Subject to the limitations mentioned in sections 7 and 8, any loan corporation standing registered under this Act may lend money in conformity with the laws of Canada and with this Act and with the by-laws of such corporation, to any person or body corporate, at such lawful rates of interest as may be agreed upon, without requiring any of the borrowers to become subscribers to the stock, or members of the corporation; but in the case of loans made on and after the first day of May, 1893, only such borrowers from the corporation as are subscribers to the stock, or members of the corporation, shall be subject to the by-laws thereof, unless the mortgage or other security given by the borrower expressly provides that the by-laws of the corporation shall form part of the contract or obligation entered into by the borrower. Lending powers of loan corporations. Proviso as to rules affecting borrowers.

Provided, however, that unless in all such cases either the words "subject to the by-laws of the corporation" or the words "subject to the rules of the society or company" (as the case may be) are printed in conspicuous type on the back of, and as part of the indorsement of such mortgage or other security, the borrower, not being a subscriber to the shares or a member of the corporation, shall not be bound by any such by-laws. 60 V. c. 38, s. 16. Proviso.

POWER TO LEND ON AND PURCHASE AND SELL CERTAIN SECURITIES.

17.—(1) A registered loan corporation may from time to time lend and advance money by way of loan or otherwise for such periods as it deems expedient on the security of real estate, or of the public securities of Canada, or of any of the Provinces thereof, or on the security of terminating debentures of any municipal or public school corporation, or of the terminating debentures of any society or company incorporated under the Revised Statute respecting Building Societies; or of terminating debentures or debenture stock of any society or company in which under the law of the Province trustees may invest trust funds; or may out of the funds appropriated to terminating shares (if any), lend on the security of the terminating shares of the corporation itself: May lend on certain securities. R. S. O. 1887, c. 169.

Provided that in the case of corporations heretofore so authorized it shall (except as provided in section 19) be lawful to invest in and lend upon land or upon securities other than in this section mentioned. Proviso.

May do acts necessary to such loans and may exercise remedies.

(2) The corporation may do all acts that are necessary for advancing such sums of money, and for receiving and obtaining repayment thereof, and for compelling the payment of all interest accruing from such sums so advanced, and the observance and fulfilment of any conditions annexed to such advance, and for enforcing the forfeiture of any term or property consequent on the non-fulfilment of such conditions, or of conditions entered into for delay of payment; and may take personal security as collateral for any advance made.

May hold certain estates and interests in land; and may dispose of same.

(3) The corporation may hold such real estate as being mortgaged or hypothecated to it, is acquired by it for the protection of its investments, and may from time to time sell, mortgage, lease, exchange or otherwise dispose of the same; and may acquire, by purchase or otherwise, any mortgage or security of any kind whatsoever upon which it is authorized to lend or advance money, and re-sell the same, as it deems advisable.

May purchase and sell certain securities.

(4) The corporation may give receipts, acquittances and discharges, either absolutely and wholly, or partially, and may grant or take such deeds, assignments or other instruments as are necessary for carrying any such holding, purchase, exchange or re-sale into effect; and the grantee or assignee in any such instrument shall stand in the place of, and be entitled to, and have all the same rights, powers and remedies, and shall be subject to the same obligations and liabilities, under, upon, or in respect to such instrument as the grantor or assignor would have been entitled to or would have been subject to if the grant or assignment had not been made.

May give discharges and execute all necessary instruments.

Rights of grantee or assignee.

Power to hold real estate.

(5) The corporation may hold absolutely to its own use and benefit such real estate as is necessary for the transaction of its business, not exceeding in yearly value the sum of $20,000, in Ontario, and, subject to the laws of the other Provinces of Canada, the sum of $20,000 in each of the said Provinces; also such real estate as being mortgaged or hypothecated to it, is acquired by it for the protection of its investments, and such real estate as is conveyed to it in satisfaction of debts previously contracted in the course of its business; and may from time to time, sell, mortgage, lease, exchange or otherwise dispose of the same; but the corporation, (not being a loaning land corporation standing registered under this Act,) shall, subject as above, sell any real estate acquired in satisfaction of any debt within twelve years after it has been so acquired, otherwise it shall be forfeited to Her Majesty, for the uses of the Province; but no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the said corporation of the intention of Her Majesty to claim such forfeiture.

May form reserve fund and invest same in foregoing securities.

(6) It shall be lawful for any such corporation to constitute and maintain a reserve fund out of the earnings or other income of the corporation not required for the present lia-

bilities of the corporation, and to invest the same in any of the securities authorized for the purposes of loans by this section.

General powers of corporation for purposes of this section and of this Act.

(7) And for every purpose in this section specified, and for any other purpose in this Act mentioned or referred to, the corporation may lay out, and apply the capital and property, for the time being, of the corporation or any part thereof, or any of the moneys authorized to be hereafter raised or received by the corporation in addition to its capital for the time being, and may authorize and exercise all acts and powers whatsoever, in the opinion of the directors of the corporation requisite or expedient to be done or exercised in relation thereto. 60 V. c. 38, s. 17.

Balloting for loans prohibited.

18. No loan corporation whatsoever shall ballot or cause or permit applicants for loans or advances to ballot for precedence, or shall in any way make the granting of a loan or advance depend upon any chance or lot. Any registered corporation which contravenes this section, and any corporation which makes, prints, advertises or publishes, or causes or procures to be made, printed, advertised or published any proposal, scheme or plan for loaning or advancing or in any way disposing of money or property by lot, ballot, or by any mode of chance whatsoever, shall be liable to have its registry cancelled; and any director, officer, servant, employee or shareholder of the corporation, party to such contravention, shall be liable upon summary conviction before any Police or Stipendiary Magistrate, or two Justices of the Peace, to a fine of not less than $20, nor more than $200 and costs, and in default of payment to imprisonment for a term of not less than three nor more than twelve months in any prison or gaol of the Province. 60 V. c. 38, s. 18.

Permanent shares or stock not a debt of the corporation; loans or advances upon such shares or stock prohibited.

19.—(1) No payments received by the corporation for or on account of any permanent shares or stock whatsoever, shall be deemed to be a debt of the corporation; and no sum due to any holder of such shares or stock, in his character of holder or member, by way of dividends, profits or otherwise, shall be deemed a debt of the corporation, payable to such holder or member in a case of competition between himself and any other creditor not being a holder of such shares or a member of the corporation; but any sum so due may be taken into account for the purposes of the final adjustment of the rights of the contributories amongst themselves.

Limitation as to loans on stock of corporation.

(2) The corporation may lend upon its own paid up permanent stock to an amount not exceeding in the aggregate of all such loans 10 per centum of the corporation's paid up permanent stock; but no such loan shall exceed 66⅔ per centum of the market price then actually offered for the stock, and no loan corporation whatever shall, after the passing of this Act, except as in this section provided, make any loan or advance upon the security of any permanent share or shares, or permanent stock of the corporation, whether with or without collateral security.

Proviso.

Provided however that any loan corporation may pass a by-law prohibiting absolutely the loaning to shareholders upon the security of their stock, or (subject to the limitations contained in this subsection) a by-law limiting the aggregate amount which may be loaned on such stock, and it shall not be lawful for any corporation to repeal either of such by-laws until the liabilities of the corporation are discharged. 60 V. c. 38, s. 19.

INTEREST; PAYMENTS OF BLENDED INTEREST AND PRINCIPAL; LIMITATION OF MORTGAGOR'S LIABILITY FOR INTEREST.

Rate of interest, repayment and recovery of money loaned or advanced, and of interest thereon.

20. Subject as in the next five following sections provided any corporation standing registered under this Act, may stipulate for, take, reserve, and exact any rate of interest or discount that may lawfully be taken by individuals, and may also receive payment at any time on any loan or advance: provided always that no fine or penalty shall be stipulated for, taken, reserved or exacted in respect of arrears of principal or interest, which has the effect of increasing the charge in respect of arrears beyond the rate of interest or discount on the loan; and the corporation may do all acts that may be necessary for advancing money, and for recovering and obtaining repayment thereof, and for enforcing payment of all interest accruing therefrom, or for enforcing any conditions attached to such advance, or any forfeiture consequent on the non-payment thereof, and give all necessary and proper receipts, acquittances and discharges for the same, and do, authorize and exercise all acts and powers whatsoever requisite or expedient to be done or exercised in relation to the said purposes. 60 V. c. 38, s. 20. [*See also 37 V. c. 50, s. 5 (D.); R. S. C. c. 127, s. 5.*]

No interest recoverable in certain cases unless the mortgage contains a certain statement.

21. Wherever any principal money or interest secured by mortgages of real estate is, by the same, made payable on the sinking fund plan, or on any plan under which the payments of principal money and interest are blended, or on any plan which involves an allowance of interest on stipulated repayments, no interest whatever shall be chargeable, payable or recoverable, on any part of the principal money advanced, unless the mortgage contains a statement showing the amount of such principal money and the rate of interest chargeable thereon, calculated yearly or half-yearly, not in advance. 60 V. c. 38, s. 21. [*See also R. S. C. c. 127, s. 3.*]

No rate recoverable beyond that shown in such statement.

22. Wherever the rate of interest shown in such statement is less than the rate of interest which would be chargeable by virtue of any other provision, calculation or stipulation in the mortgage, no greater rate of interest shall be chargeable, payable or recoverable, on the principal money advanced, than the rate shown in such statement. 60 V. c. 38, s. 22. [*See also R. S. C. c. 127, s. 4.*]

23. No fine or penalty or rate of interest shall be stipulated for, taken, reserved or exacted on any arrear of principal or interest secured by mortgage of real estate, which has the effect of increasing the charge on any such arrear beyond the rate of interest payable on principal money not in arrear: but nothing in this section contained shall have the effect of prohibiting a contract for the payment of interest on arrears of interest or principal at any rate not greater than the rate payable on principal money not in arrear. 60 V. c. 38, s. 23. [*See also R. S. C. c. 127, s. 5.*]

No fine allowed on payments in arrear which has the effect of increasing the rate of interest.

Proviso: as to interest on arrears of interest.

24. If any sum is paid on account of any interest, fine or penalty not chargeable, payable or recoverable under the three sections next preceding, such sums may be recovered back, or deducted from any other interest, fine or penalty chargeable, payable or recoverable on the principal. 60 V. c. 38, s. 24. [*See also R. S. C. c. 127, s. 6.*]

Overcharge may be recovered back.

25. (1) Whenever any principal money or interest secured by mortgage of real estate is not, under the terms of the mortgage, payable till a time more than five years after the date of the mortgage, then, if at any time after the expiration of such five years, any person liable to pay or entitled to redeem the mortgage tenders, or pays to the corporation entitled to receive the money, the amount due for principal money and interest to the time of payment, as calculated under the four sections next preceding, together with three months' further interest in lieu of notice, no further interest shall be chargeable, payable or recoverable at any time thereafter on the principal money or interest due under the mortgage. 60 V. c. 38, s. 25. [*See also R. S. C. c. 127, s. 7.*]

No further interest payable after five years on certain conditions.

BORROWING POWERS.

26. Except in so far as their borrowing powers may be deemed to be enlarged by sections 30 and 31 hereof, nothing contained in this Act shall be construed to enlarge, impair or diminish the duly authorized borrowing powers of any corporation lawfully doing business in Ontario on the tenth day of February, 1897, and standing registered under this Act.

Provided that any corporation may with the assent of the Lieutenant-Governor in Council (which assent shall be evidenced by Letters Patent in that behalf), elect to renounce its existing borrowing powers and accept those conferred by this Act, but such alteration of borrowing powers shall not operate to prejudice or affect any existing rights of creditors or any obligations entered into by such corporation prior to such assent.

Saving clause as to corporations in present authorized operation.

27. Sections 28 to 39 inclusive shall apply to all loan corporations incorporated by or having their head offices in Ontario, and also to all loan corporations whatsoever borrowing in Ontario by way of taking deposits, or undertaking guarantees, or issuing debentures, debenture stock or like obligations. 60 V. c. 38, s. 26.

Application of secs. 28-39.

Limitations of the borrowing powers of certain corporations.

28.—(1) Unless and until the corporation has a paid-up, unimpaired, permanent and non-withdrawable capital of at least $100,000, or (being constituted with joint stock capital) has a subscribed permanent stock of at least $300,000, on which at least $100,000 has been actually paid and is unimpaired, no corporation established after the 31st day of December, 1877, shall receive deposits, or borrow, receive, take or retain otherwise than in respect of stock and shares of the corporation any sum of money from any person or persons; and the paid in and subscribed capital of the corporation shall be liable for the amount so borrowed, received or taken by the corporation. 60 V. c. 38, s. 27.

Borrowing powers of other corporations.

(2) Where a corporation standing registered under this Act has a paid-up, permanent, non-withdrawable and unimpaired capital of not less than $100,000 or (being constituted with joint stock capital) has a subscribed permanent stock of at least $300,000 on which at least $100,000 has been paid and is unimpaired, the directors, pursuant to powers conferred in that behalf by any by-laws or rules of the corporation passed at any general meeting having due notice of such proposed by laws or rules, may from time to time, borrow money on behalf of the corporation at such lawful rates of interest, and upon such terms as they from time to time think proper: and the directors may for that purpose, subject as hereinafter provided, receive money on loan or on deposit (other than and in addition to money received in respect of stock and shares of the corporation); and may for that purpose issue debenture stock, and terminable debentures, bonds and other obligations, as well as execute mortgages under the seal of the corporation, for sums of not less than $100 each; or may assign, transfer or deposit by way of equitable mortgage or otherwise, for the sum so borrowed, any of the documents of title, deeds, muniments, securities or property of the corporation, and either with or without power of sale or other special provisions, as the directors deem expedient. 60 V. c. 38, s. 28.

BORROWING BY WAY OF DEPOSITS, DEBENTURES, OR GUARANTEE.

Receiving money on deposit.

29.—(1) The corporation shall not, without the express consent of the shareholders given at a general meeting having due notice of the proposal, receive money on deposit, otherwise than in respect of shares or stock of the corporation; and when money is otherwise received on deposit, the same shall, for the purposes of this Act, be deemed to be money borrowed by the corporation; and with lawful interest thereon as agreed, shall be repayable by the corporation either at a time certain, or upon notice not being less than thirty days (unless notice, or such notice, is waived), as may have been agreed upon.

(2) The amount to be received by any corporation entitled as hereinbefore provided to receive deposits shall not at any time exceed the aggregate amount of the then actually paid up and unimpaired permanent capital, and of its other cash actually in hand or deposited by it in any chartered bank or banks in Canada. 60 V. c. 38, s. 29. Limitation of amount receivable on deposit.

30.—(1) If the corporation issue debentures, the debentures shall be for such sums, not being less than $100 and in such currency as the board of directors may deem advisable, and shall be payable not less than one year, nor more than ten years, from the issue thereof at such place as may be therein mentioned. Amount and form of debentures.

(2) If the corporation borrows money solely on debentures or other securities, and by guarantee and not by way of deposit, under section 29, the aggregate amount of the sums so borrowed shall not, at any time exceed four times the amount of its paid-up and unimpaired capital, or at the option of the corporation the amount of its subscribed, fixed and permanent capital, upon which not less than twenty per cent. has been paid. Where corporation borrows on securities but not on deposits.

(3) In event of any corporation incorporated before the 4th day of May, 1891, availing itself of the provisions of this Act, or any Act of the Province passed after the 3rd day of May, 1891, to enlarge its powers of borrowing money by debentures, nothing herein contained shall be construed as affecting or in any wise impairing the rights of the holders of debentures issued by such corporation. Enlarged borrowing powers not to prejudice certain debenture holders.

(4) If the corporation borrows money both by way of debentures or other securities, or by guarantee and also by way of deposit, such corporation shall, in respect of deposits received, comply with section 29, and furthermore the aggregate amount of its total borrowing shall not at any time exceed the amount of the principal moneys remaining unpaid on securities then held by the corporation, nor shall it exceed thrice the amount of the then actually paid-up and unimpaired permanent capital of the corporation; but the amount of cash then actually in the hands of the corporation, or standing deposited by it in any chartered bank, or both, shall be deducted from the aggregate amount of the liabilities which the corporation has then incurred, as above mentioned in calculating the aggregate amount for the purposes of this subsection. 60 V. c. 38, s. 30. Where corporation borrows both on securities and on deposits.

31. The total liabilities of the borrowing corporation shall not at any time exceed the amount of principal remaining unpaid on the mortgages then held by the corporation, but in estimating the said liabilities, the amount of cash actually in the hands of the corporation, or deposited in any chartered bank of Canada or of Great Britain shall be deducted therefrom. 60 V. c. 38 s. 31. Liabilities of borrowing corporation not to exceed mortgages.

Deduction to be made in estimating the paid-up capital.

32. All loans or advances by a corporation to its shareholders upon the security of their permanent stock shall be deducted from the amount of paid up capital upon which the corporation is authorized to borrow. 60 V. c. 38, s. 32.

BORROWING BY DEBENTURE STOCK.

Issuing debenture stock.

33. Subject to sections 29, 30, 31 and 32, the directors of any registered loan corporation, such as is mentioned in subsection 2 of section 28, may, from time to time, with the consent of a majority of the shareholders, present in person or represented by proxy, at a general meeting called for such purpose, and having due notice of the proposal, issue debenture stock, which shall be treated and considered as a part of the regular debenture debt, authorized by section 30 of this Act, in such amounts and manner, on such terms, and bearing such rate of interest, and in such currency as the directors from time to time think proper, but subject to the limitations in sections 29, 30, 31 and 32 provided, so that the amount received as money deposits and borrowed on the security of debentures, mortgages, bonds, or other instruments or debenture stock, shall not in the whole exceed the aggregate amount fixed by sections 29, 30, 31 and 32, as the authorized limit of the borrowing powers of the corporation. 60 V. c. 38, s. 33.

Rights of holder of debenture stock.

34. Debenture stock shall not entitle the holders thereof to be present or to vote at any meeting of the corporation, or confer any qualification, but shall, in all respects not otherwise by or under this Act provided for, be considered as entitling the holders to the rights and powers of mortgagees of the undertaking to the extent provided in the by-laws of the corporation authorizing such debenture stock, but shall not confer or imply the right to require repayment of the principal money paid up in respect of the debenture stock. 60 V. c. 38, s. 34.

Debenture stock how ranked.

35. The debenture stock to be issued under the authority of this Act shall rank equally with the debentures issued, or to be issued, by the corporation, and the holders thereof shall not be liable or answerable for any debts or liabilities of the corporation; and in case of a liquidation of the corporation, or other distribution of its assets, the holder shall for arrears of interest (if any), and for the then present or capitalized value of the future interest annually payable, rank *pari passu* with depositors and debenture holders. 60 V. c. 38, s. 35.

Register of debenture stock

36. The corporation shall cause entries of the debenture stock from time to time created to be made in a register, to be known as the Debenture Stock Register, and (in the case of corporations incorporated by, or having their head office in, Ontario,) to be kept for that purpose at the head office of the corporation, wherein shall be entered the names

and addresses of the several persons and corporations from time to time entitled to the debenture stock, with the respective amounts of the stock to which they are respectively entitled; and the register shall, during reasonable business hours of every day, except Sundays and holidays, be accessible for inspection and perusal by himself or his agent to every debenture holder, mortgagee, bondholder, debenture stockholder and shareholder of the corporation, without the payment of any fee or charge. 60 V. c. 38, s. 36.

Transfer of debenture stock.

37. Such debenture stock shall be transferable in such amounts and in such manner as the directors may determine, and all transfers of the debenture stock of the corporation shall be registered at the head office of the corporation in this Province, but the corporation may have transfer books for the purposes of such debenture stock, at such place or places in Canada, in Great Britain and Ireland, or any foreign country in which transfers of the said stock may be made; but all such transfers shall be entered in the book to be kept at the head office. 60 V. c. 38, s. 37.

Certificates of debenture stock.

38. The corporation shall deliver to every holder of debenture stock a certificate stating the amount of the debenture stock held by him, the rate of interest payable thereon and the terms and conditions upon which the said stock is subject, and all regulations and provisions for the time being applicable to certificates of shares in the capital stock of the corporation shall apply, *mutatis mutandis*, to certificates of debenture stock. 60 V. c. 38, s. 38.

Exchange of debentures for debenture stock. Redemption of debenture stock.

39. The holders of the debentures of the corporation may, with the consent of the directors, at any time exchange such debentures for debenture stock; and the corporation may from time to time purchase in the open market and, with the consent of the holders thereof, redeem any portion or portions of the debenture stock representing moneys which the directors, by resolution duly made, determine not to be required for the business of the corporation. 60 V. c. 38, s. 39.

AMALGAMATION OF COMPANIES, AND PURCHASE AND SALE OF ASSETS.

Power to

40. Any corporation such as is mentioned in subsection 2 of section 2 may [illegible] stock, property, business and franchises with those of any [illegible] other corporation [illegible] to transact a like business, and any other business in connection with such business or with those of any building, savings or loan company [illegible] or may sell its assets to any other such corporation which is hereby authorized to purchase the same or may purchase the assets of any other such corporation which is hereby author-

ized to sell the same, and for the purpose of carrying out such purchase or sale, the corporation so purchasing may assume the liabilities of the corporation so selling, and may enter into such bond or agreement of indemnity with the corporation or the individual shareholders thereof, or both, as may be necessary, and may enter into all contracts and agreements necessary to such union, merger, amalgamation, consolidation, sale, purchase or acquisition. 60 V. c. 38, s. 40.

Directors may make agreement for amalgamation or for purchase or sale of assets.

41.—(1) The directors of any corporation such as is mentioned in subsection 2 of section 28, and of any other corporation such as is mentioned in section 40 may enter provisionally into a joint agreement under the corporate seals of each of the said corporations for the union, merger, amalgamation or consolidation of the said corporations, or for the sale or purchase by the one corporation of the assets of the other corporation; and the said agreement shall prescribe the terms and conditions thereof, the mode of carrying the same into effect, and, if the two corporations are to merge into one corporation, the name of the new, or of the continuing corporation, the number of directors and other officers thereof, and who shall be the first directors and officers thereof, the manner of converting the capital stock of each of the said corporations into that of the new or continuing corporation, with such other details as the directors of the several corporations deem necessary to perfect such new organization, and the union, merger, amalgamation and consolidation of the said corporations, and the after management and working thereof, or to perfect the terms and mode of payment for the assets, on the sale, purchase, or acquisition of the assets of the one corporation by the other.

Agreement to be subject to approval of shareholders.

(2) Such agreement, or if no agreement has been entered into, but an offer has been made by another company or society under its corporate seal for the purchase of the assets of the corporation, or if the corporation has made any offer under its corporate seal for the purchase of the assets of another incorporated company or society, then such offer shall be submitted to the shareholders of each of the said corporations at a meeting thereof, to be held separately for the purpose of taking the agreement or the offer into consideration.

Notice of meeting to consider agreement

(3) Notice of the time and place of such meetings and the objects thereof shall be given by written or printed notice addressed to each shareholder of the said corporations respectively, at his last known post office address or place of residence, and also by a general notice inserted in a newspaper published at the chief place of business of each of such corporations once a week for six successive weeks. The like notice, together with a copy of the proposed agreement, shall be delivered to the Corporations Registrar at least one month before the date of either of the meetings of shareholders called to consider it. 60 V. c. 38, s. 41.

Proceedings to ratify agreement.

42. At such meetings of shareholders such agreement or offer shall be considered, and a vote by ballot taken for the ratification or acceptance, or for the rejection of the same, each share entitling the holder thereof to one vote unless otherwise provided by the by-laws of the said respective corporations, and the said ballots being cast in person or by proxy, and if two-thirds of the votes of all the shareholders of such corporations, representing not less than two-thirds in value of the paid up capital or permanent stock of each, shall be for the ratification of the agreement or the acceptance of such offer, then that fact shall be certified upon the said agreement or offer by the secretary or manager of each of such corporations under the corporate seals thereof. 60 V. c. 38, s. 42.

Who may vote.

43. The shareholders who may vote at such meetings shall be those only whose names are duly entered in the books of the respective corporations at the date of the first publication of the notices calling such meetings, and they shall vote upon the shares only then standing in their respective names. 60 V. c. 38, s. 43.

Ratified agreement to be filed with Registrar for assent.

44. If the said agreement is so ratified or the said offer is so accepted at the respective meetings of the shareholders of each of the said corporations, the agreement so ratified or the offer so accepted, with the said certificates thereon shall be filed with the Corporations Registrar; and after the assent of the Lieutenant-Governor in Council thereto, the said agreement or offer shall thenceforth be taken and deemed to be the agreement and act of union, amalgamation and consolidation of the said corporations, or the agreement and deed of purchase and acquisition of the assets of the company by such other company or society so purchasing, or by the company of the assets of the company or society so selling, as the case may be. 60 V. c. 38, s. 44.

Certificate of assent by Minister.

45.—(1) Upon proof that the foregoing requirements have been duly complied with, and after the agreement or offer so ratified or accepted has been assented to by the Lieutenant-Governor in Council, the Minister shall issue a certificate under his hand and seal certifying such assent and the date thereof; also declaring the purchase and the sale of the assets and the names of the corporations parties thereto; or in the case of amalgamation, declaring the amalgamation of the corporations (*naming them*), and the date of such assent thereto, also the name of the new or of the continuing corporation, together with such other matters (if any), as may appear to the Minister necessary or desirable in the public interest; and the said certificate shall be conclusive evidence of all matters therein certified or declared.

Public notice to be given of certificate.

(2) Of the issue of such certificates the Corporations Registrar shall give public notice in *The Ontario Gazette*. 60 V. c. 38, s. 45.

Registration of certificate for purposes of title of land. Rev. Stat. c. 136.

46. For the purposes of *The Registry Act*, it shall be sufficient to register once for all on the general register of each Registry Division in which the securities included in such transfer or amalgamation are registered, a certified copy of such certificate; and the fee payable for the registration thereof shall be one dollar. 60 V. c. 38, s. 46.

Assent of the Department may be otherwise evidenced.

47. The Corporations Registrar may, under his hand and seal, indorse upon the agreement or offer mentioned in section 44, or any counterpart or copy of the same, a certificate certifying, or he may by any writing so signed and sealed, identifying the agreement or offer, certify that the said agreement or offer has been assented to by the Lieutenant-Governor in Council, and such certificate with a copy of the Order in Council attached shall be *prima facie* evidence of such assent. 60 V. c. 38, s. 47.

Assets of selling company to vest in purchasing company.

48. In the case of a purchase and sale of assets so assented to, the assets of the company selling shall, on and from the date of such assent, without any further conveyance, become absolutely vested in the company purchasing, and the company purchasing shall thereupon become and be responsible for the liabilities of the company or society so selling, the whole as fully and effectually to all intents and purposes as if a special Act were passed with that object; and in dealing with the assets of the company selling it shall be sufficient for the company purchasing to recite the said agreement and the assent of the Lieutenant-Governor in Council thereto, with the date of the said assent. Provided that such transfer of engagements shall not affect the rights of any creditor of either or any corporation transferring its engagements. 60 V. c. 38, s. 48.

Property and rights of both companies vested in new corporation

49. In the case of the amalgamation of corporations so assented to, the several corporations parties thereto shall as from the date of the said assent be deemed and taken to be consolidated and amalgamated, and to merge in and form one corporation by the name stated in the said certificate, with a common seal, and shall, subject to the law of the Province, possess all the rights, privileges and franchises of each of said corporations; and as from the said date all and singular the business, property, real and personal, and all rights and incidents appurtenant thereto, all stock, mortgages or other securities, subscriptions and other debts due on whatever account, and other things in action belonging to such corporations or either of them, shall be taken and deemed to be transferred to and vested in such new or such continuing corporation without further act or deed; Provided, however, that all rights of creditors and liens upon the property of either of such corporations shall be unimpaired by such amalgamation, and that all debts, liabilities and duties of either of the said corporations shall thenceforth attach to the new or continuing

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corporation, and may be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it; and that no action or proceeding, legal or equitable, by or against the said corporations so amalgamated, or either of them, shall abate or be affected by such amalgamation, but for all the purposes of such action or proceeding such corporation may be deemed still to exist, or the new or continuing corporation may be substituted in such action or proceeding in the place thereof. 60 V. c. 38, s. 49.

RIGHTS OF ALIENS AND MINORS; EXECUTION OF TRUSTS.

Act to extend to aliens, etc.

50. This Act shall, for all purposes, extend to aliens; and co-partners: and corporate bodies may hold shares in any loan corporation standing registered under this Act. 60 V. c. 38, s. 50.

Certain minors may make deposits and take terminating shares.

51. In respect of deposits made or to be made, or of terminating shares taken or to be taken in any loan corporation by any person not of the full age of twenty-one years, but of the age of fifteen years or upwards, such depositor or shareholder shall not, by reason only of his minority, be deemed incompetent to contract or to give a valid discharge for any benefit accruing or for money payable under the contract. 60 V. c. 38, s. 51.

Deposits made or shares taken by minor.

52. When deposit is made or shares taken in any loan corporation by such minor as is mentioned in section 51, the same shall be held to be for the exclusive right and benefit of such depositor or shareholder, free from the lien or control of any person except creditors within the intent of section 61, and shall be repaid to such depositor or shareholder, and the receipt or acquittance of such minor shall be a sufficient release and discharge to the corporation. 60 V. c. 38, s. 52.

Corporation not bound to see to execution of trusts or application of moneys paid on receipt, etc.

53.—(1) The corporation shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any share of its stock, or to which any deposit, debenture, or debenture stock or any other moneys payable by or in the hands of such corporation may be subject; and the receipt of the person or persons in whose name any such share or moneys stand in the books of the corporation shall, from time to time, be sufficient discharge to the corporation for any payment of any kind made in respect of such share or moneys, notwithstanding any trust to which the same may then be subject, and whether or not the corporation has had notice of such trust, and the corporation shall not be bound to see to the application of the money paid upon such receipt.

Representatives, guardians, or trustees not to be personally liable.

(2) No person holding stock or shares in the corporation as executor, administrator, guardian or trustee of or for any person named in the books of the corporation as being so repre-

sented by him, shall be personally subject to any liability as a stockholder or shareholder, but the estate and funds in his hands shall be liable in like manner and to the same extent as the testator, intestate, ward or person interested in such trust fund would be, if living and competent to hold the stock in his own name; and if the trust is for a living person, such person shall also himself be liable as a stockholder or shareholder: but if such testator, intestate, ward or person so represented is not named in the books of the corporation, the executor, administrator, guardian or trustee shall be personally liable in respect of such stock or shares as if he held it or them in his own name as owner thereof. 60 V. c. 38, s. 53.

Exception.

NOMINATION BY INVESTOR OR DEPOSITOR; INTESTACY; MISTAKEN PAYMENTS; TRANSMISSION OF INTEREST; CASE WHERE RIGHTS ARE IN DOUBT; EXECUTION CREDITORS.

Member or investor in loan corporation may nominate a successor.

54. A member of or investor in, or depositor with any loan corporation having a sum of money in the funds thereof not exceeding $300, may from time to time nominate any person or persons (such person or persons being within the Statute of Distributions) as successor or successors at death of such member, investor or depositor; provided that such nomination is made in writing, and duly deposited with the secretary or manager of the corporation, and upon receiving an affidavit of the death of the nominator, the directors shall substitute the name of the nominee on its books in the place of the nominator, or may immediately pay to the nominee the amount due to the deceased member or depositor. 60 V. c. 38, s. 54.

Disposition of funds of intestate members.

55. If any member, investor in, or depositor with the corporation having in the funds thereof a sum of money not exceeding $300, dies intestate and without making such nomination, then the amount due shall, without letters of administration taken out, be paid to the person who appears to the directors to be entitled under the Statute of Distributions to receive the same, upon the directors receiving an affidavit of death and intestacy, and that the person so claiming is entitled as aforesaid. 60 V. c. 38, s. 55.

Mistaken payments by the corporation when valid.

56. Where the directors after the decease of any member or depositor, have paid such sum of money to the person who at the time appeared to be entitled to the effects of the deceased, under the belief that he died intestate without having appointed any nominee, the payment shall be valid and effectual with respect to any demand, from any other person as next of kin or as the lawful representative of the deceased member or depositor, against the funds of the corporation; but, nevertheless, the next of kin or representative shall have his lawful remedy for the amount of such payment as aforesaid against the person who has received the same. 60 V. c. 38, s. 56.

57. If the interest of any person in any share in the capital stock, or debenture stock, or in any bond, debenture or obligation of any loan corporation, (such bond, debenture or obligation not being payable to bearer,) is transmitted in consequence of the death, or bankruptcy, or insolvency of such holder, or by lawful means other than a transfer upon the books of the corporation, the directors shall not be bound to allow any transfer pursuant to such transmission to be entered upon the books of the corporation, or to recognize such transmission in any manner until a declaration in writing, showing the nature of such transmission, and signed and executed by the person or persons claiming by virtue of such transmission, and also executed by the former shareholder, if living and having power to execute the same, has been filed with the manager or secretary of the corporation and approved by the directors, and if the declaration, purporting to be signed and executed, also purports to be made or acknowledged in the presence of a notary public, or of a Judge of a Court of Record, or of a mayor of any city, town or borough, or other place, or a British Consul, or Vice-Consul, or other accredited representative of the British government in any foreign country, the directors may, in the absence of direct actual notice of a contrary claim, give full credit to the declaration, and (unless the directors are not satisfied with the responsibility of the transferee) shall allow the name of the person claiming by virtue of the transmission to be entered in the books of the corporation. 60 V. c. 38, s. 57.

On transmission of shares by death, etc., the transferee to file declaration shewing nature of transmission.

58. If the transmission takes place by virtue of any testamentary act or instrument, or in consequence of an intestacy, the probate of the will or letters of administration, or document testamentary, or other judicial or official instrument under which the title (whether beneficial or as trustee), or the administration or control of the personal estate of the deceased purports to be granted by any Court or authority in the Dominion of Canada, or in Great Britain or Ireland, or any other of Her Majesty's dominions or in any foreign country, or an authenticated copy thereof or official extract therefrom, shall, together with the declaration mentioned in section 57, be produced and deposited with the manager, secretary, treasurer or other officer named by the directors for the purpose of receiving the same; and such production and deposit shall be sufficient justification and authority to the directors for paying the amount or value of any dividend, coupon, bond, debenture or obligation or share, or for transferring, or consenting to the transfer of any bond, debenture or obligation or share, in pursuance of, and in conformity to such probate, letters of administration or other such document as aforesaid. 60 V. c. 38, s. 58.

The transferee also in certain cases to file probate of will or certified extract from same, when directors may allow transfer.

59. Wherever the directors entertain reasonable doubts as to the legality of any claim to or upon such share or

When directors have reasonable doubts as to legality

of claim they may take opinion of High Court.

shares, bonds, debentures, obligations, dividends, coupons or the proceeds thereof, then and in such case it shall be lawful for the directors to file in the High Court a petition stating such doubt, and praying for an order or judgment adjudicating and awarding the said shares, bonds, debentures, obligations, dividends, coupons or proceeds to the person legally entitled to the same, and such Court shall have authority to restrain any action or proceedings against the corporation, the directors or officers thereof, for the same subject matter, pending the determination of the petition; and the corporation and the directors and officers thereof shall be fully protected and indemnified by obedience to such order or judgment against all actions, claims and demands in respect of the matters in question in such petition, and the proceedings thereupon; Provided always, that if the Court adjudges that such doubts were reasonable, the costs, charges and expenses of the corporation in and about such petition and proceedings shall form a lien upon such shares, bonds, debentures, obligations, dividends, coupons or proceeds, and shall be paid to the corporation before the directors shall be obliged to transfer, or assent to the transfer, or to pay such shares, bonds, debentures or obligations, dividends, coupons or proceeds to the person found entitled thereto. 60 V. c. 38, s. 59.

Costs.

Disposition of proceeds of sale under mortgages.

60. In case of a sale of property mortgaged to the corporation, any surplus not exceeding $300, over and above the amount due to the corporation and costs, derived from sale under power of sale of any property mortgaged to the corporation, where the mortgagor or his assigns has or have died intestate, shall be personal property, whether the sale took place before or after the death of the mortgagor or person entitled to the equity of redemption. 60 V. c. 38, s. 60.

Rights of execution creditors.

61. Where the amount standing to the credit of any depositor or shareholder exceeds $300, nothing in section 60 shall prejudice the right of any execution creditor in respect of any right or lien he may have in respect of such excess to the amount of the execution in the hands of the sheriff.

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Provided, however, that to the extent of $300, the amount standing to the credit of any depositor or shareholder in a corporation registered under this Act, shall not while in the hands of the corporation or while in course of transmission from the corporation, be liable to demand, seizure or detention under legal process as against the said depositor or shareholder, or his nominee, assignee or representative, or as against any person to whom the corporation is by the seven sections next preceding authorized to pay said sum. 60 V. c. 38, s. 61

GENERAL MEETINGS OF SHAREHOLDERS.

62.—(1) A general meeting of the shareholders of the corporation shall be held at least once in each year for the purpose of considering the financial statement of the corporation, and for the purpose of electing directors and auditors, and for the transaction of such other business as is proper to such regular general meeting under the law of the Province and the by-laws of the corporation. Annual general meeting.

(2) Notice of the time and place of the holding of the annual general meeting of the shareholders shall be delivered, or shall be sent by post prepaid, to the address of each shareholder, so far as the same is known, or, on request, to his proxy residing in North America, if the shareholder does not reside therein or is absent therefrom; and such notice of the meeting shall be so delivered or sent at least ten days previously thereto, and a copy of the annual statement of the directors shall accompany such notice. 60 V. c. 38, s. 62. Notice of annual meeting.

63.—(1) The directors shall have the right at any time by resolution of the board passed in that behalf, to call a special general meeting of the shareholders for the transaction of any business specified in such resolution and in the notice calling the meeting. Special general meetings may be had by resolution of directors;

(2) One-fourth part in value of the shareholders of the corporation shall by requisition delivered to the manager, acting manager, or secretary thereof, have at all times the right to call a special general meeting thereof, for the transaction of any business specified in such written requisition and in the notice calling the meeting. or by requisition of shareholders.

(3) Notice of the holding of every special general meeting of the shareholders shall be delivered, or shall be sent by post prepaid to the address of each shareholder, so far as the same is known, at least ten days before the day appointed for the meeting; the notice shall specify the time and place of the meeting and the business to be transacted thereat. Notice required for special general meeting.

(4) Before the business of any special general meeting is proceeded with there shall be produced and read a statement of the manager or secretary of the corporation declaring upon oath that the requirements of this section as to notice have been fully complied with; and a copy of the notice so delivered or sent and of the said affidavit in relation thereto, shall be entered in the minute book of the corporation as part of the proceedings of the said meeting. 60 V. c. 38, s. 63. Affidavit as to notice. Minutes.

64. Any director of any Provincial loan corporation wilfully neglecting or omitting to give effect to the requisition mentioned in section 63, or to give the notice of general meetings required by sections 62 and 63, shall be guilty of an offence against this Act and the procedure and penalty shall Penalty.

be as in the case of an offence against section 117 of this Act. 60 V. c. 38, s. 64.

Voting power of shareholders.

65. At all meetings of shareholders of the corporation the shareholders shall have one vote for each share held by them respectively upon which the holder is not six months in arrear, and the shareholder may either vote in person or be represented and vote by proxy, the proxy being himself a shareholder of the corporation and not six months in arrears. 60 V. c. 38, s. 65.

Limitation of proxies.

66. Every proxy to vote for any shareholder, executed or given either before or after the passing of this Act, and whether a general or special proxy, shall cease to be valid, and shall not be acted on after the expiration of three years from the date thereof. 60 V. c. 38, s. 66.

BY-LAWS.

Shareholders may make by-laws.

67. The several shareholders of any registered Provincial loan corporation may from time to time assemble together, and make such proper by-laws for the government of the same as the majority of shareholders so assembled deem meet, such by-laws not being repugnant to the provisions of this Act or any other law in force in Ontario, and not inconsistent with the by-laws prescribed in Schedule A to this Act; and they may also from time to time amend or rescind the by-laws, and make new by-laws in lieu thereof, under such restrictions as are in this Act contained. 60 V. c. 38, s. 67.

By-laws and documents of corporation; presumptive regularity.

68. All by-laws of the corporation shall be reduced to writing, and shall have affixed thereto the common seal of the corporation, and any copy or extract therefrom, certified under the signature of the presiding officer, or the secretary or manager, shall be *prima facie* evidence in all civil Courts of Justice in Ontario of such by-laws or extracts from them, and that the same were duly made and are in force; and in any civil action or proceeding it shall not be necessary to give any evidence to prove the seal of the corporation, and documents purporting to be sealed with the seal of such corporation, attested by the presiding officer or the secretary or manager thereof, shall be held *prima facie* to have been duly sealed with the seal of the corporation. 60 V. c. 38, s. 68.

By-laws to be recorded in a book, which is to be accessible.

69. The by-laws of the corporation shall be recorded in a book to be kept by the corporation for that purpose, and to be known as the "By-Law Book" of the corporation; and such book shall, during reasonable business hours of every day, except Sundays and holidays, be open for the inspection of any shareholder, by himself or his agent. 60 V. c. 38, s. 69.

70. The by-laws so recorded shall be binding upon the several shareholders and officers of the corporation and their representatives, and they shall be deemed to have full notice thereof by such record. 60 V. c. 38, s. 71.

Entry of by-laws in book notice to shareholders.

71.—(1) A copy of any by-law of the corporation, under its seal, and purporting to be certified by any officer of the corporation, shall be received as *prima facie* evidence of the by-law in all Courts in Ontario.

Proof of by-laws.

(2). The entry of any by-law in the books of the corporation, or a true copy of the same, examined with the original, and proved to be a true copy, shall be received as evidence of such by-law. 60 V. c. 38, s. 70.

Examined copy of by-laws entered in book to be evidence.

72. Every loan corporation doing business in Ontario shall file with the Registrar a certified copy of its by-laws, also, within one month of the passing, a certified copy of every addition to, or amendment, or consolidation of the by-laws, made from time to time. 60 V. c. 38, s. 72

Copy of by-laws, etc. to be filed with Registrar.

73.—(1). Every Provincial corporation issuing terminating shares shall, in or by one or more of its by-laws, direct the purposes to which the money from time to time subscribed to, received by and belonging to the corporation, shall be appropriated or apportioned, and in what shares or proportions, and under what circumstances any member, shareholder or other person, may become entitled to such money or any part thereof, in respect of the terminating shares held by them.

By-laws to declare how moneys to be applied.

(2). The by-laws shall be complied with and enforced, and the moneys so subscribed to, received by or belonging to the corporation, shall not be diverted or misapplied, either by the directors or any officer, servant, employee or member of the corporation entrusted therewith, under penalty of making full restitution to the corporation, and, if the Court so adjudge, paying also a fine to the corporation of not less than $200, nor more than $2,000, and this liability shall be additional to any liability under the criminal law. 60 V. c. 38, s. 73.

Moneys not to be misapplied under penalties.

74. The by-laws shall not, by *certiorari* or other legal process, be removed into any of Her Majesty's Courts of Record. 60 V. c. 38, s. 74.

By-laws not to be removed by *certiorari*.

BOARD OF DIRECTORS, ITS CONSTITUTION AND POWERS.

75. The shareholders assembled in general meeting may by by-law passed in that behalf (of which by-law, as proposed, notice shall be given to each shareholder with the notice of such meeting,) empower the board of directors to make and amend by-laws for the corporation *ad interim*; which by-laws shall (as provided by section 77) have a binding effect until the next general meeting of the corporation:

Shareholders may delegate to directors power to make or amend by-laws

and all acts and orders of the directors under the powers delegated to them shall have the like force and effect as the acts and orders of a general meeting of the corporation. 60 V. c. 38, s. 75.

Minute book of corporation.

76. The transactions of all general meetings of the corporation, and of all meetings of the board of directors shall be entered in a book to be known as the Minute Book of the corporation; provided that the transactions of the directors shall at all times be subject to the review, allowance and disallowance of a general meeting of the corporation in such manner and form as the corporation by its by-laws directs and appoints; provided, however, also that all acts and orders of the directors under the powers delegated to them shall have the like force and effect as the acts and orders of a general meeting of the corporation. 60 V. c. 38, s. 76.

Transactions of directors subject to review.

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Confirmation of by-laws by shareholders.

77. By-laws duly passed by the board of directors pursuant to section 75, shall have a binding effect until the next succeeding general meeting of the shareholders when the said by-laws shall cease to have a binding effect unless confirmed by a two-thirds vote of the shareholders present either in person or by proxy at such meeting, notice being given of the proposed by-laws in the notice calling the meeting; and in default of such confirmation thereat, shall at and from that time only cease to have force, and in that case no new by-law to the same or like effect shall have any force until confirmed at a general meeting of the shareholders. 60 V. c. 38, s. 77.

Alteration at general meeting.

78. At such general meeting the shareholders may, by a like vote, alter or amend such by-laws, and may confirm the same as so altered and amended. 60 V. c. 38, s. 78.

Number, powers and duties of directors; and their tenure of office.

79. In every Provincial loan corporation the by-laws shall declare the powers and duties of the directors; also the number of directors constituting the board and their tenure of office, not exceeding two years. Provided that where the tenure of office is for one year only the number of directors constituting the board shall be not less than three nor more than nine; provided also that, where the tenure of office is for two years the number of directors constituting the board shall be not less than four nor more than ten, and one-half of the directors shall retire annually at the general meeting in rotation, but these and all other retiring directors shall if otherwise qualified be eligible for re-election. 60 V. c. 38, s. 79.

Ballot; qualification of directors.

80. Election of directors shall be by ballot, but no person shall be elected or nominated as director unless he is of the full age of twenty-one years and is a shareholder holding shares or stock absolutely in his own right, and is not in arrear in respect of any call or contribution thereon. 60 V. c. 38, s. 80.

Provision in case of failure of election.

81. If at any time an election of directors is not made, or does not take effect at the proper time, the corporation shall not be held to be thereby dissolved, but the election may take place at any general meeting of the corporation duly called for that purpose, and the retiring directors shall continue in office until their successors are elected. 60 V. c. 38, s. 81.

Interim vacancies.

82. Vacancies occurring in the board of directors may be filled for the unexpired remainder of the term by the board from among the qualified shareholders of the corporation. 60 V. c. 38, s. 82.

Powers of directors to be declared by by-laws.

83. In every Provincial loan corporation the powers of the directors shall, subject to this Act, be declared by the by-laws of the corporation and they shall continue to act during the time appointed by the by-laws; and the directors shall and may lawfully exercise all the powers of the corporation except as to such matters as are directed by law or by the by-laws of the corporation to be transacted at a general meeting thereof and have not been by a general meeting delegated to the directors as provided by section 75. 60 V. c. 38, s. 83.

Directors; officers of Board.

84. The directors shall from time to time elect from among themselves a president and vice-president, and they shall in all things delegated to them act for and in the name of the corporation, and the concurrence of a majority of the directors present at any meeting shall at all times be necessary to any act of the board. 60 V. c. 38, s. 84.

Delegated powers to be recorded in minute book.

85. In case directors are appointed by the board for a particular purpose, the powers delegated to them shall be reduced to writing and entered in the minute book of the corporation. 60 V. c. 38, s. 85.

Transactions of Board to be entered, and to be subject to review

86. The transactions of the board shall be entered in the minute book of the corporation, and shall at all times be subject to the review, allowance and disallowance of the shareholders in general meeting in such manner and form as the by-laws of the corporation direct and appoint. 60 V. c. 38, s. 86.

General powers of directors.

87. Subject to this Act, and to any Act or instrument constituting the corporation and to the by-laws of the corporation, the directors may use and affix, or may cause to be used and affixed, the seal of the corporation to any document or paper which in their judgment may require the same; they may make and enforce the calls upon the shares of the respective shareholders; they may declare the forfeiture of all shares on which such calls are not paid; they may make any payments and advances of money they may deem expedient which are authorized to be made by or on behalf of the corporation, and enter into all contracts for the execution of

the purposes of the corporation, and for all other matter necessary for the transaction of its affairs; they may generally deal with, treat, sell, exchange and dispose of the lands, property and effects of the corporation, for the time being, in such manner as they deem expedient and conducive to the benefit of the corporation, as if the same lands, property and effects were held and owned according to the tenure and subject to the liabilities, if any, from time to time affecting the same, not by a body corporate, but by any of Her Majesty's subjects being of full age; and they may do and authorize, assent to or adopt, all acts required for the due exercise of any further powers and authorities from time to time conferred by the Legislature. 60 V. c. 38, s. 87.

By-laws for particular purposes.

88. The directors of any Provincial loan corporation may, as provided by section 75, pursuant to a general or special by-law passed in that behalf by a general meeting from time to time, make by-laws, not contrary to law or to the special Act, or to this Act, to regulate:

Stock.

(*a*) The allotment of stock, the issue of shares, the making of calls thereon, the payment thereof, the issue and registration of certificates of shares or stock, the forfeiture of shares for non-payment, the disposal of forfeited shares and of the proceeds thereof, the transfer of shares or stock, the subdivision of existing shares into shares of smaller amount;

Dividends.

(*b*) The declaration and payment of dividends;

Directors.

(*c*) The number of directors, their term of service, and the amount of their stock qualification;

Officers.

(*d*) Subject to the provisions of section 92, the appointment, functions, duties and removal of all agents, officers and servants of the corporation, the security to be given by them to the corporation and their remuneration;

Annual meetings.

(*e*) The time at which and place where the annual meetings of the corporation shall be held;

Procedure.

(*f*) The calling of meetings, regular and special, of the board of directors, and of the corporation, the quorum, the requirements as to proxies and the procedure in all things at such meetings;

(*g*) The imposition and recovery of all penalties and forfeitures admitting of regulation by by-law; and,

Miscellaneous.

(*h*) The conduct in all other particulars of the affairs of the corporation:

By-laws to be confirmed.

and may from time to time repeal, amend or re-enact the same; but every such by-law and every repeal, amendment or

re-enactment thereof, unless in the meantime confirmed at a general meeting of the corporation having notice of such proposal, shall only have force until the next annual meeting of the corporation, and in default of confirmation thereat, shall, at and from that time only, cease to have force; and in that case no new by-law to the same or like effect shall have any force until confirmed at a general meeting of the corporation. 60 V. c. 38, s. 88.

BOOKS TO BE KEPT BY CORPORATIONS.

Record books to be kept, and what to contain.

89.—(1) Every loan corporation constituted by the Province, or having its head office therein, shall cause a book or books to be kept at the head office in the Province by the secretary, or by some other officer especially charged with that duty, wherein shall be kept recorded:

(*a*) A copy of the letters patent or other instrument or Act constituting the corporation, and of any instrument or Act supplementary thereto;

(*b*) All by-laws of the corporation as provided in section 69;

(*c*) The names alphabetically arranged of all persons who at and after the passing of this Act are or shall be holders of permanent shares or stock; and the address and calling of every such person while such shareholder; and the amounts paid in, and remaining unpaid respectively on the permanent stock of each shareholder; and all transfers of permanent stock in their order as presented to the corporation for entry, with the date and other particulars of each transfer, and the date of the entry thereof;

(*d*) The like particulars respecting holdings and transfers of debenture stock;

(*e*) The names, address and calling of all persons who at and after the passing of this Act are or shall be directors of the corporation; with the several dates at which each person became or ceased to be such director.

Books to be open for inspection and taking extracts.

(2) Such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open at the chief office of the corporation in the Province for the inspection of shareholders and holders of debentures or debenture stock of the corporation, and their personal representatives; and every such person may, by himself or his agent, make extracts therefrom.

Books to be *prima facie* evidence.

(3) Such books shall be *prima facie* evidence of all facts purporting to be thereby stated in any action or proceeding against the corporation or against any shareholder thereof.

Forfeiture for neglect.

(4) Every such corporation which neglects to keep such book or books as aforesaid shall be liable to forfeit its registry under this Act; and if incorporated by the Province shall be liable to forfeit also its corporate franchise and rights.

Penalty for false entries.

(5) No auditor, director, officer or servant of the corporation shall knowingly make or assist to make any untrue entry in any such book, or shall refuse or neglect to make any proper entry therein, and any person violating the provisions of this section shall, besides any criminal liability which he may thereby incur, be liable in damages for all loss or injury which any person interested may have sustained thereby.

Liability for refusal to allow inspection of books.

(6) Any director or officer or employee who having the possession, custody or control of such books, refuses to permit any person entitled thereto to inspect any such book or make extracts therefrom, either by himself or his agent, shall be liable to a penalty of $100, or in default of payment thereof to imprisonment for any period not exceeding three months. 60 V. c. 38, s. 89.

Register of securities.

90. A register of securities shall be kept, which register in the case of a loan corporation incorporated by or having its head office in the Province, shall include all securities held by the corporation; in the case of other loan corporations it shall include all the securities held upon or in respect of property in the Province; and within thirty days after the taking of any security, a proper entry, specifying the nature and amount of such security, and the names of the parties thereto, with their proper additions, shall be made in such register. 60 V. c. 38, s. 90.

Terminating Shares Book.

91. In all such corporations where, and so long as there are any holders of terminating shares or stock, a book, or books, to be known as the Terminating Shares Book, shall be kept, in which shall be entered the name, address and calling of every such person while such shareholder; the number and amount of shares from time to time taken by him, and his several payments thereon, the interest or profits earned by his shares, also the repayments or the advances, if any, made by the corporation on account of his shares. In any case of forfeiture of shares there shall be an entry thereof, with the date of the forfeiture. The provisions of subsections 3, 4 and 5 of section 89 shall apply to the books prescribed by sections 90 and 91. 60 V. c 38, s. 91.

AUDIT: STATEMENTS TO SHAREHOLDERS.

Auditors: term of office and how chosen; qualifications.

92.—(1) In every Provincial loan corporation two or more auditors shall be chosen by the shareholders in general meeting assembled, and the auditors so chosen shall audit the books, accounts and vouchers for the year then current, provided that if any auditorship becomes vacant during the said year, the

board of directors may fill such vacancy until the next general meeting of shareholders. Every auditor shall be a competent accountant, not holding nor having for at least two years prior to his becoming auditor, held, any other office or other employment under the corporation. An auditor need not be a shareholder of the corporation.

Provided that if a corporation has branch establishments, it shall be sufficient that the auditors are allowed access to such securities, and to such reports, and copies of and extracts from the books and accounts of any such branch as may have been transmitted to the head office of the corporation. Proviso.

(2) The removal of the auditors of the corporation, and the remuneration of the auditors and directors shall be determined at general meetings of the shareholders. Removal of auditors; remuneration of auditors and directors.

(3) For incapacity, misconduct or negligence, the board of directors may, by a two-thirds majority, suspend any auditor until the next general meeting of the corporation, and in the event of such suspension shall appoint an auditor *ad interim*.

(4) If any auditorship becomes vacant between two general meetings of the corporation, the board of directors may fill the vacancy until the next general meeting. 60 V. c. 38, s. 92.

93.—(1) The treasurer or other principal officer of the corporation shall once at least in every year prepare a general statement of the liabilities and assets of the corporation, (specifying in whose custody or possession the funds and effects of the corporation are then remaining,) together with a summary account of all sums of money received or expended by or on account of the corporation since the publication of the next preceding periodical statement and bringing forward the cash balance from that statement. Periodical financial statement to shareholders.

(2) Every such periodical statement shall be attested by the signature of the treasurer or other principal officer of the corporation, and shall contain a certificate signed by the auditors stating that they have duly audited the books, accounts, securities and vouchers of the corporation and have found the following result (*stating the result of the audit*); and every shareholder shall be entitled to receive from the corporation, without charge, a copy of such signed and certified statement. 60 V. c. 38, s. 93. Periodical statement to bear auditors' certificate.

OFFICERS AND SERVANTS; CUSTODY OF BOOKS AND EFFECTS OF CORPORATION.

94. Subject to section 92, the directors shall from time to time, at any of their usual meetings, appoint such persons as they think proper to be officers or servants or employees of the corporation, grant such salaries and emoluments as they deem fit, and pay the necessary expenses attending the management of the corporation; and shall from time to time appoint such Directors to appoint officers.

persons as may be necessary for the purposes of the corporation, for the time and for the purpose expressed in the by-laws of the corporation, and may from time to time discharge such persons, and appoint others in the room of those who vacate, die or are discharged. 60 V. c. 30, s. 94.

"Manager" and "Managing Director."

95. The secretary or treasurer or secretary-treasurer or other officer of the corporation may be styled "Manager," and when the officer is also a director he may be styled "Managing Director." 60 V. c. 38, s. 95.

Certain persons in service of corporation to furnish security.

96. Every officer or other person appointed to any office in anywise concerning the receipt, safe-keeping or proper application of money shall furnish security to the satisfaction of the directors for the just and faithful execution of the duties of his office according to the by-laws of the corporation, and any person entrusted with the performance of any other service may be required by the directors to furnish similar security. 60 V. c. 38, s. 96.

Property, investments, evidence and books of account and record to be the property of the corporation and to vest therein.

97. All real and personal estate, property and effects, and all titles, securities, instruments and evidences, and all rights and claims of or belonging to the corporation shall be vested in the corporation. The books used by any auditor, officer, collector or agent for verifying or for recording moneys received for the corporation shall be the property of the corporation; nor shall the foregoing persons or any solicitor, counsel or other person whatsoever have in these or in any other of the books of account or record of the corporation any ownership or proprietary right, or any right of lien whatsoever; and any person who in contravention of this section, withdraws, withholds or detains any of the said books from the possession or control of the directors, or from the receiver or liquidator of the corporation, shall be guilty of an offence; and the procedure and penalty shall be as in the case of an offence against section 117 of this Act. 60 V. c. 38, s. 97.

Penalty.

After decease, bankruptcy, etc., of officer, books, etc., to be delivered to corporation.

98. If a person appointed or elected to an office and being entrusted with and having in his possession books, moneys, securities, documents, or other property or effects belonging to the corporation, or relating thereto, dies, resigns, vacates, or becomes incapacitated by mental or physical debility, or becomes bankrupt or insolvent, his legal representative or other person or persons having such property or effects in possession or custody, shall within fifteen days after the decease or the resignation, vacancy, incapacity, bankruptcy or insolvency, deliver all such property and effects belonging to the corporation to such person or persons as the directors or executive officers appoint. 60 V. c. 38, s. 98.

ANNUAL STATEMENT TO DEPARTMENT: REGISTRAR'S REPORT.

Annual statement.

99.—(1) It shall be the duty of the presiding officer and the manager or secretary of every registered loan corporation to prepare annually on the 1st day of January, or within two months thereafter, according to a printed form to be supplied on application to the Corporations Registrar, a statement of the financial condition and affairs of the corporation for the purposes of this Act; and the statement, having been signed and sworn to by the president or vice-president and the manager or secretary, shall, together with a certified copy of the auditor's statement or certificate, be filed with the Registrar on or before the 1st day of March then next ensuing; and any corporation refusing or neglecting to so file its statement or to make prompt and explicit answer to any inquiries then or at any time put by the Registrar touching the corporation's contracts or finances shall be liable to suspension or cancellation, or non-renewal of registry; and to a penalty of $50 for each day of default in filing, but not exceeding in the whole $1,000.

Refusal of information.

Who may administer oaths under the Act.

(2) The financial statement required by the next preceding sub-section may be sworn to before any Justice of the Peace, Notary Public, or Commissioner for taking affidavits: and every such person is hereby authorized to administer an oath for the purposes of any document required or permitted by this Act.

What financial statement shall include.

(3) The financial statement required by this section shall, in the case of an extra-Provincial corporation, comprise a certified copy of the last audited financial statement published or prepared by the corporation for the information of its shareholders and members, and also a statement of the business of the said corporation within the Province for the year then last ended; and the last mentioned statement shall be signed and sworn to by the chairman of the board (or other presiding officer) and the secretary, or by the manager or chief agent and accountant or secretary of such corporation.

Proviso.

Provided that on sufficient cause shown and upon payment to the Provincial Treasurer of the fee hereinafter prescribed, the Registrar may by writing under his hand and seal extend (either before or after the 1st day of March) the time for the delivery of the statement required by this section. 60 V. c. 38, s. 99.

Copy of periodical statement or statements.

100. Together with the statement mentioned in section 99 the corporation shall file a certified copy of the statement or statements furnished to shareholders during the year then ended. 60 V. c. 38, s. 100.

Registrar's Annual Report.

101. From the statements so filed the Corporations Registrar shall cause to be prepared, printed and distributed a report which may be known as the Loan Corporations State-

ments for the year ending 31st December (*naming the year*); and such report shall include a list of registered loan corporations brought up to its actual date of publication. 60 V. c. 38, s. 101.

Registrar not to vouch for financial condition or solvency of any corporation.

102.—(1) The Registrar shall not in any initial or renewal certificate of registry or in any other publication, or otherwise, vouch for the solvency or financial standing of any corporation; nor shall the printing of a corporation's statement in the Registrar's report, operate, or be anywise construed as a warranty of solvency.

Misrepresentation.

(2) No corporation shall under penalty of becoming disentitled to registry, circulate, publish, print or make any statement or representation contrary to the intent of this section; and any auditor, officer, servant, employee or agent of the corporation who uses any such contrary statement or representation for the purpose of obtaining or transacting business shall be guilty of an offence, and shall upon summary conviction thereof before any Police or Stipendiary Magistrate or two Justices of the Peace having jurisdiction where the offence was committed be liable as for an offence against section 117 of this Act; and the procedure and penalty prescribed by the said section shall apply in the case of an offence committed against this section. 60 V. c. 38, s. 102.

Penalty.

REGISTRAR; REGISTERS; PROCEEDINGS TO REGISTRY.

Appointment of Registrar and assistants.

103.—(1) The Lieutenant-Governor in Council may appoint an officer of the public service to be the Corporations Registrar and such assistants as may be necessary.

(2) The remuneration of the Registrar and such assistants in respect of the services required by this Act shall be such sums as the Legislature shall from time to time provide for the purpose. 60 V. c. 38 s. 103.

Three registers to be kept.

104. The Registrar shall keep three several registers, to be known and distinguished as follows:—

Loan Companies' Register.

(1) The Loan Companies' Register, whereon shall be recorded the names of such loan corporations as are from time to time found entitled to registry, whose powers do not include the business of buying and selling land, or the business of a corporate trustee, executor, administrator, guardian, receiver, or assignee.

Loaning Land Companies' Register.

(2) The Loaning Land Companies' Register, whereon shall be entered the names of such loan corporations as are from time to time found entitled to registry, whose powers include the business of buying and selling land, but not the business of a corporate trustee, executor, administrator, guardian, receiver or assignee.

(3) The Trusts Companies' Register, whereon shall be entered the names of such loan corporations as are from time to time found entitled to registry, whose powers include the business of a corporate trustee, executor, administrator, guardian, receiver or assignee, but do not include the business of buying and selling land as beneficial owner. 60 V. c. 38, s. 104. Trusts Companies' Register.

105.—(1) The duty of determining, distinguishing and registering those corporations which under this Act are required to be registered and are legally entitled to registry, and of granting registry accordingly, shall devolve upon the Corporations Registrar, subject to appeal as hereinafter provided. Duties of Registrar.

(2) For the purposes of his duties under this Act the Registrar may require to be made, or may take and receive affidavits or depositions, and may examine witnesses upon oath. Evidence.

(3) The evidence and proceedings in any matter before the Registrar may be reported by a stenographic writer who has taken an oath before the Registrar to faithfully report the same. 60 V. c. 38, s. 105.

106.—(1) All declarations or articles of incorporation of loan companies or building societies under any former Act of the Province which are filed with the Clerk of the Peace of any county, or division or union of counties, shall be taken off the file, and transmitted by the Clerk of the Peace to the Corporations Registrar together with a schedule in duplicate of the instruments so sent; and a receipt by the Registrar for the instruments by him received shall discharge the Clerk of the Peace from all further responsibility in respect of the instruments so sent and received. Declaration now filed with Clerks of Peace to be sent to Registrar.

(2) After the issue of the charter to any corporation the Provincial Secretary shall transfer all papers in his Department connected with such company to the office of the Registrar. 60 V. c. 38, s. 106. Transfer of papers.

107.—(1) Applications of loan corporations for initial registry under this Act, shall be made according to a form to be supplied on request, and the applicant shall deliver to the Registrar the application duly completed, together with such evidence as the form by its terms requires, and the applicant shall (if required) furnish such further information, material and evidence, or give such public notice of the application as the Registrar may direct. Applications for initial registry.

(2) Where a loan corporation which was, under chapter 38 of the Acts passed in the 60th year of Her Majesty's reign, required to make but had not made application for registry on or before the 30th day of June, 1897, the Registrar, by writing under his hand and the seal of the Department, may on sufficient cause shown, and upon payment to the Provincial Treasurer of the fee hereinafter prescribed, extend the time for Extension of time. 60 V. c. 38.

the delivery of an application or for the prosecution or completion of an application already delivered or tendered.

Financial statement to accompany application.

(3) The applicant corporation shall with its application file a financial statement (in such form as is required by the Registrar), of the financial condition and affairs of the corporation on the 31st day of December then next preceding, or up to the usual balancing day of the corporation, if such balancing day is not more than twelve months before the filing of the statement; and such statement showing the corporation to be solvent shall be signed and verified as prescribed in section 99. 60 V. c. 38, s. 107.

Power of attorney to receive process, etc., must accompany applications in certain cases.

108.—(1) Where any corporation applying for registry has its head office elsewhere than in Ontario, its application for registry shall be accompanied by a power of attorney from the corporation to an agent resident in Ontario; the power of attorney shall be under the seal of the corporation, and be signed by the president and secretary or other proper officers thereof in the presence of a witness, who shall make oath or affirmation as to the due execution thereof; and the official positions in the corporation held by the officers signing such power of attorney shall be sworn to or affirmed by some person cognizant of the facts necessary in that behalf.

Contents of power of attorney.

(2) The power of attorney shall declare at what place in the Province the chief agency of the corporation is, or is to be established, and shall expressly authorize such attorney to receive service of process in all actions and proceedings against the corporation in the Province for any liabilities incurred by the corporation therein, and also to receive from the Registrar all notices which the law requires to be given, or which it is thought advisable to give, and shall declare that service of process for or in respect of such liabilities, and receipt of such notices at such office or chief agency, or personally, on or by such attorney at the place where such chief agency is established, shall be legal and binding on the corporation to all intents and purposes whatsoever.

Filing of power of attorney.

(3) The power of attorney duly executed shall be filed with the Registrar, and the filing with the Corporations Registrar of such power of attorney or any other power of attorney from the company to an attorney or attorneys in the Province of Ontario authorizing the execution on behalf of the company of deeds, discharges or other instruments shall be equivalent to and render unnecessary the registering of a power of attorney by the said agent or attorney in any registry office where any discharge of mortgage or other instrument signed by such agent or attorney has to be registered, and shall be a full compliance with any Act or law requiring the registration of a power of attorney by such agent or attorney acting on behalf of the company.

(4) The said power of attorney may confer upon the chief agent or chief agents of the said corporation any further or other powers which the said corporation may deem it advisable to confer upon him or them. The production of a copy of such power of attorney certified by the Corporations Registrar, shall be sufficient evidence for all intents and purposes whatsoever of the power and authority of the person or persons therein named to act on behalf of the loan corporation therein named, in the manner and for the purposes set forth in such certified copy, and no further evidence thereof shall be required.

Authority conferred by power of attorney; copy to be evidence.

(5) If the corporation applying for registry under this Act is a corporation already licensed to do business in the Province of Ontario under chapter 168 of *The Revised Statutes of Ontario, 1887*, or the amendments thereto, then a copy of the power of attorney to the agent of a company in this Province already filed with the Provincial Secretary at the time of the application for such license shall be accepted by the Corporations Registrar as the power of attorney required by the foregoing provisions of this section.

When power of attorney filed under R.S.O. 1887, c. 168.

(6) In the case of any loan corporation which under any statute of the late Province of Canada is authorized or directed to register and file any commission or power of attorney in any public office, filing such commission or power of attorney under the provisions of this Act, shall be deemed to satisfy and shall satisfy all the requirements of the said statute as to the registration, filing and publication thereof; and an office copy thereof certified by the Corporations Registrar shall be equivalent to an office copy thereof certified by the Provincial Secretary in accordance with the provisions of such statute.

Filing under this Act to satisfy the like requirements of other Acts.

(7) Wherever the corporation changes its chief agent or chief agency in the Province, the corporation shall file with the Registrar a power of attorney as hereinbefore mentioned, containing any such change or changes in such respect and containing a similar declaration as to service of process and notices as hereinbefore mentioned.

Changes in chief agent or agency.

(8) After the power of attorney is filed as aforesaid any process in any action or proceeding against the corporation for liabilities incurred in the Province, may be validly served on the corporation at its chief agency; and all proceedings may be had thereon to judgment and execution in the same manner and with the same force and effect as in the proceedings in a civil action in the Province; provided that nothing herein contained shall render invalid, service in any other mode in which the corporation may be lawfully served.

Service of process thereafter.

(9) If the power of attorney becomes invalid or ineffectual from any reason, or if other service cannot be effected, the Court or a Judge may order substitutional service of any process or proceeding to be made by such publication as is deemed requisite to be made in the premises, for at least one month in at least one newspaper; and such publication shall be held to

Substitutional service of process.

be due service upon the corporation of such process or proceeding. 60 V. c. 38, s. 108

Recording registry; entries on register.

109.—(1) On the proper register the Registrar shall cause to be entered the name of every corporation, which from time to time he, or in case of appeal, the Lieutenant-Governor in Council, finds to be legally entitled to registry, together with the date of the commencement of registry; also the term for which (in the absence of suspension, revocation or cancellation,) the registry is to endure; which term shall begin as from the date of the said commencement, and shall end not later than the 30th day of June then next ensuing; he shall also cause to be entered on the register the place where the head office, and the chief agency (if any) are situated, and if there is a chief agency, the name and address of the chief agent; also, if during the term, the registry has been suspended, or revived, or revoked, or cancelled, the date and authority for such suspension, revivor, revocation, or cancellation.

Issue of certificate of registry.

(2) To all corporations found entitled to registry, or renewal of registry, and registered accordingly, the Registrar shall issue under his hand and the seal of the Department a certificate of registry, initial or renewed, as the case may be, setting forth that it has been made to appear to him that the corporation is entitled to registry as a (*describing the corporation*) under this Act, and that the corporation is accordingly registered for the term stated in the certificate. Every certificate of registry granted under this Act shall specify the first day, and also the last day, of the term for which the corporation is registered; and the corporation so registered shall be deemed to be registered from the commencement of the first day to the end of the last day so specified.

Commencement and end of certificates.

Duration of registry.

(3) In the case of all loan corporations any certificate of registry issued under this Act not being an interim or an extended certificate, shall, unless sooner suspended or cancelled, remain valid until the then next ensuing thirtieth day of June inclusive, when, if the corporation has complied with the law and continues solvent, the corporation shall be entitled to a certificate of renewed registry, and so, on every succeeding thirtieth day of June thereafter.

Interim certificate:

(4) Upon proof that a corporation has, by accident or unavoidable cause, been prevented from fully complying with the provisions of this Act within the time prescribed, and upon payment to the Provincial Treasury of the fee hereinafter enacted, the Registrar may by writing under his hand and the seal of the Department, grant, for a time limited therein, an interim certificate of registry, or may by such sealed writing extend for a limited time, the duration of a subsisting certificate of registry; but in default in either case of renewal of registry before the expiry of the time so limited, the corporation shall be deemed to be unregistered at and from the said expiry. 60 V. c. 38, s. 109.

Extension of certificate.

CORPORATE NAME: CHANGE OF NAME OR OF HEAD OFFICE.

110.—(1) No corporation shall be registered under a name identical with that under which any other existing corporation is registered, or so nearly resembling such name as to be likely, nor shall be registered under any other name likely, in the opinion of the Registrar, to deceive the members or the public as to its identity; and no registered corporation shall be registered under a new or a different name, except upon proof that such new or different name is authorized by law. Similar corporate names: New name:

(2) Where a loan corporation within the legislative authority of this Province is desirous of adopting a name different from that by which it was incorporated, or where, in the opinion of the Registrar, the name by which the corporation was incorporated may be easily confounded with that of any other existing corporation, the Lieutenant-Governor in Council, may change the name of the corporation to some other name to be set forth in the order in Council; but no such change of name shall affect the rights or obligations of the corporation, and all proceedings which might have been continued or commenced by or against the corporation by its former name may be continued or commenced by or against the corporation by its new name. Change of corporate name.

(3) Upon the like procedure the location of the head office of a loan corporation may be changed. Change of head office.

(4) Of any change of name or head office, and of any application for such change, such public notice shall be given in the *Ontario Gazette* and otherwise, as the Registrar may direct. 60 V. c. 38, s. 110. Public notice.

CORPORATIONS ADMISSIBLE TO REGISTRY: REFUSAL, SUSPENSION, REVIVOR, CANCELLATION OF REGISTRY: APPEAL.

111. The following corporations, being solvent, shall, upon due application, be admissible to registry, and no other shall be registered:— What shall be admissible to registry as a loan corporation.

(1) Loan corporations hereafter duly constituted under the law of the Province. Corporations hereinafter constituted by the Province.

(2) Every loan corporation, which being duly constituted under the law of this Province, or of any other Province of Canada, or of the Dominion of Canada, or of the United Kingdom, was in actual, active and *bona fide* operation in Ontario on the tenth day of February, 1897. Active corporations in present *bona fide* operation in the Province.

(3) Every loan corporation, which being duly constituted as a joint stock corporation under the law of any other Province of Canada, or of the Dominion of Canada, or of the United Kingdom, issues only permanent shares, and which, not having been in such operation in Ontario on the said day, has a sub- Certain non-Provincial corporation, not in present actual operation in the Province.

scribed permanent stock of not less than $500,000, whereof $100,000 is paid up and unimpaired.

(4) Where the corporation takes power by its instrument of association or by-laws to issue terminating shares, the corporation shall be limited in its operations to a particular county (as is by section 8 provided in the case of Provincial corporations issuing terminating shares); and the certificate of registry shall expressly state such limitation. The fee for the initial certificate of registry shall be $25, and the fee for renewal certificates shall be determined by article 6 of section 120. 60 V. c. 38, s. 111.

Suspension or cancellation of registry.

112.—(1) Upon proof that any registry or certificate of registry has been obtained by fraud or mistake, or that a corporation exists for an illegal purpose, or is insolvent, or has failed to pay its obligations, or has wilfully, and after notice from the Registrar, contravened any of the provisions of this Act, or has ceased to exist, the registry of the corporation may be suspended or cancelled by the Registrar.

Notice of suspension or cancellation of registry to be given to the corporation.

(2) On the suspension or cancellation of the registry of any corporation, the Registrar shall, by registered post or otherwise, cause notice thereof, in writing under his hand, to be delivered to the corporation at its head office, whether situate in the Province or elsewhere, or at the chief agency of the corporation in Ontario; and from and after such suspension or cancellation, the corporation shall (except in the event of and after revivor) absolutely cease to transact or undertake the business of a loan corporation in Ontario, except so far as necessary for the winding up of such business, and so as not to prejudice any liability actually incurred by such corporation, which may be enforced against the same as if such suspension or cancellation had not taken place. 60 V. c. 38, s. 112.

Decision of Registrar to be in writing and to be delivered to corporation.

113.—(1) Where in any disputed case the Registrar decides that a corporation is or is not legally entitled to registry, or to renewal of registry, or where he suspends, revives, revokes or cancels the registry of a corporation, the Registrar, except as otherwise herein provided shall give his decision in writing and shall cause a copy thereof certified under the seal of the Department to be delivered by registered post or otherwise to the corporation at its head office, or chief agency in Ontario.

Certified copy of judgment, or of a certificate of registry.

(2) A certified copy of any such decision, or of any certificate of registry may be had on application to the Registrar, and upon payment to the Provincial Treasurer of the fee hereinafter prescribed.

Affidavits and depositions to be filed.

(3) The affidavits and depositions received or taken by the Registrar in any disputed case shall be filed. 60 V. c. 38, s. 113.

Appeal to the Lieutenant-Governor in Council.

114.—(1) An appeal shall lie to the Lieutenant-Governor in Council from any decision of the Registrar affecting the

right of any company or corporation to register; or affecting the revivor of registration of any company or corporation, or suspending or cancelling the registration of any company or corporation, and from any decision of the Registrar under section 109 or section 110, or in any other case by leave of the Lieutenant-Governor in Council.

Notice of appeal; and grounds.

(2) Unless otherwise ordered by the Lieutenant-Governor in Council, no appeal shall be allowed unless notice thereof is delivered to the Registrar within thirty days after the decision appealed against has been made; nor unless there is therewith delivered to the Registrar a statement setting out clearly the grounds of appeal, including the facts alleged and the points of law to be argued, and the evidence and authorities relied upon.

Decision.

(3) The decision of the Lieutenant-Governor in Council shall be final and conclusive. 60 V. c. 38, s. 114.

Cancellation of registry by request of corporation.

115. The Registrar may, if he thinks fit, at the request of the corporation, evidenced in such manner as he may direct, cancel the registry of the corporation. 60 V. c. 38, s. 115.

NOTICE TO CORPORATION FOR ANY PURPOSE OF THE ACT.

Service of notices.

116. Delivery of any written notice to any loan corporation for any purpose of this Act, where the mode thereof is not otherwise expressly provided, may be by letter delivered at the head or chief office of the corporation in Ontario or chief agency therein, or by registered post letter addressed to the corporation, its manager or agent at such chief office or agency, or by such written notice given in any other manner to an authorized agent of the corporation. 60 V. c. 38, s. 116.

UNREGISTERED LOAN CORPORATIONS PROHIBITED.

No unregistered corporation to undertake the business of a loan corporation.

117.—(1) After the thirty-first day of December, 1897, no incorporated body or persons acting in its behalf, other than a corporation standing registered under this Act, and persons duly authorized by such registered corporation to act in its behalf, shall undertake or transact the business of a loan corporation in the Province, as such business is described in clause 5 of section 2 of this Act. In the case of any loan corporation whatsoever any setting up or exhibiting of a sign or inscription containing the name of the corporation, or any distribution or publication of any proposal, circular, card, advertisement, printed form or like document in the name of the corporation, or any written or oral solicitation in the corporation's behalf, or any collecting or taking of money on account of shares or of loans or advances shall, both as to the corporation and as to the person acting or purporting to act

in its behalf, be deemed undertaking the business of a loan corporation within the meaning of this section.

No person to act as agent for unregistered loan corporation.

(2) If any promoter, organizer, office-bearer, manager, director, officer, collector, agent, employee, or person whatsoever, undertakes or transacts the business of a loan corporation which does not stand registered under this Act, he shall be guilty of an offence and upon summary conviction thereof before any Police or Stipendiary Magistrate or two Justices of the Peace having jurisdiction where the offence was committed shall be liable to a penalty not exceeding $200 and costs, and not less than $20 and costs; and in default of payment the offender shall be imprisoned with or without hard labour for a term not exceeding three months, and not less than one month; and on a second or any subsequent conviction he shall be imprisoned with hard labour for a term not exceeding twelve months, and not less than three months.

Penalty.

Informant; application of fine.

(3) Any one may be prosecutor or complainant under this Act; and one half of any fine imposed by virtue of this Act shall, when received, belong to Her Majesty, for the use of the Province, and the other half shall belong to the prosecutor or complainant.

Appeal.

(4) Any person convicted under this Act who gives notice of appeal against the decision shall be required before being released from custody to give to the Magistrate or Justices satisfactory security for the amount of the penalty, and the costs of conviction and appeal; and the appeal shall be to a Divisional Court of the High Court.

Burden of proof.

(5) In any trial or cause or proceeding under this Act the burden of proving registry shall be upon the corporation or person charged.

Limitations of prosecutions.

(6) All informations or complaints for the prosecution of offences under this Act shall be laid or made in writing within one year after the commission of the offence. 60 V. c. 38, s. 117.

VERIFICATION OF ANNUAL STATEMENTS MADE TO REGISTRAR; SPECIAL AUDIT.

Registrar to have access to corporation books, etc.

118.—(1) The Registrar or any person authorized under his hand and seal shall, with the approval of the Minister, have at any time within reasonable business hours of every day except Sundays and holidays access to the books, vouchers, securities and documents of any corporation, undertaking or transacting in the Province the business of a loan corporation; and any officer or person in charge, possession, custody or control of such books, vouchers, securities or documents refusing or neglecting to afford such access, shall be guilty of an offence punishable as for an offence against section 117, the procedure and penalty prescribed by which section shall apply in the case of an offence against this section; and if registered,

the corporation shall be liable to have its registry suspended; and on continued refusal or neglect to afford such access, shall be liable to have its registry cancelled.

Special audit in case of fraud, illegal acts, or default of audit or financial statement.

(2) If a loan corporation is three months in default in the delivery of the financial statement required by section 99 of this Act; or upon proof that the accounts of a loan corporation have been materially and wilfully falsified, or that for eighteen consecutive months there has been no *bona fide* audit of the books and accounts; or if there is filed with the Registrar a requisition for audit bearing the signatures, addresses and occupations of at least twenty-five shareholders of the corporation, holding shares, upon which not less than $10,000 has been paid up, and such requisition alleges in a sufficiently particular manner to the satisfaction of the Registrar, specific fraudulent or illegal acts, or repudiation of contracts, or insolvency, the Registrar may nominate a competent accountant, who shall under the directions of the Registrar, make a special audit of the corporation's books, accounts and securities, and report thereupon to the Registrar in writing, verified upon oath.

Credentials of auditor.

(3) For purposes of this Act a special auditor shall be sufficiently accredited, if he deliver to the secretary, or to any managing officer of the corporation a written statement under the hand and seal of the Registrar, to the effect that the Registrar has nominated such auditor to audit the books, accounts and securities of the corporation.

Expenses of special audit.

(4) The expense of such special audit shall be borne by the corporation, and the auditor's account therefor when approved in writing by the Registrar shall be conclusive and shall be payable by the corporation forthwith:

Provided that when an audit is requested as in subsection 2, the persons so requesting it shall, together with their requisition, deposit with the Registrar proper security for the costs of the audit in a sum not exceeding $300 as he may determine; and when the facts alleged in the requisition appear to the Registrar to have been partly or wholly disproved by the audit, he may pay the costs thereof partly or wholly out of the deposit.

Untrue entries, etc.

(5) Every auditor, director, officer, manager, agent, collector, servant or employee of the corporation, who knowingly makes or publishes, or assists to make or publish any wilfully false statement respecting the corporation's financial affairs, or who makes or assists to make any untrue entry in any book of record, entry or account, or who refuses or neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected or audited either for the general purposes of the corporation, or for the purposes of this Act, and extracts to be taken therefrom, shall be guilty of an offence, and upon summary conviction thereof before any Police or Stipendiary Magistrate or two Justices of the Peace where the offence was committed, shall be imprisoned in any gaol of

the Province with or without hard labour, or in the Central Prison, for a period not exceeding twelve months.

Where corporation refuses or obstructs audit.

(6) Where a corporation by its officer, employee, servant or agent having in his custody possession or power the funds, books, vouchers, securities, or documents of the corporation refuses to have the same duly audited as provided by section 92 and by this section, or obstructs an auditor in the performance of his duties, the Registrar upon proof of the fact may suspend or cancel the registry of such corporation.

Report of special auditor.

(7) If the report made by the special auditor appears to the Registrar to disclose fraudulent or illegal acts on the part of the corporation, or a repudiation of its contracts, or insolvency, the Registrar shall notify the corporation accordingly and furnish the corporation with a copy of the special auditor's report allowing two weeks for a statement in reply to be filed by the corporation with the Registrar.

Registrar's decision.

(8) Upon consideration of the special auditor's report and of the corporation's statement in reply, and of such further evidence, documentary or oral, as the Registrar may require, the Registrar shall render his decision in writing, and may thereby continue, or suspend, or cancel the registry of the corporation. 60 V. c 38, s. 118.

Official seal.

119. The Registrar shall have a seal of office which shall bear upon its face the words "Registrar of Loan Corporations." 60 V. c. 38, s. 119.

FEES.

Fees payable to Provincial Treasurer.

120.—The fees in this section mentioned shall be payable to the Provincial Treasurer of Ontario; and the duplicate of the Treasurer's receipt shall be filed with the proper officer.

Fees for incorporation.

1. The fees for incorporation under this Act shall be as shall be prescribed by the Lieutenant-Governor in Council by order made in that behalf.

Registry.

2. Application for initial registry, (s. 107)	$5.00
3. Extension of time for making application, or for delivering any document required by this Act	2.00
4. Filing power of attorney in case of corporations mentioned in section 108	5.00
5. Filing new power or change of attorney, (s. 108) .	5.00
6. Certificate of initial or renewed Registry, (s. 109):—	
(*a*) Where the assets of the corporation amount to not more than $250,000	25.00
(*b*) Where the assets of the corporation amount to $500,000 or more than $250,000.....	50.00

(*c*) Where the assets of the corporation amount to $1,000,000 or more than $500,000 ..	$100.00
(*d*) Where the assets of the corporation amount to $2,000,000 or more than $1,000,000 ..	150.00
(*e*) Where the assets of the corporation amount to $3,000,000 or more than $2,000,000 ..	175.00
(*f*) Where the assets of the corporation amount to over $3,000,000, or where the corporation (not applying as a licensee of the Province) was incorporated elsewhere than in the Dominion or in a Province of Canada.	200.00

Provided that for the purposes of this article capital stock uncalled shall not be deemed an asset; Proviso.

Provided also that the fee for a certificate of registry covering a period of not more than six months shall be one-half of the above amounts respectively. 58 V. c. 34, s. 9.

7. Interim certificate of registry, or extension of certificate, (s. 109)	$ 5.00
8. Revivor of registry after suspension: (s. 109.)	
For a corporation in Article 6 (*a*) of this section.	10.00
For a corporation in Article 6 (*b*) of this section.	15.00
For a corporation in Article 6 (*c*) of this section.	20.00
For a corporation in Article 6 (*d*) of this section.	25.00
For a corporation in Article 6 (*e*) of this section.	30.00
9. Change of corporate name, (s. 110)	10.00
10. Change of Head Office, (s. 110)	10.00
11. Filing annual statement, (s. 99)	5.00
12. Filing new by-laws or amendments thereto after initial registry, (s. 72)	2.00
13. Application for increase or decrease of capital stock	10.00
14. Certificate of increase or decrease of capital stock	25.00
15. Copy of decision of Registrar	1.00
16. Certified copy of entry on register or of certificate	1.00
17. Copies of, or extracts from documents filed with Registrar, per folio of 100 words	.10

60 V. c. 38, s. 120.

121. In the case of an application or other document or instrument to be filed, examined or deposited, the fees shall be paid before the application or other document or instrument is considered; in the case of registry or certificates of registry the fee shall be paid before the corporation is registered. 60 V. c. 38, s. 120, *part.* Time of payment.

SCHEDULE A.

(*Sections* 4 *and* 67.)

Particular matters to be set forth in the by-laws of the body applying for incorporation hereinafter called the applicant :—

Corporate name and head office.

1. The proposed corporate name, and the location of the head office of the corporation.

Purposes.

2. The purposes for which the corporation is to be constituted.

Whether constituted as a company with permanent capital or otherwise.

Particulars of stock.

3. The manner in which the corporation is to be constituted ; whether as a temporary or as a continuing corporation ; whether as a company with permanent capital, or otherwise ; and, if as a company with permanent capital what respective amounts of such capital are, before the commencement of business, to be authorized, subscribed, and paid up ; the number of shares and amount of each share of such capital ; with the proviso that the said subscribed permanent capital shall be not less than $300,000, with ten per cent. of the subscription paid up ; and that a certified copy of the stock subscription book shall be filed with the Registrar, together with the application and by-laws ; and with the further proviso that the shares of the said stock or any of the permanent stock of the applicant shall not be issued at a discount, nor upon any terms, agreement or understanding that the taker or holder shall be liable for any less amount than the par value of the shares, less the calls fully paid thereon.

No permanent stock to be issued at a discount.

By-laws respecting terminating shares

By-laws respecting permanent shares or stock.

4. If the plans of the applicant include the issue of terminating stock or shares, then the by-laws shall set forth full and explicit particulars of the terms upon which such stock or shares are to be issued, and will mature, and upon which they become withdrawable by the holder, or redeemable by the corporation. If the plans of the corporation include the issue of permanent shares or stock, either concurrently with, or in substitution for, terminating shares or stock, or include the conversion of terminating into permanent shares or stock, the by-laws shall include full and explicit provisions respecting these matters.

Loan and securities ; repayment.

5. The by-laws shall include full and explicit provisions respecting the plan or plans on which the corporation is to make loans or advances, the kind of security (principal and collateral) to be taken for the repayment, the rate or rates of interest to be charged ; the mode in which such loans or advances are to be repaid to the corporation, and, if by a sinking fund or instalments of blended principal and interest, the by-laws shall include a table resolving each such instalment, or each such payment on account of sinking fund respectively into its components of principal and interest.

Period of grace ; default, reinstatement, fines forfeitures, etc.

6. The by-laws shall further set forth clearly what period of grace, if any, is to be allowed for the payment of money due, principal or interest ; upon what terms or conditions a borrower or member, or shareholder in default is to be reinstated ; what fines or forfeitures, if any, are to be imposed for any and for what default or breach of contract ; whether in cases where fine or forfeiture is imposed, the corporation claims to exercise any other or further remedy against the defaulter ; also whether prior to the exercise of any remedy against a defaulter the corporation is to give him any and what notice. If the provisional corporation by its by-laws takes power to impose fines for defaults, then its by-laws shall further provide that fines upon fines, or compound fines shall not be payable ; and shall further provide that the fines at any time payable in respect of any default shall not exceed altogether ten per cent. of the instalment or the sum (not including fines) then in default.

7. If the applicant proposes to issue terminating shares, the by-laws shall further set forth the manner in which losses are to be ascertained and provided for. Losses, how ascertained and provided for.

8. If the applicant proposes to issue terminating shares, the by-laws shall further set forth the manner in which the expense or management fund of the corporation is to be provided. Expense fund.

9. The by-laws of every applicant for incorporation shall define and regulate the exercise of such general powers of borrowing as are by this Act conferred upon loan corporations, and shall declare within what limits such borrowing powers are to be exercised, and whether by issuing prepaid or fully paid terminating stock, or by issuing debentures or debenture stock, or otherwise. If prepaid terminating stock is to be issued, then the by-laws shall set out the terms upon which such stock is to be issued and withdrawn or redeemed and shall include tables showing separately the estimated amount to become due by the corporation for principal and for interest. Borrowing powers.

10. In furtherance of and subject to the provisions contained in this Act, the by-laws shall provide for the holding of general meetings, ordinary and special, of the shareholders; shall prescribe the time and place of the ordinary general meetings, of which one at least shall be held in each year; shall prescribe the notice to be given of ordinary general meetings, and the notice to be given of special general meetings; shall provide for the election of directors, prescribe their number, their powers, duties, and tenure of office; shall prescribe the securities, and the minimum amount thereof to be taken for the fidelity of the person or persons having custody or control of the funds of the corporation; shall provide for the proper audit at least yearly, of its books and accounts by two or more competent accountants who shall not be otherwise employed by the corporation, or be officers thereof; and shall prescribe the delivery to each shareholder at least once in each year, of a financial statement verified by the auditors, showing fully and truly the income and expenditure (including the expenses of management) of the corporation for the period audited, and the liabilities and assets of the corporation as at the date of the statement. By-laws for general meetings, etc. Directors, officers, and servants. Audits. Statements to shareholders.

11. The by-laws shall, subject to the provisions of this Act, provide for the amendment of the by-laws by the shareholders in general meeting, after at least thirty days' notice in writing of the particular amendment or amendments proposed has been given to each shareholder and to the Registrar. Amendment of by-laws.

12. The by-laws of every applicant company taking power to issue terminating shares shall provide that to every person taking such shares there shall be delivered without charge a copy of the by-laws then in force; and on the tender of twenty-five cents, a copy of the by-laws for the time being in force shall be delivered to any person on demand. Taker of terminating shares entitled to copy of by-laws. Copies to be on sale.

60 V. c. 38, Sched. A.

4. *TRUST COMPANIES.*

CHAPTER 206.

An Act respecting Trust Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Act may be cited as "*The Ontario Trust Companies Act.*" 60 V. c. 37, s. 1.

"Trust company," meaning of.

2. In this Act the expression "trust company" shall mean a company incorporated for the purpose of exercising the powers set forth in the Schedule to this Act or any of them. 60 V. c. 37, s. 2.

Incorporation.

Rev. Stat. c. 191.

Rev. Stat., 1887, c. 157.

3. Proceedings for the incorporation of any trust company shall be taken under *The Ontario Companies Act*; and every trust company heretofore incorporated under the said Act, or under The Revised Statutes of Ontario, 1887, chapter 157, or hereafter incorporated shall be subject to the provisions of this Act and also to those of *The Ontario Companies Act*, so far as the provisions of the latter Act are applicable and consistent with those of this Act; Provided always that the Lieutenant-Governor in Council may relieve any company incorporated before the 13th day of April, 1897, from compliance with any of the provisions of *The Ontario Companies Act*, as may be deemed expedient. 60 V. c. 37, s. 3.

Companies to which Act applies.

4.—(1) No company shall be incorporated, or otherwise authorized, by letters patent to execute the office of executor, administrator, trustee, receiver, assignee, guardian of a minor's estate or of committee of a lunatic's estate, and no letters patent shall be granted to any company heretofore incorporated conferring any such powers upon such company, without in either case such company having complied with the provisions of this Act, in addition to what is required in other cases by *The Ontario Companies Act*.

Rev. Stat. c. 191.

Three-fourths of stock to be held by residents of Ontario.

(2) At the time of the issuing of the letters patent to any trust company, and always thereafter, at least three-fourths of the stock of the company, exclusive of the stock held by companies, shall be held by persons who are residents of this Province.

(3) Within three days after the notice for the letters patent first appears in the *Ontario Gazette* a copy thereof shall be served on every trust company theretofore incorporated by Act of the Legislature or by letters patent. Notice of application to be served on other trust companies.

(4) The capital stock of the company shall be paid up to the extent of at least $100,000, before the letters patent issue. Capital stock.

(5) When application is made for letters patent incorporating a trust company or granting to a trust company any of the said powers the applicants shall satisfy the Provincial Secretary, (or any other member of the Executive Council who may, by order of the Lieutenant-Governor in Council, be charged with the duty) respecting the fitness of the applicants for the discharge of the duties appertaining to such trust, and that the same is such as to command the confidence of the public, and also that the public convenience and advantage would be promoted by granting to the proposed company the powers aforesaid; and the Minister aforesaid shall report on the said particulars for the consideration of the Lieutenant-Governor in Council. 60 V. c. 37, s. 4. Report on fitness of applicants for incorporation

5. No company shall receive authority by letters patent to become or be appointed guardian of the persons of infants or committee of the persons of lunatics. 60 V. c. 37, s. 5. Companies not to act as guardians or committees.

6. The letters patent shall not issue unless the Lieutenant-Governor in Council is in like manner satisfied that the general fitness of the applicants for the discharge of the duties appertaining to such trusts as aforesaid is such as to command the confidence of the public, so that the public convenience and advantage will be promoted by granting to the company the powers applied for. 60 V. c. 37, s. 6. Fitness of applicants to act as trust company.

7. Any trust company to which this Act applies may, subject to the conditions and provisions of this Act, have granted to such company by letters patent the powers mentioned in the Schedule hereto, or such of them as the Lieutenant-Governor in Council sees fit. 60 V. c. 37, s. 7. Powers of trust companies.

8.—(1) Where a trust company incorporated under a special Act or under *The Ontario Companies Act*, or the said chapter 157 of The Revised Statutes of Ontario, 1887, is authorized to execute the office of executor, administrator, trustee, receiver, assignee, guardian of a minor, or committee of a lunatic, then in case the Lieutenant-Governor in Council approves of such company being accepted by the High Court as a Trusts Company for the purposes of such Court, the said Court, or any Judge thereof, and every other Court or Judge having authority to appoint such an officer, may, with the consent of the company, appoint such company to exercise any of the said offices in respect of any estate, or person, under the authority of such Court or Judge, Appointment of companies to act as trustee, etc. Rev. Stat. c. 191.

or may grant to such company probate of any will in which such company is named an executor; but no company which has issued, or has authority to issue, debentures shall be approved as aforesaid.

Company so licensed may be sole trustee.

(2) A trust company so approved of may be appointed to be a sole trustee, notwithstanding that, but for this Act, it would be necessary to appoint more than one trustee, and may also be appointed trustee jointly with another person.

Under deed, will, etc.

(3) Such appointment may be made whether the trustee is required under the provisions of any deed, will or document creating a trust, or whether the appointment is under the provisions of *The Act respecting Trustees and Executors and the Administration of Estates*, or otherwise.

Rev. Stat. c. 129.

(4) Notwithstanding any rule of practice, or any provision of any Act requiring security, it shall not be necessary for the said company to give any security for the due performance of its duty as such executor, administrator, trustee, receiver, assignee, guardian or committee, unless otherwise ordered.

(5) The Lieutenant-Governor in Council may revoke the approval given under this section, and no Court, or Judge, after notice of such revocation, shall appoint any such company to be an administrator, trustee, receiver, assignee, guardian, or committee, unless such company gives the like security for the due performance of its duty as would be required from a private person. 60 V. c. 37, s. 8.

Liability of company acting as trustee.

9. The liability of a trust company to persons interested in an estate held by the company as executor, administrator, trustee, receiver, assignee, guardian, or committee as aforesaid, shall be the same as if the estate had been held by any private person in the like capacity, and its powers shall be the same. 60 V. c. 37, s. 9.

Investigation of affairs of company.

10.—(1) The High Court, if it deems necessary, may from time to time appoint a suitable person to investigate the affairs and management of any trust company; and such person shall report thereon to the Court, and regarding the security afforded to those by or for whom the engagements of the company are held; and the expense of such investigations shall be defrayed by the company; or the Court may, if it deems necessary, examine the officers or directors of the company under oath as to the security aforesaid.

(2) The Lieutenant-Governor may also from time to time, where he deems it expedient, appoint an inspector to examine the affairs of any such company, and report to him on the security afforded to those by and for whom its engagements are held as aforesaid; and the expense of the investigation shall be borne by the company. 60 V. c. 37, s. 10.

11.—(1) Every Court into which money is paid by parties, or is brought by order or judgment, may by order direct the same to be deposited with any trust company that may agree to accept the same, and the company may pay any lawful rate of interest on such moneys as may be agreed upon, and where no special arrangement is made, interest shall be allowed by the company at the rate of not less than three per centum annually. Deposit with company of money paid into Court.

(2) Every trust company may invest any trust moneys in its hands in any securities in which private trustees may by law invest trust moneys, and may also invest such moneys in the public stock funds or Government securities of any of the Provinces of the Dominion, or in any securities guaranteed by the United Kingdom of Great Britain and Ireland, or by the Dominion, or by any of the said Provinces, or in the bonds or debentures of any municipal corporation in any of the said Provinces; Mode of investment.

Provided that such company shall not in any case invest the moneys of any trust in securities prohibited by the trust, and shall not invest moneys intrusted to it by any Court in a class of securities disapproved of by the Court. 60 V. c. 37, s. 11.

12. No company incorporated under *The Ontario Companies Act*, or chapter 157 of The Revised Statutes of Ontario, 1887, with power to execute the office of executor, administrator, trustee, receiver, assignee, guardian of a minor, or committee of a lunatic, shall issue debentures. 60 V. c. 37, s. 12. Trust companies not to issue debentures. Rev. Stat. c. 191.

13.—(1) Notwithstanding anything to the contrary in this Act contained where an application is made for the incorporation of a trust company the Lieutenant-Governor in Council may refer the same to the High Court of Justice for the purpose of obtaining the opinion of a Divisional Court as to whether there is any necessity for the incorporation of such company, having regard to the business to be done and the companies already incorporated and doing business, and as to whether the public convenience and advantage would be promoted by granting to the company the powers applied for. Application for incorporation of trust company may be referred to High Court.

(2) Upon the receipt of the Order in Council and other papers connected with the matter so referred, it shall be the duty of the proper officer to enter the case upon the list of causes set down for hearing at the next sitting of a Divisional Court held not less than eight days after the receipt of such Order, unless a Judge allows the same to be set down for an earlier sitting.

(3) The Court shall receive such affidavits as may be filed by any parties interested, saving all just exceptions, and shall hear argument by such counsel, if any, as the Court may deem reasonable on behalf of the Attorney-General, the applicants, and of those who oppose the application, and shall thereupon

consider the matter referred, and certify to the Lieutenant-Governor in Council the opinion of the Court thereon.

(4) If the opinion is unfavourable to the incorporation of the proposed company the application shall not be further proceeded with. 60 V. c. 37, s. 13.

SCHEDULE

(*Sections 2 and 7.*)

Powers which may be given to Trust Companies.

To take, receive and hold all estates and property, real and personal, which may be granted, committed, transferred, or conveyed to them with their consent, upon any trust or trusts whatsoever (not contrary to law) at any time or times, by any person or persons, body or bodies corporate, or by any court in the Province of Ontario.

To take and receive on deposit, upon such terms and for such remuneration as may be agreed upon, deeds, wills, policies of insurance, bonds, debentures, or other valuable papers or securities for money, jewelry, plate or other chattel property of any kind, and to guarantee the safe keeping of the same ;

To act generally as attorney or agent for the transaction of business, the management of estates, the collection of loans, rents, interest, dividends, debts, mortgages, debentures, bonds, bills, notes, coupons and other securities for money ;

To act as agent for the purpose of issuing or countersigning certificates of stock, bonds or other obligations of any association, or corporation, municipal or other ;

To receive, invest and manage any sinking fund therefor on such terms as may be agreed upon ;

To accept and execute the offices of executor, administrator, trustee, receiver, assignee, or of trustee for the benefit of creditors under any Act of the Legislature of the Province of Ontario ; and of guardian of any minor's estate, or committee of any lunatic's estate ; to accept the duty of and act generally in the winding up of estates, partnerships, companies and corporations ;

To guarantee any investments made by them as agents or otherwise ;

To sell, pledge or mortgage any mortgage or other security or any other real or personal property held by the company from time to time, and to make and execute all requisite conveyances and assurances in respect thereof ;

To make, enter into, deliver, accept and receive all deeds, conveyances, assurances, transfers, assignments, grants and contracts necessary to carry out the purposes of the said company, and to promote the objects and business of the said company ;

And for all such services, duties and trusts to charge, collect and receive all proper remuneration, legal, usual and customary costs, charges and expenses.

60 V. c. 37, Schedule.

5. *RAILWAY COMPANIES.*

CHAPTER 207.

An Act respecting Railways.

PART FIRST.

SHORT TITLE, s. 1.
INTERPRETATION, ss. 2, 3.
APPLICATION OF ACT, ss. 4-6.
INCORPORATION, s. 7.
POWERS, s. 8, 9.
PLANS AND SURVEYS, s. 10.
LANDS AND THEIR VALUATION, ss. 11-20.
MINES, ss. 21-28.
HIGHWAYS AND BRIDGES, s. 29.
FENCES, s. 30.
TOLLS, s. 31.
GENERAL MEETINGS, s. 32, 33.
PRESIDENT AND DIRECTORS, s. 34.
CALLS ON STOCK, s. 35.
DIVIDENDS, s. 36.
SHARES AND THEIR TRANSFER, s. 37.
SHAREHOLDERS, s. 38.
MUNICIPALITIES TAKING STOCK, s. 39.
BY-LAWS, NOTICES, ETC., s. 40.
WORKING OF THE RAILWAY, s. 41.
ACTIONS FOR INDEMNITY AND FINES AND PENALTIES, ss. 42, 43.
GENERAL PROVISIONS, s. 44.

PART SECOND.

APPLICATION OF SECTIONS, s. 45.
INTERPRETATION, s. 46.
PROCEEDINGS WHEN ADDITIONAL SPACE REQUIRED, ss. 47-50.
INSPECTION OF RAILWAYS, ETC., ss. 51-76.
TRAFFIC ARRANGEMENTS, ss. 77-80.
APPOINTMENT OF CONSTABLES, ss. 81-86.
GENERAL PROVISIONS, ss. 87-108.
INTEREST OR RENT WHEN DEEMED WORKING EXPENSES, s. 109.
PENALTIES, ss. 110, 111.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

SHORT TITLE.

Short title.

1. This Act may be cited as "*The Railway Act of Ontario*," R. S. O. 1887, c. 170, s. 1.

INTERPRETATION.

Interpretation of words.

2. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:

"The Special Act."

1. "The Special Act" shall be construed to mean any Act authorizing the construction of a railway, and with which this Act is incorporated;

"Prescribed."

2. "Prescribed," used in this Act in reference to any matter herein stated, shall be construed to refer to such matter as the same is prescribed or provided for in the special Act; and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the special Act" had been used;

"The Lands."

3. "The Lands" shall mean the lands which by the special Act are authorized to be taken or used for the purpose thereof;

"The Undertaking."

4. "The Undertaking" shall mean the railway and works, of whatever description, by the special Act authorized to be executed. R. S. O. 1887, c. 170, s. 2.

Interpretation of words in this Act and in special Acts.

3. Where the following words occur, both in this and the special Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:

"Lands."

1. "Lands" shall include all real estate, messuages, lands, tenements and hereditaments of any tenure;

"Lease."

2. "Lease" shall include any agreement for a lease;

"Toll."

3. "Toll" shall include any rate or charge or other payment payable under this Act or the special Act, for any passenger, animal, carriage, goods, merchandise, articles, matters or things conveyed on the railway;

"Goods."

4. "Goods" shall include things of every kind conveyed upon the railway, or upon steam or other vessels connected therewith;

"County."

5. "County" shall include any union of counties, and any District;

"County Court Judge."

6. "County Court Judge" shall include a Judge of a District Court;

"Highways."

7 "Highways" shall mean all public roads, streets, lanes, and other public ways and communications;

"Sheriff."

8. "Sheriff" shall include under Sheriff, or other legal competent deputy; and where any matter in relation to any lands is required to be done by any Sheriff or Clerk of the Peace, the expression "the Sheriff," or the expression "Clerk of the Peace," shall in such case be construed to mean the Sheriff or Clerk of the Peace of the district, county, riding, division or place where such lands are situate; and if the lands in question, being the property of one and the same person, are situate not wholly in one district, county, riding, division, or place, the same expression shall be construed to mean the Sheriff or Clerk of the Peace of any such district, county, riding, division or place where any part of such lands is situate;

"Clerk of the Peace."

9. "Justice" shall mean Justice of the Peace acting for the district, county, riding, division, city or place where the matter requiring the cognizance of a Justice arises, and who is not interested in the matter; and where the matter arises in respect of lands being the property of the same person, situate not wholly in any one district, county, riding, division, city or place, the word "Justice" shall mean a Justice acting for the district, county, riding, division, city or place where any part of such lands is situate, and who is not interested in such matter; "Justice."

10. "Owner" (where, under the provisions of this Act or the special Act, any notice is required to be given to the owner of any lands, or where any act is authorized or required to be done with the consent of any such owner) shall be understood to mean any corporation or person who, under the provisions of this Act or the special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the company; "Owner."

11. "The Company" shall mean the company or person authorized by the special Act to construct the railway; "The Company."

12. "The Railway" shall mean the railway and works by the special Act authorized to be constructed; "The Railway."

13. "Clause" shall mean any separate section of this Act, or of any other Act therein referred to, distinguished by a separate number; "Clause."

14. "Shareholder" shall mean every subscriber to or holder of stock in the undertaking, and shall extend to and include the personal representatives of the shareholder. R. S. O. 1887, c. 170, s. 3. "Shareholder."

PART FIRST.

APPLICATION OF ACT.

4. Where not otherwise expressed, this and the following sections to section 44 inclusive, shall apply to every railway which is subject to the Legislative authority of the Legislature of this Province and has been authorized to be constructed by any special Act of the late Province of Canada or of this Province, passed since the 30th day of August, 1851, or is authorized to be constructed by any special Act passed after this Act takes effect; and this Act shall be incorporated with every such special Act; and all the clauses and provisions of this Act, unless they are expressly varied or excepted by such special Act, shall apply to the undertaking authorized Application of Act.

thereby, so far as applicable to the undertaking, and shall, as well as the clauses and provisions of every other Act incorporated with such special Act, form part of such special Act, and be construed together therewith as forming one Act. R. S. O. 1887, c. 170, s. 4.

What shall be sufficient in making an incorporation of this Act with special Acts.

5.—(1) Every special Railway Act shall be a public Act, and for the purpose of incorporating this Act or any of its provisions with a special Act, it shall be sufficient in such Act to enact that the clauses of this Act, with respect to the matter so proposed to be incorporated, referring to the same in the word or words at the head of and introductory to the enactment with respect to such matter, shall be incorporated with the special Act, and thereupon all the clauses and provisions of this Act with respect to the matter so incorporated shall, save in so far as they are expressly varied or excepted by the special Act, form part thereof, and the special Act shall be construed as if the substance of such clauses and provisions were set forth therein with reference to the matter to which the special Act relates. R. S. O. 1887, c. 170, s. 5.

Power to construct railway, etc., to be exercised subject to provisions of this Act.

(2) The power given by the special Act to construct the railway, and to take and use lands for that purpose, shall be exercised subject to the provisions and restrictions contained in this Act. R. S. O. 1887, c. 170, s. 6.

Compensation to be made for lands damaged.

6.—(1) For the value of lands taken, and for all damages to land injuriously affected by the construction of the railway in the exercise of the powers by this or the special Act, or any Act incorporated therewith, vested in the company, compensation shall be made to the owners and occupiers of, and to all other persons interested in, any lands so taken or injuriously affected.

How compensation to be determined.

(2) Unless otherwise specially provided by this Act or the special Act, the amount of such compensation shall be ascertained and determined in the manner provided by this Act. R. S. O. 1887, c. 170, s. 7.

INCORPORATION.

Companies established under special Acts declared to be bodies corporate, etc.

7. Every company established under a special Act shall be a body corporate under the name declared in the special Act, and shall be invested with all such powers, privileges and immunities as are necessary to carry into effect the intentions and objects of this Act and of the special Act therefor, and are incident to such corporation, or are expressed or included in *The Interpretation Act*. R. S. O. 1887, c. 170, s. 8.

Rev. Stat. c. 1, s. 8 (25).

POWERS.

Crown lands not to be expropriated without con-

8. Notwithstanding anything in any public or private Act to the contrary, no railway company shall have power to take

or expropriate any lands of Her Majesty in the right of the Province of Ontario, without the consent of the Lieutenant-Governor in Council in that behalf. 59 V. c. 47, s. 1. sent of Lieut.-Governor in Council.

9. The company shall have power and authority— Powers:

1. To receive, hold and take all voluntary grants and donations of land or other property made to it, to aid in the construction, maintenance and accommodation of the railway, but the same shall be held and used for the purpose of such grants or donations only; To receive grants of land, etc.;

2. To purchase, hold and take of any corporation or person any land or other property necessary for the construction, maintenance, accommodation and use of the railway, and also to alienate, sell or dispose of the same; Purchase land;

3. The railway company shall not take possession of, use or occupy any lands belonging to the Province, without the consent of the Lieutenant-Governor in Council; but with such consent such company may take and appropriate for the use of their railway and works, but not alienate, so much of the wild lands of the Province lying on the route of the railway as have not been granted or sold, and as may be necessary for the railway, as also so much of the public beach or of the land covered with the waters of any lake, river, stream or canal, or of their respective beds, as is necessary for making and completing and using their said railway and works; Occupy public lands, beaches, etc.

4. To make, carry or place the railway across or upon the lands of any corporation or person on the line of the railway, or within the distance from such line stated in the special Act, although through error or other cause the name of such person has not been entered in the book of reference hereinafter mentioned, or although some other person has been erroneously mentioned as the owner of or entitled to convey, or is interested in, such lands; Carry railway across lands of corporations, and others;

5. To construct, maintain, and work the railway across, along or upon any stream of water, water course, canal, highway or railway which it intersects or touches; but the stream, water course, highway, canal or railway so intersected or touched, shall be restored by the company to its former state, or to such state as not to impair its usefulness; but this shall not authorize the obstruction of the navigation of any navigable water; And across or along streams, etc.

6. To make, complete, alter and keep in repair the railway, with one or more sets of rails or tracks to be worked by the force and power of steam, or of the atmosphere, or of animals, or by mechanical power, or by any combination of them; Complete railway with one or more tracks, etc;

7. To erect and maintain all necessary and convenient buildings, stations, depots, wharfs and fixtures, and from time to time to alter, repair or enlarge the same, and to purchase and Erect necessary buildings, wharfs, etc.

acquire stationary or locomotive engines and carriages, waggons, floats and other machinery and contrivances necessary for the accommodation and use of the passengers, freight and business of the railway;

Branch railways;

8. To make branch railways, if required and provided by the special Act, and to manage the same, and for that purpose to exercise all the powers, privileges and authorities necessary therefor, in as full and ample a manner as for the railway;

All other matters and things necessary for railways;

9. To construct, erect and make all other matters and things necessary and convenient for the making, extending and using of the railway, in pursuance of and according to the meaning and intent of this Act, and of the special Act;

Convey persons and goods on railway;

10. To take, transport, carry and convey persons and goods on the railway, to regulate the time and manner in which the same shall be transported, and the tolls and compensation to be paid therefor, and to receive such tolls and compensation; R. S. O. 1887, c. 170, s. 9 (1-10);

Enter upon lands, etc.;

11. To enter into and upon the lands of any corporation or person whatsoever lying in the intended route or line of the railway; and, with the consent of the Lieutenant-Governor in Council in that behalf, into and upon any lands of Her Majesty the property of this Province; R. S. O. 1887, c. 170, s. 9 (12); 59 V. c. 47, s. 1;

Make surveys of lands;

12. To make surveys, examinations, or other necessary arrangements on such lands necessary for fixing the site of the railway, and to set out and ascertain such parts of the lands as are necessary and proper for the railway;

Remove trees;

13. To fell or remove any trees standing in any woods, lands or forests, where the railway passes, to the distance of six rods from either side thereof;

Unite with other railways;

14. To cross, intersect, join and unite the railway with any other railway at any point on its route, and upon the lands of such other railway, with the necessary conveniences for the purposes of such connection; and the owners of both railways may unite in forming such intersection, and grant the facilities therefor; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossing and connection, the same shall be determined by arbitrators to be appointed by a Judge of the High Court;

But not without application to the Commissioner of Public Works;

15. The company shall not avail itself of any of the powers contained in the last sub-section without application to the Commissioner of Public Works, of which application notice in writing shall be given to any other railway affected, by sending the same by mail, or otherwise, to the address of the president, superintendent, managing director or secretary of any such company, for approval of the mode of crossing, union or intersection proposed; and when such

approval has been obtained, it shall be lawful for either railway, in case of disagreement as to the amount to be paid for compensation, to proceed for such compensation as provided in the said sub-section.

Application of last preceding two sub-sections

16. The provisions of the last preceding sub-section and the provisions for the ascertainment of compensation contained in sub-section 14 of this section shall not extend or apply to any railway incorporated under an Act of the Legislature of Ontario, in any case in which it is proposed that such railway shall cross, intersect, join, or unite with, or be crossed, intersected, joined, or united with a railway under the legislative control of Canada.

Any company may construct branch railways, on certain conditions.

17. Any company may construct a branch or branches not exceeding six miles in length, from any terminus or station of the railway of such company, whenever a by-law sanctioning the same has been passed by the municipal council of the municipality within the limits of which the proposed branch is situate, and no such branch shall, as to the quality and construction of the road, be subject to any of the restrictions contained in the special Act of incorporation of the company or in this Act, nor shall anything in either of the said Acts authorize any company to take for such branch any lands belonging to any person without the consent of such person first obtained.

Changes may be made in the line of a railway at any time for certain purposes.

18. A company which desires at any time to change the location of its line of railway in any particular part for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting such line of railway, or for any other purpose of public advantage, may make such change; and all the clauses of this Act shall refer as fully to the part of any such line of railway so at any time changed or proposed to be changed as to the original line; but no railway company shall have any right to extend its line of railway beyond the termini mentioned in the Act incorporating the company. R. S. O. 1887, c. 170, s. 9 (13-19).

Power to issue bonds, debentures and other securities, and to raise money thereon.

19. The directors of the company, under the authority of the shareholders, to them given at any special general meeting, called for the purpose in the manner provided by the special Act, at which meeting shareholders representing at least two thirds in value of the subscribed stock of the company, and who have paid all calls due thereon, are present in person or represented by proxy, may, subject to the provisions in this Act and the special Act contained, issue bonds, debentures or other securities signed by the president or other presiding officer and countersigned by the secretary, which counter signature and the signature of the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere,

and may bear such rate of interest not exceeding eight per cent. per annum, as the directors think proper:

(*a*) The directors may issue and sell or pledge all or any of the said bonds, debentures, or other securities, at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking.

(*b*) No such bond, debenture or other security shall be for a less sum than one hundred dollars.

(*c*) The power of issuing bonds conferred upon the company hereby or under the special Act shall not be construed as being exhausted by such issue; but such power may be exercised from time to time upon the bonds constituting such issue being withdrawn or paid off and duly cancelled; but no bonds or debentures shall be issued until twenty per centum of the cost has been actually expended on the work; and the limit to the amount of bonds, debentures or other securities fixed in the special Act shall not be exceeded.

Mortgages securing bonds, etc.

20. The company may secure such bonds, debentures, or other securities by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of any penalty imposed for non-compliance with the requirements of this Act respecting returns to be made under this Act and next to the payment of the working expenditure of the railway:

(*a*) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures, or other securities, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

(*b*) Every such mortgage deed shall be deposited in the office of the Provincial Secretary of which deposit notice shall be given by the company in the *Ontario Gazette*.

Bonds, etc., how ranked.

21. The bonds, debentures or other securities, hereby authorized to be issued, shall be taken and considered to be the first preferential claim and charge upon the company, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding subsection:—

(*a*) Each holder of the said bonds, debentures or other securities, shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities, or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

Rights of holders of bonds, etc., upon default in payment.

22. If the company makes default in paying the principal of or interest on any of the bonds, debentures or other securities hereby authorized, at the time when the same, by the terms of the bond, debenture or other security, becomes due and payable, then at the next annual general meeting of the company, and at all subsequent meetings, all holders of bonds, debentures or other securities so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings, as would attach to them as shareholders if they held fully paid up shares of the company to a corresponding amount.

(*a*) The rights given by this subsection shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security, in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the company are registered at least ten days before he attempts to exercise the right of voting thereon; and the company shall be bound on demand to register such bonds, debentures or other securities, and thereafter any transfers thereof, in the same manner as shares or transfers of shares.

(*b*) The exercise of the rights given by this subsection shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of such mortgage deed.

Bonds, etc., made of transfer of.

23. All bonds, debentures or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery, until registration thereof as herein-

before provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares. 53 V. c. 45, s. 2.

PLANS AND SURVEYS.

10. Plans and surveys shall be made and corrected as follows:

Book of reference.

1. Surveys and levels shall be taken and made of the lands through which the railway is to pass, together with a map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a book of reference for the railway, in which shall be set forth—

(*a*) A general description of the said lands;

(*b*) The names of the owners and occupiers thereof, so far as they can be ascertained; and

(*c*) Everything necessary for the right understanding of such map or plan.

By whom certified.

2. The map or plan and book of reference shall be examined and certified by the Commissioner of Crown Lands or his deputies, who shall deposit copies thereof in the offices of the Clerks of the Peace in the districts or counties through which the railway passes, and also in the office of the Provincial Secretary, and shall also deliver one copy thereof to the company.

Copies.

3. Any person may resort to such copies, and make extracts or copies thereof, as occasion requires, paying to the Provincial Secretary, or to the Clerks of the Peace, at the rate of ten cents for every hundred words so extracted or copied. Any person feeling aggrieved by the proposed location of the line of railway may, within ten days after the deposit of the map or plan and book of reference aforesaid in the office of the Clerk of the Peace of the district or county where the lands are situated, the location through which is complained of, apply to the Lieutenant-Governor in Council, setting forth his objections to the location of the proposed line, and the Lieutenant-Governor in Council shall, if he considers sufficient cause therefor exists, appoint a disinterested engineer, who shall examine the said proposed line, and after hearing the parties he shall confirm or alter the same as may be consistent with the just rights of all parties and of the public. The determination of the engineer approved by the Lieutenant-Governor in Council shall, within ten days after his appointment, be made and certified, and such certificate shall be filed in the office of the Clerk of the Peace for the district or county where the lands are situated.

Appeal against proposed location of line.

(*a*) The said engineer shall be entitled to reasonable fees for each day employed in connection with the said

examination and work, together with his actual expenses incurred therein, and the amount shall in the first instance be paid by the person applying for his appointment, but if the proposed route is altered or changed by the engineer, the railway company shall refund to the applicant the amount so paid.

Evidence.

4. The triplicates of the map or plan and book of reference so certified, or a true copy thereof certified by the Provincial Secretary, or by the Clerks of the Peace, shall be good evidence in any Court of Justice or elsewhere;

Omissions how remedied.

5. Any omission, misstatement or erroneous description of such lands or of the owners or occupiers thereof, in a map or plan or book of reference, may, after giving ten days' notice to the owners of the lands, be corrected by two Justices on application made to them for that purpose, and if it appears to them that the omission, misstatement or erroneous description arose from mistake the Justices shall certify the same accordingly;

Contents of certificate.

6. The certificate shall state the particulars of such omission, and the manner thereof, and shall be deposited with the Clerks of the Peace of the districts or counties respectively in which such lands are situate, and be kept by them along with the other documents to which they relate; and thereupon the map or plan or book of reference shall be deemed to be corrected according to such certificate; and the company may make the railway in accordance with the certificate;

Alterations from original survey.

7. If any alterations from the original plan or survey are intended to be made in the line or course of the railway, a plan and section in triplicate of such alterations as have been approved of by the Legislature, on the same scale and containing the same particulars as the original plan and survey, shall be deposited in the same manner as the original plan, and copies or extracts of the plan and section, so far as they relate to the several districts or counties in or through which the alterations have been authorized to be made, shall be deposited with the Clerks of the Peace of such districts or counties;

Railway not to be proceeded with until map, etc. deposited.

8. Until the original map or plan and book of reference, or the plans and sections of the alterations, have been so deposited, the execution of the railway, or of the part thereof affected by the alterations, as the case may be, shall not be proceeded with;

Clerks of the Peace to receive copies of original plan, etc.

9. The Clerks of the Peace shall receive and retain the copies of the original plans and surveys, and copies of the plans and sections of alterations, and copies and extracts thereof respectively, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, under penalty for default of $4;

Copies certified by Clerk to be good evidence in Courts.

10. The copies of the maps, plans and books of reference, or of any alteration or correction thereof, or extracts therefrom, certified by the Clerk of the Peace, shall be received in all Courts of Justice or elsewhere as good evidence of the contents thereof, and the Clerk of the Peace shall give such certificate to all parties interested when required;

Line not to deviate more than a mile.

11. No deviation of more than one mile from the line of the railway or from the places assigned thereto in the said map or plan and book of reference or plans or sections, shall be made into, through, across, under or over any part of the lands not shewn in such map or plan and book of reference, or plans or sections, or within one mile of the said line and place, save in such instances as are provided for in the special Act;

Error in the name of a person entered in a book of reference.

12. The railway may be carried across or upon the lands of any person on the line, or within the distance from such line as aforesaid, although the name of such person has not been entered in the book of reference through error or any other cause, or although some other person is erroneously mentioned as the owner of or entitled to convey, or is interested in such lands;

Map, etc., of railway to be filed in the office of the Commissioner of Public Works.

13. A map and profile of the completed railway and of the land taken or obtained for the use thereof, shall, within a reasonable time after completion of the undertaking, be made and filed in the office of the Commissioner of Public Works, and like maps of the parts thereof located in different counties shall be filed in the registry offices for the registry divisions in which such parts are respectively situate;

On what scale and paper to be drawn.

14. Every such map shall be drawn on such a scale and such paper as may from time to time be designated for that purpose by the Commissioner of Public Works, and shall be certified and signed by the president or engineer of the company. R. S. O. 1887, c. 170, s. 10.

LANDS AND THEIR VALUATION.

Extent of lands to be taken without consent of proprietor.

11. The lands which may be taken without the consent of the proprietor thereof shall not exceed thirty yards in breadth, except in places where the railway is raised more than five feet higher, or cut more than five feet deeper, than the surface of the line, or where offsets are established, or where stations, depots or fixtures are intended to be erected, or goods to be delivered, and then not more than two hundred yards in length by one hundred and fifty yards in breadth, without the consent of the person authorized to convey such lands; and the places at which such extra breadth is to be taken shall be shewn on the map or plan, or plans or sections, so far as the same are then ascertained, but their not being so shewn shall not prevent such extra breadth from being taken, provided it be taken upon the line shewn or within the distance aforesaid from such line. R. S. O. 1887, c. 170, s. 11.

Extent of public beach to be taken.

12. The extent of the public beach, or of the land covered with the waters of any river or lake in the Province, taken for the railway, shall not exceed the quantity limited in the last preceding clause. R. S. O. 1887, c. 170, s. 12.

Corporation, etc., may convey lands.

13.—(1) All corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes covert*, or other persons, seised, possessed of or interested in any lands, may contract for, sell and convey unto the company all or any part thereof.

Limitation of powers in certain cases.

(2) But the powers by the preceding sub-section conferred upon rectors in possession of glebe lands, ecclesiastical and other corporations, trustees of land for church and school purposes or either, executors appointed by wills in which they are not invested with any power over the real estate of the testator, administrators of persons dying intestate, but at their death seised of real estate, shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of the company. R. S. O. 1887, c. 170, s. 13.

Effect of sale under preceding section.

14. Any contract, agreement, sale, conveyance and assurance made under the preceding section shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the company receiving the same, the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever, and the corporation or person so conveying, is hereby indemnified for what it or he respectively does by virtue of or in pursuance of this Act. R. S. O. 1887, c. 170, s. 14.

Disposition of purchase money.

15. The company shall not be responsible for the disposition of any purchase money for lands taken by it for its purposes, if paid to the owner of the land or into Court for his benefit, as hereinafter provided. R. S. O. 1887, c. 170, s. 15.

Effect of contracts made before deposit of map.

16. Any contract or agreement made by any party authorized by this Act to convey lands, and made before the deposit of the map or plan and book of reference, and before the setting out and ascertaining of the lands required for the railway, shall be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, in the meantime have become the property of a third party; and possession of the land may be taken and the agreement and price may be dealt with, as if such price had been fixed by an award of arbitrators as hereinafter provided, and the agreement shall be in the place of an award. R. S. O. 1887, c. 170, s. 16.

Corporations or persons, who cannot sell, may agree upon a fixed rent.

17. All corporations or persons who cannot in common course of law sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands; and if the amount of the rent is not fixed by voluntary agreement or compromise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor agrees to leave unpaid, the railway and the tolls thereon shall be liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge and liability being duly registered n the registry office of the proper registry division. R. S. O. 1887, c. 170, s. 17.

As to tenants in common, etc.

18. Where more persons than one are proprietors of any land as joint tenants or tenants in common, any contract or agreement made in good faith with any person being proprietor or with any persons being together proprietors of one-third or more of such land, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors as joint tenants or tenants in common; and the proprietor or proprietors who have so agreed, may deliver possession of such land, or empower the entry upon the same, as the case may be. R. S. O. 1887, c. 170, s. 18.

After one month's notice of deposit of map, etc., application to the owner of lands.

19.—(1) After one month from the deposit of the map or plan and book of reference, and from notice thereof in at least one newspaper, if there is any, published in each of the districts and counties through which the railway is intended to pass, application may be made to the owners of lands or to persons empowered to convey lands, or interested in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the railway, and thereupon, agreements and contracts may be made with such persons touching the said lands, or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties, and in case of disagreement between them shall be settled as in the next section mentioned.

Deposit, etc., to be general notice.

(2) The deposit of a map or plan and book of reference, and the notice of the deposit, shall be deemed a general notice to all such persons as aforesaid of the lands which will be required for the railway and works. R. S. O. 1887, c. 170, s. 19.

Notice to opposite party.

20.—(1) A notice shall be served upon the party which shall contain:—

(*a*) A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands (describing them);

(*b*) A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages; and

(*c*) The name of a person to be appointed as the arbitrator of the company, if their offer be not accepted.

(2) The notice shall be accompanied by the certificate of a sworn surveyor for Ontario, disinterested in the matter, and not being the arbitrator named in the notice to the following effect:—

(*a*) That the land (if the notice relates to the taking of land,) shewn on the map or plan, is required for the railway, or is within the limits of deviation hereby allowed;

(*b*) That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and

(*c*) That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages as aforesaid.

If the party is absent or unknown.

(3) If the opposite party is absent from the district or county in which the lands lie, or is unknown, then, upon application to a Judge of the County Court, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the company that the opposite party is so absent, or that, after diligent inquiry, the party on whom the notice ought to be served cannot be ascertained, the Judge shall order a notice as aforesaid, but without a certificate, to be inserted three times in the course of one month in some newspaper published in the said district or county.

Provision when the County Judge is interested in lands required for any railway.

(4) Where a Judge of a County or District Court is interested in lands taken or required within the county in which he is Judge, by any company, for railway purposes, a Judge of the High Court shall, on application of the company, exercise in such case all the powers given to a Judge of a County Court by the provisions of this section in cases in which he, such Judge of a County Court, is not interested.

Party not accepting the company's offer, and not appointing an arbitrator.

(5) If within ten days after the service of the notice, or within one month after the first publication thereof as aforesaid, the opposite party does not notify to the company his acceptance of the sum offered by them, or notify them the name of a person whom he appoints as arbitrator, then the Judge shall, on the application of the company, appoint a sworn surveyor for Ontario, to be sole arbitrator for determining the compensation to be paid as aforesaid.

Appointment of arbitrator by opposite party.
Third arbitrator.

(6) If the opposite party within the time aforesaid, notifies to the company the name of his arbitrator, then the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then the Judge shall, on the application of the party or of the company (previous notice of at least one clear day having been given to the other party), appoint a third arbitrator.

Duties of arbitrators.

(7) The arbitrators, or any two of them, or the sole arbitrator, being sworn before some Justice of the Peace for the district or county in which the lands lie, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the compensation in such a way as they or he, or a majority of them, deem best; but no award shall be made or any official act be done by the majority, except at a meeting held at a time and place of which the other arbitrator has had at least one clear day's notice, or to which some meeting at which the third arbitrator was present, had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the arbitrator appointed by him, or whose appointment he required.

Costs, how paid.

(8) If in any case where three arbitrators have been appointed, the sum awarded is not greater than that offered, the costs of the arbitration shall be borne by the opposite party, and be deducted from the compensation, but if otherwise, they shall be borne by the company, and in either case they may, if not agreed upon, be taxed by the Judge aforesaid.

Arbitrators to consider increased value of remaining lands.

(9) The arbitrators, in deciding on such value or compensation, are authorized and required to take into consideration the increased value that would be given to any lands or grounds through or over which the railway will pass by reason of the passage of the railway through or over the same, or by reason of the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of, or using the said lands or grounds as aforesaid.

Arbitrators may examine on oath.

(10) The arbitrators, or a majority of them, or the sole arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as appear before him or them, and may administer such oath or affirmation.

Parties to arbitrations may obtain subpœnas.
Disobedience thereto to be contempt of Court.

(11) Any party to an arbitration under this Act, or any Railway Act of the Dominion, or of this Province may, without leave or order, obtain and issue out of the High Court, upon *præcipe*, setting forth the names of the witnesses to be subpœnaed, the names of the arbitrators, and the place and time of meeting, a subpœna commanding the attendance for examination of any witness, and also the production of any document to or before the arbitrator or arbitrators, and at the time and place mentioned in such subpœna; and the disobedience of such subpœna shall be deemed a contempt of

Court, and shall be punishable in the same manner and to the like extent as in the case of subpœnas issued in a civil case.

Fees and conduct money.

(12) The like fees shall be payable for such subpœnas as in the case of subpœnas issued in civil cases, and the witnesses shall be entitled to the like conduct money.

Depositions to be in writing and filed in central office of high court.

(13) The arbitrators shall take down the depositions of witnesses in writing, and after making their award, shall forthwith deliver, or transmit by registered letter, at the request of either party, in writing, the depositions, together with the exhibits referred to therein, and all other papers connected with the reference except the award, to the Central Office of the High Court, with appropriate stamps, to be filed with the records of the Court.

Time within which award must be made.

(14) The Judge by whom a third arbitrator or sole arbitrator is appointed, shall, at the same time, fix a day on or before which the award shall be made, and if the same is not made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties or by the order of the Judge (as it may be for reasonable cause shown, on the application of such sole arbitrator, or of one of the arbitrators, after one clear day's notice to the others), then the sum offered by the company as aforesaid shall be the compensation to be paid by them.

Arbitrator dying, etc.

(15) If the arbitrator appointed by the Judge, or if any arbitrator appointed by the parties, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the arbitrator appointed by the Judge, upon the application of either party, such Judge being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another arbitrator in his place, and the company and party respectively may each appoint an arbitrator in the place of his arbitrator deceased or not acting as aforesaid, but no recommencement or repetition of prior proceedings shall be required in any case.

Company may desist upon paying costs; but not more than once.

(16) Any notice for lands, as aforesaid, may be desisted from, and new notice given, with regard to the same or other lands, to the same or any other party, but in such case, the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist; provided, however, that the right of desisting shall not be exercised more than once.

Arbitrators not disqualified unless personally interested.

(17) The surveyor or other person offered or appointed as valuator or as arbitrator shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the company, provided he is not himself personally interested in the amount of the compensation; and no cause of disqualifica

tion shall be urged against an arbitrator appointed by the Judge after his appointment, but the objection must be made before the appointment, and its validity or invalidity shall be summarily determined by the Judge.

No objection admissible after a third arbitrator has been appointed.

(18) No cause of disqualification shall be urged against an arbitrator appointed by the company, or by the opposite party after the appointment of a third arbitrator; and the validity or invalidity of any cause of disqualification urged against such arbitrator, before the appointment of a third arbitrator,

How validity of objections to arbitrator determined.

shall be summarily determined by the Judge, on the application of either party, after one clear days' notice to the other, and if such cause is determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held not to have appointed an arbitrator.

Awards not avoided for want of form.

(19) No award made as aforesaid shall be invalidated by reason of any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award states clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the person or persons to whom the sum is to be paid, be named in the award.

Parties to arbitration may appeal to a Judge of the High Court.

(20) Any party to the arbitration may, within one month, after receiving a written notice from one of the arbitrators of the making of the award, appeal therefrom upon any question of law or fact to a Judge of the High Court and upon the hearing of the appeal the Judge shall, if the same is a question of fact, decide the same upon the evidence, as in a case of original jurisdiction.

Practice and proceedings upon appeal.

(21) Upon such appeal the practice and proceedings shall be, as nearly as may be, the same as upon an appeal from an

Rev. Stat. c. 62.

Official Referee under *The Arbitration Act*, subject to any General Rules or Orders (to be from time to time made by the

Rev. Stat. c. 51.

Judges of the High Court, under section 124 of *The Judicature Act*).

Existing practice as to setting aside awards continued.

(22) The right of appeal hereby given shall not affect the existing law or practice as to setting aside awards.

Possession may be taken on payment or tender, etc., of sum awarded.

(23) Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon as aforesaid to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon; and if any resistance or forcible opposition is made by any person to their so doing, the Judge may, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the district or county, or to a bailiff, as he may deem most suit-

able, to put the company in possession, and to put down such resistance or opposition, which the sheriff or bailiff, taking with him sufficient assistance, shall accordingly do.

When warrant of possession may issue before award.

(24) The warrant may also be granted by such Judge without the award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the railway with which the company are ready forthwith to proceed; and upon the company giving security to his satisfaction, and in a sum which shall not be less than double the amount mentioned in the notice, to pay or deposit the compensation to be awarded within one month after the making of the award, with interest from the time at which possession is given, and with such costs as may be lawfully payable by the company.

Security being first given to pay compensation.

When compensation to stand in the place of the land.

(25) The compensation for any lands which might be taken without the consent of the proprietor, shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the company, be converted into a claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they have paid the compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party.

As to incumbrances, etc., upon lands, etc., purchased or taken.

(26) If the company has reason to fear any claims or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or is unknown to the company, or if for any other reason the company deems it advisable, the company may pay the compensation into the office of the Accountant of the Supreme Court of Judicature, with the interest thereon for six months, and may deliver to the said Accountant an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the company to the land therein mentioned.

What notice to be published.

(27) A notice, in such form and for such time as the High Court appoints, shall be inserted in some newspaper if there is any published in the county in which the lands are situate, and in the city of Toronto, which shall state that the title of the company, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or to any part thereof, or representing or being the husbands of any persons so entitled, to file their claims to the compensation or any part thereof, and all such claims shall be received and adjudged upon by the Court, and the said proceedings shall for ever bar all claims to the lands, or any part thereof including dower, as well as all mortgages and incumbrances upon the same; and the Court shall make such order

for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested, as to right and justice, and according to the provisions of this Act, and the special Act, and to law, appertain.

By whom costs be paid.

(28) The costs of the proceedings, or any part thereof, shall be paid by the company, or by any other party as the Court deems it equitable to order.

When interest to be returned to, or paid by the company.

(29) If such order of distribution as aforesaid is obtained in less than six months from the payment of the compensation into Court, the Court shall direct a proportionate part of the interest to be returned to the company; and if from any error, fault or neglect of the company, it is not obtained until after the six months have expired, the Court shall order the company to pay to the proper claimants the interest for such further period as may be right. R. S. O. 1887, c. 170, s. 20.

Expropriation with consent of municipality in certain cases.

(30) In case the council of a municipality by by-law declares that it is desirable and expedient that an elevator or manufacturing company, incorporated with power to construct a siding or switch from any railway to the premises of such company, should have powers of expropriation for the purpose of assisting such company, to secure, within the limits of the municipality, the necessary right of way for that purpose as set forth in the by-law, and if the Judge of the County Court of the county, certifies that in his opinion the building of the proposed siding or switch across the lands as set forth in the by-law will be of considerable public advantage or convenience, the company, upon the registration by the council of the by-law and certificate in the proper registry office, shall in respect of the said lands, possess the powers conferred upon railway companies under sections 11 to 20 inclusive of this Act. Provided however that no such by-law shall be passed by the council of any municipality until all owners of lands across which the proposed siding or switch is to run have had at least one week's previous notice in writing of the time when such by-law is to be considered by the said council. 58 V. c. 35, s. 1.

Proviso.

MINES.

Company not entitled to mines without express agreement.

21. The company shall not be entitled to any mines of iron, slate, or other minerals under any land purchased by them except only such parts thereof as are necessary to be dug or carried away, or used in the construction of the works, unless the same have been expressly purchased; and all such mines, excepting as aforesaid, shall be deemed to be excepted out of the conveyance of such lands, unless they have been expressly named therein and conveyed thereby. R. S. O. 1887, c. 170, s. 21.

Mines not to be worked in certain cases if company so

22. If the owner, lessee, or occupier of any mines or minerals lying under the railway or any of the works connected there-

with or within the prescribed distance, or, where no distance is prescribed, forty yards therefrom, be desirous of working the same, such owner, lessee or occupier shall give to the company notice in writing of his intention so to do thirty days before the commencement of working, and upon the receipt of the notice it shall be lawful for the company to cause the mines to be inspected by any person appointed by them for the purpose, and if the company shew to the satisfaction of the Commissioner of Public Works that the working of the mines or minerals is likely to damage the works of the railway, and if the company be willing to make compensation for the mines or any part thereof to the owner, lessee or occupier thereof, then he shall not work or get the same; and if the company and the owner, lessee or occupier do not agree as to the amount of the compensation the same shall be settled as in other cases of disputed compensation under this Act. R. S. O. 1887, c. 170, s. 22.

desires and makes compensation therefor.

23. If before the expiration of such thirty days the company do not state their willingness to treat with the owner, lessee or occupier for the payment of the compensation, it shall be lawful for him to work the said mines or any part thereof for which the company have not agreed to pay compensation, so that the same be done in a manner proper and necessary for the beneficial working thereof, and according to the usual manner of working such mines in the district where the same are situate, and if any damage or obstruction be occasioned to the railway or works by improper working of the mines, the same shall be forthwith repaired or removed, as the case may require, and the damage made good by the owner, lessee or occupier of the mines or minerals and at his own expense; and if the repair or removal be not forthwith done, or if the company think fit without waiting for the same to be done by the owner, lessee or occupier, it shall be lawful for the company to execute the same and recover from the owner, lessee or occupier the expense occasioned thereby by action in any Court of competent jurisdiction. R. S. O. 1887, c. 170, s. 23.

Mines may be worked if company does not give notice as to compensation.

24. If the working of such mines under the railway, or works, or within the above mentioned distance therefrom, be prevented as aforesaid by reason of apprehended injury to the railway, it shall be lawful for the respective owners, lessees and occupiers of such mines, whose mines extend so as to lie on both sides of the railway, to cut and make such and so many airways, headways, gateways, or water levels through the mines, measures, or strata, the working whereof is so prevented, as may be requisite to enable them to ventilate, drain, and work their said mines; but no such airway, headway, gateway, or water level shall be cut or made without first procuring the consent in writing of the Commissioner of Public Works of the Province; nor shall the same be

Right to make airways, etc., where working of mines under railway prevented.

cut or made upon any part of the railway or works, or so as to injure the same, or to impede the passage thereon. R. S. O. 1887, c. 170, s. 24.

Compensation by company for loss by severance of mine.

25. The company shall, from time to time, pay to the owner, lessee, or occupier of any such mines extending so as to lie on both sides of the railway all such additional expenses and losses incurred by the owner, lessee, or occupier by reason of the severance of the lands lying over such mines by the railway, or of the continuous working of such mines being interrupted as aforesaid, or by reason of the same being worked in such manner and under such restrictions as not to prejudice or injure the railway, and for any minerals not purchased by the company which cannot be obtained by reason of making and maintaining the railway; and if any dispute or question arises between the company and such owner, lessee, or occupier as aforesaid, touching the amount of such losses or expenses, the same shall be settled by arbitration under this Act. R. S. O. 1887, c. 170, s. 25.

Power to company to enter mines for purpose of ascertaining whether working endangers railway.

26. For better ascertaining whether any such mines are being worked, or have been worked, so as to damage the railway or works, it shall be lawful for the company, after giving twenty-four hours notice in writing, to enter upon any lands through or near which the railway passes wherein any such mines are being worked, or are so supposed to be, and to enter into and return from any such mines or the works connected therewith; and for that purpose it shall be lawful for them to make use of any apparatus or machinery belonging to the owner, lessee, or occupier of such mines, and to use all necessary means for discovering the distance from the railway to the parts of such mines which are being worked, or about so to be. R. S. O. 1887, c. 170, s. 26.

Penalty for refusing company access to mines.

27. If the owner, lessee, or occupier of any such mine refuses to allow any person appointed by the company for that purpose to enter into and inspect any such mines or works in manner aforesaid, every person so offending shall, for every such refusal, forfeit to the company a sum not exceeding $100. R. S. O. 1887 c. 170, s. 27.

Works required for safety of railway to be constructed.

28. If it appear that any such mines have been worked contrary to the provisions of the preceding seven sections, the company may, if they think fit, give notice to the owner, lessee, or occupier thereof to construct such works and to adopt such means as may be necessary or proper for making safe the railway and preventing injury thereto; and if after such notice such owner, lessee, or occupier does not forthwith proceed to construct the works necessary for making safe the railway, the company may themselves construct such works and recover the expenses thereof from the owner, lessee, or occupier by action in any Court of competent jurisdiction. R. S. O. 1887, c. 170, s. 28.

HIGHWAYS AND BRIDGES.

29. The highways and bridges shall be regulated as follows :

Railway not to be carried along any highway without leave from municipal authorities.

1. The railway shall not be carried along an existing highway, but merely cross the same in the line of the railway, unless leave has been obtained from the proper municipal authority therefor; and no obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage for carriages, and, on completion of the works, replacing the highway, under a penalty of not less than $40 for any contravention; but, in either case, the rail itself, provided it does not rise above or sink below the surface of the road more than one inch, shall not be deemed an obstruction.

Railway not to rise more than one inch above level of highways when crossing the same.

2. No part of the railway which crosses a highway without being carried over by a bridge, or under by a tunnel, shall rise above or sink below the level of the highway more than one inch ; and the railway may be carried across or above a highway within the limits aforesaid.

Ascent of bridges.

3. The ascent of all bridges erected to carry a highway over a railway, shall not be more than one foot in twenty feet increase over the natural ascent of the highway; and a good and sufficient fence shall be made on each side of every bridge, which fence shall not be less than four feet above the surface of the bridge.

Precautions when railway crosses a highway.

4. Signboards stretching across the highway crossed at a level by a railway, shall be erected and kept up at each crossing at such height as to leave sixteen feet from the highway to the lower edge of the signboard, and having the words "Railway Crossing" painted on each side of the signboard, and in letters not less than six inches in length; and for every neglect to comply with the requirements of this clause, a penalty not exceeding $40 shall be incurred.

Overhead bridges. Rev. Stat. c. 266, ss. 4, 5.

5. Overhead bridges and other erections or structures over a railway shall be constructed and maintained in conformity with sections 4 and 5 of *The Railway Accidents Act.*

R. S. O. 1887, c. 170, s. 29.

FENCES.

Fence to be erected on each side of railway.

30.—(1) Fences shall be erected and maintained on each side of the railway, of the height and strength of an ordinary division fence, with openings or gates or bars therein at farm crossings of the road for the use of the proprietors of the lands adjoining the railway; and also cattle-guards at all road crossings suitable and sufficient to prevent cattle and animals from getting on the railway.

Meaning of certain words.

(2) The said words "openings, gates or bars" shall be held to mean and shall in all cases imply sliding gates, commonly called hurdle gates, with proper fastenings; but this shall not be interpreted to the profit of those proprietors and tenants of land crossed by railways who had received compensation from the railway companies for having omitted the erection of such gates before the 10th of June, 1847, nor shall it in any way affect or apply to any railway constructed or in part constructed, on the 10th of June, 1847, but the same shall apply only to railways constructed or commenced after that day.

Liability of company until cattle guards erected.

(3) Until such fences and cattle guards are duly made, the company shall be liable for all damages which may be done by their trains or engines to cattle, horses or other animals on the railway.

When to be exempted.

(4) After the fences or guards have been duly made, and while they are duly maintained, no such liability shall accrue for such damages, unless negligently or wilfully done.

Persons prohibited from going on the track, etc., with cattle, etc.,

(5) If a person rides, leads or drives any horse or other animal upon the railway, and within the fences and guards, other than the farm crossings, without the consent of the company, he shall for every such offence forfeit a sum not exceeding $40, and shall also pay to the party aggrieved all damages sustained thereby.

Or walking thereon.

(6) No person other than those connected with, or employed by the railway, shall walk along the track thereof, except where the same is laid across or along a highway.

Dividing and separating of lands for railway from neighbouring lands.

(7) Within six months after any lands have been taken for the use of the railway, and if thereunto required by the proprietors of the adjoining lands respectively, but not otherwise, the company shall, at their own costs and charges, set and make on the lands so taken, and from time to time maintain, support and keep in repair, a sufficient post or rail, hedge, ditch, bank or other fence sufficient to keep off swine, sheep and cattle, and thereby divide and separate and keep constantly divided and separated such lands from the lands or grounds adjoining thereto. R. S. O. 1887, c. 170, s. 30.

TOLLS.

Tolls to be fixed by by-laws or otherwise.

31.– (1) Tolls shall be from time to time fixed and regulated by the by-laws of the company, or by the directors, if thereunto authorized by the by-laws, or by the shareholders at any general meeting, and may be demanded and received for all passengers and goods transported upon the railway or in the steam vessels to the undertaking belonging, and shall be paid to such persons and at such places near to the railway, in such manner and under such regulations as the by-laws direct.

How payment of tolls enforced.

(2) In case of denial or neglect of payment on demand of such tolls, or any part thereof, to such persons, the same

may be sued for and recovered in any Court of competent jurisdiction, or the agents or servants of the company may seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the said goods shall be at the risk of the owners thereof.

When, if tolls not paid, goods distrained may be sold.

(3) If the tolls are not paid within six weeks the company may sell the whole or any part of such goods, and out of the money arising from the sale retain the tolls payable, and all charges and expenses of the detention and sale; rendering the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto.

When goods distrained or detained may be sold.

(4) If any goods remain in the possession of the company unclaimed for the space of twelve months, the company may thereafter, and on giving public notice thereof by advertisement for six weeks in the *Ontario Gazette*, and in such other papers as they deem necessary, sell such goods by public auction at a time and place to be mentioned in the advertisement, and out of the proceeds thereof pay such tolls and all reasonable charges for storing, advertising and selling such goods; and the balance of the proceeds, if any, shall be kept by the company for a further period of three months, to be paid over to any person entitled thereto.

How balance to be disposed of.

(5) In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Provincial Treasurer to be applied to the general purposes of the Province, until claimed by the person entitled thereto.

Tolls—how raised, or reduced.

(6) All or any of the tolls may, by by-law, be reduced and again raised as often as deemed necessary for the interests of the undertaking; but the same tolls shall be payable at the same time and under the same circumstances upon all goods and by all persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any by-laws relating to the tolls.

Fraction of a mile—how considered in charging tolls.

(7) In all cases, a fraction of a mile in the distance over which goods or passengers are transported on the railway shall be considered as a whole mile; and for a fraction of a ton in the weight of any goods, a proportion of the tolls shall be demanded and taken, according to the number of quarters of a ton contained therein, and a fraction of a quarter of a ton shall be deemed and considered as a whole quarter of a ton.

Fraction of a ton.

Table of tolls to be stuck up in offices and cars.

(8) The directors shall, from time to time, print and stick up, or cause to be printed and stuck up, in the office, and in all and every of the places where the tolls are to be collected, and in every passenger car, in some conspicuous place there, a printed board or paper exhibiting all the tolls payable, and particularizing the price or sum of money to be charged or taken for the carriage of any matter or thing.

Tolls to be approved of by the Lieut.-Governor.

(9) No tolls shall be levied or taken until approved of by the Lieutenant-Governor in Council, nor until after two weekly publications in the *Ontario Gazette* of the by-law establishing such tolls, and of the Order in Council approving thereof.

The Lieut.-Governor may revise by-laws fixing tolls.

(10) Every by-law fixing and regulating tolls shall be subject to revision by the Lieutenant-Governor in Council from time to time, after approval thereof as aforesaid; and after an Order in Council reducing the tolls fixed and regulated by by-law, has been twice published in the *Ontario Gazette*, the tolls mentioned in such Order in Council shall be substituted for those mentioned in the by-law so long as the Order in Council remains unrevoked.

When the Legislature may reduce tolls on railways.

(11) The Legislature may from time to time reduce the tolls upon the railway, but not without the consent of the company, or so as to produce less than fifteen per cent. per annum profit on the capital actually expended in its construction; nor unless, on an examination made by the Commissioner of Public Works of the amount received and expended by the company, the net income from all sources, for the year then last past, is found to have exceeded fifteen per cent. upon the capital so actually expended.

By-laws imposing tolls to be approved by the Lieut.-Governor in Council.

(12) The by-laws of every railway company, heretofore or hereafter incorporated, regulating the tolls to be taken on such road, in the special Act respecting which a provision has been inserted that such railway should be subject to the provisions of any general Act relating to railways, shall be subject to the approval of the Lieutenant-Governor in Council, and no by-law of any railway company in this Province by which tolls are to be imposed or altered, or by which any person other than the members, officers and servants of the company are intended to be bound, shall have any force or effect until the same has been approved and sanctioned by the Lieutenant-Governor in Council. R. S. O. 1887, c. 170, s. 31.

GENERAL MEETINGS.

Shareholders may hold general meeting.

32. The shareholders may assemble together at general meetings for purposes connected with or belonging to the undertaking, and at any annual general meeting, and may elect directors in the manner provided by section 34. R. S. O. 1887, c. 170, s. 32.

Calling of meetings, etc.

33. The method of calling general meetings, and the time and place of the first meeting of shareholders for the appointment of directors, shall be determined and settled in the special Act. R. S. O. 1887, c. 170, s. 33.

PRESIDENT AND DIRECTORS.

Board of directors.

34.—(1) A board of directors of the undertaking, to manage its affairs, the number whereof shall be stated in the special Act, shall be chosen annually by a majority of the shareholders voting at such election at a general meeting, the time and place for which shall be appointed by the special Act; and if the election is not held on the day so appointed, the directors shall notify and cause the election to be held within thirty days after the day appointed.

Who entitled to vote.

(2) On the day so notified, no person shall be admitted to vote except those who would have been entitled to vote had the election been held on the day when it ought to have been held.

Vacancies how to be filled up.

(3) Vacancies in the board of directors shall be filled in the manner prescribed by the by-laws.

Who qualified to be a director.

(4) No person shall be a director unless he is a shareholder, owning stock absolutely in his own right, and qualified to vote for directors at the election at which he is chosen.

Votes to be in proportion to shares.

(5) The number of votes to which each shareholder shall be entitled on every occasion when the votes of the members are to be given, shall be in proportion to the number of shares held by him, unless otherwise provided by the special Act.

Shareholders may vote by proxy.

(6) All shareholders, whether resident in this Province or elsewhere, may vote by proxy, if they see fit, provided such proxy produces from his constituent an appointment in writing, in the words or to the effect following, that is to say:

I, , of , one of the Shareholders of the , do hereby appoint of , to be my proxy, and in my absence to vote or give my assent to any business, matter or thing relating to the said undertaking that may be mentioned or proposed at any meeting of the Shareholders of the said Company, in such manner as he the said thinks proper.

In witness whereof, I have hereunto set my hand and seal, the day of in the year

Votes by proxy to be valid.

(7) The votes by proxy shall be as valid as if the principals had voted in person: and every matter or thing proposed or considered in any public meeting of the shareholders shall be determined by the majority of votes and proxies then present and given, and all decisions and acts of such majority shall bind the company, and be deemed the decisions and acts of the company.

Term of office of directors.

(8) The directors first appointed, or those appointed in their stead, in case of vacancy, shall remain in office until the next annual election of directors at the time appointed therefor, at which time an annual general meeting of the shareholders shall be held to choose directors for the ensuing year, and generally to transact the business of the company.

Vacancies how supplied.

(9) In case of the death, absence or resignation of any of the directors, others may be appointed in their stead by the surviving directors; but if such appointment is not made, such death, absence or resignation shall not invalidate the acts of the remaining directors.

President.

(10) The directors shall, at their first or at some other meeting, after the day appointed for the annual general meeting, elect one of their number to be the president of the company, who shall, always, when present, be the chairman of and preside at all meetings of the directors, and shall hold his office until he ceases to be a director, or until another president has been elected in his stead; and they may in like manner elect a vice-president, who shall act as chairman in the absence of the president.

Vice-President.

Quorum.

(11) the directors at any meeting at which not less than a quorum, to be settled by the special Act, are present, shall be competent to use and exercise all and any of the powers vested in the directors.

Acts of majority to bind the whole.

(12) The act of a majority of a quorum of the directors present at any meeting regularly held, shall be deemed the act of the directors.

Casting vote.

(13) No director shall have more than one vote at any meeting, except the chairman, who shall, in case of a division, of equal numbers, have the casting vote.

Directors to be subject to shareholders and by-laws.

(14) The directors shall be subject to the examination and control of the shareholders at their annual meetings, and be subject to all by-laws of the company, and to the orders and directions from time to time made at the annual or at any special meetings, such orders and directions not being contrary to any express directions or provisions of this Act or the special Act.

Officers of Company to be directors.

(15) No person holding any office, place or employment in or being concerned or interested in any contracts under or with the company, shall be capable of being chosen a director, or of holding the office of director, nor shall any person being a director of the company enter into or be directly or indirectly, for his own use and benefit, interested in any contract with the company, not relating to the purchase of land necessary for the railway, or be or become a partner of any contractor with the company; and in the event of any such contract made since the 30th day of June, 1858, or made after this Act takes effect, by or on behalf of any director, an action shall lie in any Court of competent jurisdiction against such director at the suit of any shareholder of the company, for the benefit of the funds thereof, for the whole amount of profit accruing to such director from the contract so made or fulfilled.

(16) The directors shall make by-laws for the management and disposition of the stock, property, business and affairs of the company, not inconsistent with the laws of this Province, and for the appointment of all officers, servants and artificers, and prescribing their respective duties. By-laws for management of stock, etc.

(17) The directors shall from time to time appoint such officers as they deem requisite, and shall take sufficient security, by one or more penal bonds, or otherwise from the manager and officers for the time being, for the safe keeping and accounting by them respectively of the moneys raised by virtue of this Act and the special Act, and for the faithful execution of their offices, as the directors think proper. May appoint officers.

(18) In case of the absence or illness of the president, the vice-president shall have all the rights and powers of the president, and may sign all notes, bills, debentures, and other instruments, and perform all acts which by the regulations and by-laws of the company or by the Acts incorporating the company are required to be signed, performed and done by the president. Vice-President to act in the absence of the President.

(19) The directors may at any meeting require the secretary to enter such absence or illness among the proceedings of such meeting, and a certificate thereof signed by the secretary shall be delivered to any person or persons requiring the same on payment to the treasurer of $1, and such certificate shall be taken and considered as *prima facie* evidence of such absence or illness at and during the period in the said certificate mentioned, in all proceedings in Courts of Justice or otherwise. Absence of President may be entered in the minutes and certified, etc.

(20) The directors shall cause to be kept, and annually, on the 31st day of December, shall cause to be made up and balanced, a true, exact and particular account of the money collected and received by the company, or by the directors or managers thereof, or otherwise, for the use of the company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company or the directors. R. S. O. 1887, c. 170, s. 34. Directors to cause annual accounts to be kept.

CALLS.

35.—(1) The directors may from time to time make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall exceed the prescribed amount determined in the special Act, or be made at a less interval than two months from the previous call, nor shall a greater amount be called in, in any one year than the amount prescribed in the special Act. Calls.

Notice of meetings, how published.

(2) All notices of meetings or of calls upon the shareholders of the company shall be published weekly in the *Ontario Gazette*, and the said *Gazette* shall on production thereof, be conclusive evidence of the sufficiency of such notices.

Payment of calls how to be made.

(3) Every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him to the persons and at the times and places from time to time appointed by the company or the directors.

Interest to be chargeable on unpaid calls.

(4) If, before or on the day appointed for payment any shareholder does not pay the amount of the call, he shall be liable to pay interest for the same, at the legal rate for the time being, from the day appointed for the payment thereof to the time of the actual payment.

Amount of call may be recovered by suit.

(5) If at the time appointed for the payment of a call, a shareholder fails to pay the amount of the call, he may be sued for the same in any Court of competent jurisdiction, and the same may be recovered, with lawful interest from the day on which the call became payable.

What formalities necessary in actions for calls.

(6) In an action to recover money due upon a call, it shall not be necessary to set forth the special matter, but it shall be sufficient to state that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more, upon one share or more, stating the number and amount of each of such calls, whereby an action has accrued to the company by virtue of the special Act.

Certificate of proprietorship *prima facie* evidence.

(7) The certificate of proprietorship of a share shall be admitted in all Courts as *prima facie* evidence of the title of any shareholder, his executors, administrators, successors or assigns, to the share therein specified.

Want of certificate not to prevent disposing of shares.

(8) But the want of such certificate shall not prevent the holder of any share from disposing thereof.

Penalty for refusal to pay calls.

(9) Persons neglecting or refusing to pay a rateable share of the calls as aforesaid, for the space of two months after the time appointed for the payment thereof, shall forfeit their respective shares in the undertaking and all the profit and benefit thereof; all which forfeitures shall go to the company for the benefit thereof.

Forfeiture of share to be taken advantage of only at a general meeting.

(10) No advantage shall be taken of the forfeiture unless the same is declared to be forfeited at a general meeting of the company, assembled at any time after such forfeiture incurred.

Effect of forfeiture as to liabilities.

(11) Every such forfeiture shall be an indemnification to and for every shareholder so forfeiting, against all actions or prosecutions whatever, commenced or prosecuted for any breach of contract or other agreement between such shareholder and the other shareholders with regard to carrying on the undertaking.

(12) The directors may sell, either by public auction or private sale, and in such manner and on such terms as to them seems meet, any shares so declared to be forfeited, and also any shares remaining unsubscribed for in the capital stock of the company, or pledge such forfeited or unsubscribed shares for the payment of loans or advances made or to be made thereon, or of any sums of money borrowed by or advanced to the company. Directors may sell forfeited shares at auction.

(13) A certificate of the treasurer of the company that the forfeiture of the shares was declared, and of their purchase by the purchaser, shall be sufficient evidence of the facts, and such certificate, with the receipt of the treasurer for the price of such shares, shall constitute a good title to the shares, and the certificate shall be by the treasurer enregistered in the name and with the place of abode and occupation of the purchasers, and shall be entered in the books required to be kept by the by-laws of the company, and the purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase money, nor shall his title to such shares be affected by any irregularity in the proceedings in reference to the sale, and any shareholder may purchase any shares so sold. Certificate of treasurer to be evidence of forfeiture and of title.

(14) Shareholders willing to advance the amount of their shares, or any part of the money due upon their respective shares beyond the sums actually called for, may pay the same; and upon the principal moneys so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect of which such advance is made, the company may pay interest at such legal rate as the shareholders paying such sum in advance and the company agree upon; but such interest shall not be paid out of the capital subscribed. R. S. O. 1887, c. 170, s. 35. Interest may be allowed to shareholders paying money in advance on their shares.

DIVIDENDS.

36.—(1) At the general meetings of the shareholders of the undertaking, from time to time holden, a dividend shall be made, out of the clear profits of the undertaking, unless such meetings declare otherwise. Declaration of dividend.

(2) Such dividend shall be at and after the rate of so much per share upon the several shares held by the shareholders in the stock of the company, as such meeting thinks fit to appoint or determine. At so much per share.

(3) No dividend shall be made whereby the capital of the company is in any degree reduced or impaired, or be paid thereout, nor shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money in respect thereof until such call has been paid. Dividends not to impair the capital.

Directors may pay interest on sums called up in respect of shares.

(4) The directors may, in their discretion, until the railway is completed and opened to the public, pay interest at any rate authorized by the laws of Canada but not exceeding $6 per $100 per annum, on all sums called up in respect of the shares, from the respective days on which the same have been paid, such interest to accrue and be paid at such times and places as the directors appoint for that purpose.

No interest on shares in arrear.

(5) No interest shall accrue to the proprietors of any share upon which any call is in arrear in respect of such share or any other share to be holden by the same shareholder while such call remains unpaid, nor shall any interest be paid or taken from the capital subscribed. R. S. O. 1887, c. 170, s. 36.

SHARES AND THEIR TRANSFER.

Shareholders may dispose of shares.

37.—(1) Shares in the undertaking may, by the parties, be sold and disposed of by instrument in writing, to be made in duplicate, one part of which shall be delivered to the directors, to be filed and kept for the use of the company, and an entry thereof shall be made in a book to be kept for that purpose; and no interest on the shares transferred shall be paid to the purchaser until the duplicate is so delivered, filed and entered.

Form of sale.

(2) Sales shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require:

I, *A. B.*, in consideration of the sum of paid to me by *C. D.*, hereby do sell and transfer to him share (*or* shares) of the stock of the , to hold to him the said *C. D.*, his heirs, executors, administrators and assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution hereof. And I, the said *C. D.*, do hereby agree to accept the said share (*or* shares) subject to the same rules, orders and conditions.

Witness our hands this day of in the year 18 .

Shares to be personal estate—transfer of.

(3) The stock of the company shall be deemed personal estate, but no shares shall be transferable until all previous calls thereon have been fully paid in, or the shares have been declared forfeited for the non-payment of calls thereon, and no transfer of less than a whole share shall be valid.

Transmission of shares other than by transfer, provided for.

(4) If a share in the company is transmitted by the death, bankruptcy, or last will, donation or testament, or by the intestacy, of a shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the person to whom the share is so transmitted shall deposit in the office of the company a statement in writing, signed by him, declaring the manner of such transmission, together with a duly certified copy or probate of the will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary, and without which such person shall not be entitled to receive any share of the profits of the company, or to vote in respect of such share as the holder thereof.

(5) The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares may be subject; and the receipt of the person in whose name any share stands in the books of the company, or if it stands in the name of more persons than one, the receipt of one of the persons named in the register of shareholders, shall from time to time be a sufficient discharge to the company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share may then be subject, and whether or not the company have had notice of the trusts, and the company shall not be bound to see to the application of the money paid upon such receipts. Company not bound to see to execution trusts.

(6) The original capital stock may be increased from time to time to any amount, but such increase must be sanctioned by a vote, in person or by proxy, of at least two-thirds in amount of all the shareholders, at a meeting of them expressly called by the directors for that purpose, by a notice in writing to each shareholder, served on him personally, or properly directed to him, and deposited in the post office nearest to his place of residence, at least twenty days previous to such meeting, stating the time and place and object of the meeting, and the amount of increase; and the proceedings of such meeting must be entered on the minutes of the proceedings, and thereupon the capital stock may be increased to the amount sanctioned by such a vote. Stock may be increased.

(7) The funds of the company shall not be employed in the purchase of any stock in their own or in any other company. R. S. O. 1887, c. 170, s. 37. Company not to take stock in other companies.

SHAREHOLDERS.

38.—(1) Every shareholder shall be individually liable to the creditors of the company to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities of the company, and until the whole amount of his stock has been paid up; but shall not be liable to an action therefor before an execution against the company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholder. Shareholders individually liable till shares paid up.

(2) A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book to be kept for that purpose, as well as of the several persons who from time to time become proprietors of, or entitled to any shares therein, and of all the other acts, proceedings and transactions of the company and of the directors for the time being. R. S. O. 1887, c. 170, s. 38. Account of names and residence of shareholders to be kept.

MUNICIPALITIES TAKING STOCK.

Municipal corporations may take stock.

39.—(1) Municipal corporations in this Province may subscribe for any number of shares in the capital stock of, or lend to or guarantee the payment of any sum of money borrowed by the company from any corporation or person, or indorse or guarantee the payment of any debenture to be issued by the company for the money by them borrowed, and may assess and levy from time to time upon the whole rateable property of the municipality a sufficient sum for them to discharge the debt or engagement so contracted, and for the like purpose may issue debentures payable at such times and for such sums respectively, not less than $20, and bearing or not bearing interest, as such municipal corporation thinks meet.

Debentures issued by them to be binding.

(2) Any such debenture issued, indorsed or guaranteed, shall be valid and binding upon the municipal corporation, if signed or indorsed, and countersigned by the officer or person, and in such manner and form as directed by any by-law of the corporation, and the seal of the corporation thereto shall not be necessary, nor the observance of any other form with regard to the debentures than as directed in the by-law.

Not to subscribe for stock unless by-laws are made for that purpose.

Rev. Stat. c. 223.

(3) No municipal corporation shall subscribe for stock or incur any debt or liability under this Act or the special Act, unless and until a by-law to that effect has been duly made, and adopted, with the consent first had of a majority of the qualified electors of the municipality, to be ascertained in the manner provided by *The Municipal Act*, after public advertisement thereof containing a copy of such proposed by-law, inserted at least four times in each newspaper printed within the limits of the municipality, or if none be printed therein, then in some one or more newspapers printed in the nearest city or town thereto and circulated therein, and also put up in at least four of the most public places in each municipality. *See also Cap. 223, Sec. 694.*

Mayor, etc., to be *ex officio* a director in certain cases.

(4) The mayor, warden or reeve, or other chief officer of a municipal corporation subscribing for and holding stock in the company to the amount of $20,000, or upwards, shall be *ex officio* one of the directors of the company, in addition to the number of directors authorized by the special Act, and shall have the same rights, powers and duties as any of the directors of the company. *See also Cap. 223, Sec. 695.*

Mayor, etc., not to vote for directors of companies incorporated before 14th June, 1853.

(5) No such mayor, warden, reeve or other chief officer or other person representing any municipality having or taking stock in any railway company shall, directly or indirectly, vote on the election or appointment of the private directors of any railway company incorporated previous to or during the Session held in the sixteenth year of Her Majesty's reign, unless the special Act of incorporation of such company expressly provides therefor. R. S. O. 1887, c. 170, s. 39.

BY-LAWS—NOTICES, ETC.

40.—(1) All by-laws, rules and orders regularly made, shall be put into writing and signed by the chairman or person presiding at the meeting at which they are adopted, and shall be kept in the office of the company; and a printed copy of so much of them as relates to or affects any party other than the members or servants of the company, shall be affixed openly in all and every passenger car, and in all and every place where tolls are to be gathered, and in like manner so often as any change or alteration is made in the same; and any copy of the same or of any of them, certified as correct by the president or secretary, shall be deemed authentic, and shall be received as evidence thereof in any Court, without further proof. By-laws to be put into writing and signed by Chairman.

(2) All such by-laws, rules and orders shall be submitted from time to time to the Lieutenant-Governor for approval. By-laws to be submitted to Li-ut.-Governor.

(3) Copies of the minutes of proceedings and resolutions of the shareholders of the company, at any general or special meeting, and of the minutes of proceedings and resolutions of the directors, at their meetings, extracted from the minute books kept by the secretary of the company, and by him certified to be true copies, extracted from such minute books, shall be *prima facie* evidence of such proceedings and resolutions in all Courts of civil jurisdiction. Copies of minutes to be *prima facie* evidence.

(4) All notices given by the secretary of the company, by order of the directors, shall be deemed notices by the directors and company. R. S. O. 1887, c. 170, s. 40. Notices by Secretary valid.

WORKING OF THE RAILWAY.

41.—(1) Every servant of the undertaking employed in a passenger train, or at a station for passengers, shall wear upon his hat or cap a badge which shall indicate his office, and he shall not without such badge be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, or meddle or interfere with any passenger or his baggage or property. Servants to wear badges.

(2) The trains shall start and run at regular hours to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transportation at the place of starting, and the junctions of other railways, and at usual stopping places, established for receiving and discharging way-passengers and goods from the train. Trains to start at regular hours.

(3) Such passengers and goods shall be taken, transported and discharged, at, from and to such places, on the due payment of the toll, freight or fare legally authorized therefor. Passengers and goods to be carried on payment of fare or freight

The Company liable for neglect or refusal.

(4) The person aggrieved by any neglect or refusal in the premises, shall have an action therefor against the company, from which action the company shall not be relieved by any notice, condition or declaration if the damage arises from any negligence, omission or misconduct of the company or of its servants

Checks to be affixed to baggage.

(5) Checks shall be affixed by an agent or servant to every parcel of baggage having a handle, loop or fixture of any kind thereupon, and a duplicate of such check shall be given to the passenger delivering the parcel.

Penalty for refusing to give checks.

(6) If such check is refused on demand, the company shall pay to such passenger the sum of $8, to be recovered in a civil action; and further, no fare or toll shall be collected or received from such passenger, and if he has paid his fare, the same shall be refunded by the conductor in charge of the train.

Baggage cars not to be in rear of passenger cars.

(7) The baggage, freight, merchandise or lumber cars shall not be placed in rear of the passenger cars, and no officer or agent shall direct or knowingly suffer such arrangement.

Locomotives to have bells or whistles.

(8) Every locomotive engine shall be furnished with a bell of at least thirty pounds weight or with a steam whistle.

Bell to be rung or whistle sounded at every crossing.

(9) The bell shall be rung, or the whistle sounded at the distance of at least eighty rods from every place where the railway crosses any highway, and be kept ringing or be sounded at short intervals until the engine has crossed such highway, under a penalty of $8 for every neglect thereof, to be paid by the company, who shall also be liable for all damages sustained by any person by reason of such neglect, one-half of which penalty and damages shall be chargeable to and collected by the company from the engineer having charge of such engine and neglecting to sound the whistle or ring the bell as aforesaid.

[*As to fire from locomotive—see also the Act to Preserve the Forests from Destruction by Fire, Cap. 267.*]

Passenger refusing to pay fare may be put out.

(10) Any passenger refusing to pay his fare, may, with his baggage, by the conductor of the train and the servants of the company, be put out of the cars at any usual stopping place, or near any dwelling-house, as the conductor elects, the conductor first stopping the train and using no unnecessary force.

Passengers to have no claim if injured when on platform of cars, etc.

(11) Any passenger injured while on the platform of a car, or on any baggage, wood or freight car, in violation of the printed regulations posted up at the time in a conspicuous place inside of the passenger cars then in the train, shall have no claim for the injury, provided room inside of such passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time.

As to goods of a dangerous nature.

(12) No person shall be entitled to carry or to require the company to carry upon their railway, *aqua fortis*, oil of

vitriol, gunpowder, lucifer matches, or any other goods which, in the judgment of the company, are of a dangerous nature; and if any person sends by the railway such goods without, at the time of so sending the said goods, distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the book-keeper or other servant of the company with whom the same are left, he shall forfeit to the company the sum of $20 for every offence.

Dangerous goods may be refused.

(13) The company may refuse to take any package or parcel which they suspect to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact. R.S. O. 1887, c. 170, s. 41.

ACTIONS FOR INDEMNITY, AND FINES AND PENALTIES AND THEIR PROSECUTION.

Limitation of actions for damages.

42.—(1) All actions for indemnity for damages or injury sustained by reason of the railway, shall be instituted within six months next after the time of the supposed damage sustained, or if there be continuation of damage, then within six months next after the doing or committing such damage ceases, and not afterwards; and the defendants may plead not guilty by statute and give this Act and the special Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by authority of this Act and the special Act.

Fines: how recovered.

(2) All fines and forfeitures imposed by this Act or the special Act, or by any by-law, the levying and recovering of which are not particularly herein directed, shall, upon proof of the offence before any one or more Justice or Justices of the Peace for the district, county or place where the act occurred, either by the confession of the party, or by the oath or affirmation of any one credible witness, to be administered without fee or reward, be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal or hands and seals of such Justice or Justices.

How applicable.

(3) All fines, forfeitures and penalties, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the treasurer of the company, to be applied to the use thereof, and the overplus of the money so raised, after deducting the penalty and the expenses of the levying and recovering thereof, shall be returned to the owner of the goods so distrained and sold.

When party may be committed.

(4) In case sufficient goods and chattels whereof to levy the penalty and expense are not found the offender shall be sent to the common gaol for the county or district in which he has been convicted, there to remain without bail, for such term, not exceeding one month, as the Justice or Justices may think proper, unless the penalty or forfeiture, and all expenses attending the same, are sooner paid and satisfied. R. S. O. 1887, c. 170, s. 42.

Punishment for contravention of this Act, etc., not to exempt Company from forfeiture

43. No punishment for a contravention of this Act or of the special Act, by the company shall exempt the company from the forfeiture by this Act and the special Act, of the privileges conferred on them by the said Acts, if by the provisions thereof or by law, the same be forfeited by such contravention, R. S. O. 1887, c. 170, s. 43.

GENERAL PROVISIONS.

Provision as to the carriage of Her Majesty's mail, etc.

44.—(1) Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables and others travelling on Her Majesty's service, shall at all times, when thereunto required by Her Majesty's Postmaster-General, the Commander of the Forces, or any person having the superintendence or command of any Police Force, and with the whole resources of the company if required, be carried on the railway, on such terms and conditions, and under such regulations as may be made by the Governor-General in Council or the Lieutenant-Governor in Council, as the case requires.

Government to have exclusive use of telegraph.

(2) The Governor-General or Lieutenant-Governor as the case may be, or any person thereunto authorized by them respectively, may require the company to place any electric telegraph, and the apparatus and operators they may have, at the exclusive use of the Government, receiving thereafter reasonable compensation for such service.

Further enactments may be made.

(3) Any further enactments which the Parliament of Canada or the Legislature of this Province may make for the carriage of the mail or Her Majesty's Forces, and other persons and articles as aforesaid, or the tolls therefor, or in any way respecting the use of any electric telegraph or other service to be rendered to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act or the special Act.

Tenders must be advertised for.

(4) No contracts for works of construction or maintenance of railways, except works of ordinary repair, or of immediate necessity, shall be entered into until after tenders for such works respectively have been invited by public notice therefor, given for at least four weeks in some newspaper published in the place nearest to the work required to be done; but no company shall be compelled to accept any such tender.

Ten per cent. to be paid within three years from passing of Special Act.

(5) If the construction of the railway is not commenced, and ten per cent. on the amount of the capital is not expended thereon, within three years after the passing of the special Act, or if the railway is not finished and put in operation in ten years from the passing of the special Act, the corporate existence and powers of the company shall cease.

Accounts to be transmitted to the Provincial Secretary.

(6) After the opening of the railway or any part thereof to the public, and within the first fifteen days after the opening

of each Session of the Legislature, an account shall be annually transmitted to the Provincial Secretary containing a detailed and particular account, attested upon oath of the president, or in his absence of the vice-president, of the moneys received and expended by the company, and a classified statement of the passengers and goods transported by them, with an attested copy of the last annual statement.

Variation in form or details may be made.

(7) No further provisions which the Legislature may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the company.

And may dissolve any corporation formed under this Act.

(8) The Legislature may at any time annul or dissolve any corporation formed under this Act, but such dissolution shall not take away or impair any remedy given against any such corporation, its shareholders, officers or servants, for any liability which had been previously incurred.

Saving of Her Majesty's rights, etc.

(9) Nothing herein contained shall affect in any manner the rights of Her Majesty, or any person, or of any body politic, corporate or collegiate, such only excepted as are herein mentioned.

No amendment of this Act to be deemed an infringment of the Company's rights.

(10) No amendment or alteration in this Act shall be held to be an infringement of the rights of any company authorized to construct a railway by any Act passed on or since the 30th of August, 1851, or by any Act with which this Act is or may be incorporated. R. S. O. 1887, c. 170, s. 44.

PART SECOND.

APPLICATION OF SECTIONS.

Application.

45. Unless otherwise provided, the following sections and subsection 4 of section 41, shall apply to every railway subject to the legislative authority of the Legislature of this Province, made or to be made in this Province. R. S. O. 1887, c. 170, s. 45.

What the words "Railway Company" shall include.

46. In the construction of sections 51 to 76 inclusive, section 87 and sections 95 to 106 inclusive, of this Act, the expression "Railway Company" shall include any person being the owner or lessee of or contractor working any railway subject to the legislative authority of the Legislature of this Province and constructed or carried on under the powers of an Act of the Parliament of the late Province of Canada or Upper Canada or of the Legislature of this Province. R. S. O. 1887, c. 170, s. 46.

PROCEEDINGS WHERE ADDITIONAL SPACE REQUIRED.

Proceedings where more space is required for the accommodation of the traffic.

47. Where a railway company incorporated by, or subject to the authority of the Legislature of Ontario requires at a station or place on the line of such railway, more ample space for the convenient accommodation of the public and of the traffic on the railway than they then possess, or can take without the consent of the proprietors thereof, the company may cause a plan to be made of the additional ground required at the station or place for the purposes aforesaid, not being in actual use for similar purposes by any other railway company (and for the purpose of making such plan shall have the powers granted to railway companies for making surveys by section 9 of this Act), and may transmit the plan to the Commissioner of Public Works, with an application (supported by affidavit) on behalf of the company, referring to the plan and stating that certain ground shewn thereon is necessary for the purposes aforesaid, and that no other ground suitable for the purpose can be acquired at such place on reasonable terms and with less injury to private rights, and requesting the Commissioner to authorize the taking thereof for such purposes under this Act; of which application ten days' notice shall be given to the owner or possessor of the property, and the correctness of the plan and the truth of the allegations in the application shall be certified by the president or one of the directors of the company, and by their engineer; and the plan and statement shall be made and transmitted to the Commissioner in duplicate. R. S. O. 1887, c. 170, s. 47.

Certificate of Commissioner of Public Works required.

48. The Commissioner of Public Works shall inquire into the correctness of the plan and the truth of the allegations of the application aforesaid, and being satisfied thereof, shall grant a certificate to that effect, and declaring it to be necessary, in the public interest, that the ground shewn on such plan, or any less quantity, should be acquired by the company; and the certificate shall be annexed to one of the duplicates of the plan and statement, and the other duplicate shall remain in the office of the Commissioner R. S. O. 1887, c. 170, s. 48.

Effect of such certificate, and application of certain provisions of this Act to the land certified as necessary.

49. Upon the granting of the certificate as aforesaid by the Commissioner of Public Works, and by virtue thereof, the company shall have power to take the ground shewn on the said plan as required for the purposes aforesaid, without the consent of the proprietors; and the company and all corporations or parties who could not otherwise convey the same to the company, shall have, with respect to any such ground, all the powers granted by sections 13 to 20 inclusive of this Act, to railway companies, corporations, and persons who could not otherwise convey the same, with respect to lands which may be taken without the consent of the proprietors thereof; and the enactments and provisions of the said sections, except

such as refer to the map or plan and book of reference therein mentioned, or as limit the extent of land to be taken, shall apply and are hereby extended to the ground mentioned in the certificate of the Commissioner of Public Works, and to all the proceedings connected with or consequent upon the acquiring or taking of such ground or any part thereof, with or without the consent of the proprietors; and if at any time thereafter the company do not require the whole or any portion of the land acquired under this Act for railway purposes, than such land as is not so required shall be sold by auction after thirty days' notice thereof in any local newspaper. R. S. O. 1887, c. 170, s. 49.

Sale of land taken and not afterwards required.

50. Such certificate as aforesaid, purporting to be signed by the Commissioner, shall be received as authentic in all Courts of Justice, without proof of the signature or other evidence, unless its authenticity is called in question on behalf of the Crown. R. S. O 1887, c. 170, s. 50.

Proof of certificate.

INSPECTION OF RAILWAYS.

51. The Lieutenant-Governor in Council may appoint and authorize any proper person or persons, not exceeding three in number, whose duty it shall be from time to time to inspect all railways constructed or in course of construction, and every person so authorized may at all reasonable times, upon producing his authority if required, enter upon and examine the railway and the stations, fences or gates, road crossings, cattle guards, works and buildings, and the engines, cars and carriages belonging thereto. R. S. O. 1887, c. 170, s. 51.

Railway Inspectors.
Duties of.

52. No railway or portion of a railway shall be opened for the public conveyance of passengers until one month after notice in writing of the intention to open the same has been given by the company to whom the railway belongs to the Commissioner of Public Works, and until ten days after notice in writing has been given by the company to the Commissioner, of the time when the railway or portion of railway will be, in the opinion of the company, sufficiently completed for the safe conveyance of passengers, and ready for inspection. R. S. O. 1887, c. 170, s. 52.

Railway not to be open till after one month's notice of intention to open the same.

53. If a railway or portion of a railway be opened without such notices, the company to whom the railway belongs shall forfeit to Her Majesty the sum of $200 for every day during which the same continues open, until the said notices have been duly given and expired. R. S. O. c. 170, s. 53.

Penalty for contravention.

54. If the Railway Inspectors after inspection of a railway, report in writing to the Commissioner of Public Works that, in their opinion, the opening of the same would be attended with danger to the public using the same, by reason of

Commissioner of Public Works, upon report of Inspectors and approval of

Lieutenant-Governor in Council, may order postponement of opening of road.

the incompleteness of the works or permanent way, or the insufficiency of the establishment for working the railway, together with the grounds of such opinion, the Commissioner, with the sanction of the Lieutenant-Governor in Council, and so from time to time, as often as the Inspectors after further inspection thereof so report, may order and direct the company to whom the railway belongs to postpone the opening for a period not exceeding one month at any one time, until it appears to the Commissioner, that such opening may take place without danger to the public. R. S. O. 1887, c. 170, s. 54.

Penalty for opening contrary to the order of the Commissioner.

55. If such railway, or any portion thereof, is opened contrary to such order or direction of the Commissioner, the company to whom the railway belongs shall forfeit to Her Majesty the sum of $200 for every day during which the same continues open contrary to such order or direction. R. S. O. 1887, c. 170, s. 55.

When only such order to be binding on the Company.

56. No such order shall be binding upon a railway company unless there is delivered therewith to the company a copy of the report of the Inspectors on which the order is founded. R. S. O. 1887, c. 170, s. 56.

When any railway bridge etc., condemned by Commissioner and Inspectors, what to be done.

57. Where a bridge, culvert, viaduct, tunnel, fence, cattle-guard, road crossing, or any other portion of a railway constructed or in course of construction, or a locomotive, car, or carriage used or for use on a railway, has been condemned on the report of an Inspector by the Commissioner of Public Works, with the approval of the Lieutenant-Governor in Council, or where any change or alteration therein or in any part thereof, or the substitution of a new bridge, culvert, viaduct or tunnel, or of any material for the said railway, has been required by the Commissioner, with the approval of the Lieutenant-Governor in Council, the company to which the railway belongs, or the company using, running or controlling the same, shall, after notice thereof in writing, signed by the Commissioner, proceed to make good or remedy the defects in the said portions of the railway, or in the locomotive, car or carriage which have been so condemned, or shall make such change, alteration or substitution hereinbefore referred to as has been required in manner aforesaid by the Commissioner. R. S. O. 1887, c. 170, s. 57.

When Inspectors may forbid the running of trains, etc.

58. If, in the opinion of such railway Inspector, it is dangerous for trains or vehicles to pass over a particular railway, or any portion of a railway, until alterations, substitutions, or repairs have been made thereon, or that any particular car, carriage or locomotive should be run or used, the Inspector may forthwith forbid the running or using of any train or vehicle over such railway or portion of railway or the running or using of any such car, carriage or locomotive, by delivering or causing to be delivered to the president, managing direc-

tor, or secretary or superintendent of the company owning, running, or using the railway, or to any officer having the management or control of the running of trains on the railway, a notice in writing to that effect, with his reasons therefor, in which he shall distinctly point out the defects or nature of the danger to be apprehended. R. S. O. 1887, c. 170, s. 58.

Commissioner may modify report of Inspector.

59. The Inspector shall forthwith report the same to the Commissioner of Public Works, who, with the sanction of the Lieutenant-Governor in Council, may either confirm, modify or disallow the act or order of the Inspector, and such confirmation, modification or disallowance shall be duly notified to the railway company affected thereby. R. S. O. 1887, c. 170, s. 59.

When the Commissioner may regulate speed, etc.

60. The Commissioner of Public Works may, with the sanction of the Lieutenant-Governor in Council, limit the number, or times of running, or rate of speed, of trains or vehicles upon the railway or portion of railway, until such alterations or repairs as he may think sufficient have been made, or until such time as he thinks prudent; and the company owning, running or using the railway shall comply forthwith with such order of the Inspector or of the Commissioner upon notice thereof as aforesaid; and for every act of non-compliance therewith every such railway company shall forfeit to Her Majesty the sum of $2000. R. S. O. 1887, c. 170, s. 60.

Penalty for non-compliance.

Companies to afford information to Inspector.

61. Every railway company and the directors and officers thereof shall afford to such Inspector every information, and full and true explanations, so far as may be in their power or knowledge, on all matters inquired into by such Inspector, and submit to the Inspector all plans, specifications, drawings and documents relating to the construction or reconstruction, repair or state of repair of the railway or any portion thereof, whether a bridge, culvert or other part. R. S. O. 1887, c. 170, s. 61.

Inspectors may use telegraph wires; for what purposes.

62. The Inspector shall have the right to use the telegraph wires and machinery in the offices of or under the control of such railway company, for the purpose of communicating with any of the offices of the company, or transmitting any order of such Inspector relating to the railway. R. S. O. 1887, c. 170, s. 62.

Operators and others to obey orders of Inspectors.

63. The operators or officers employed in the telegraph offices of or under the control of the company, shall, without unnecessary delay, obey all orders of such Inspector, for effecting such communications and transmitting messages for the purpose aforesaid, and any operator or officer refusing or neglecting so to do, shall forfeit for every offence the sum of $40. R. S. O. 1887, c. 170, s. 63.

Authority of Inspectors, how proved.

64. The authority of such Inspector shall be sufficiently evidenced by a paper in writing nominating him an Inspector of Railways, or of any railway in particular, signed by the Commissioner of Public Works. R. S. O. 1887, c. 170, s. 64.

Lieutenant-Governor may order permanent bridges to be substituted for movable bridges.

65. The Lieutenant-Governor in Council, upon the report of the Commissioner of Public Works may authorize or require any railway company to construct fixed and permanent bridges or to substitute such bridges in the place of the swing, draw or movable bridges on the line of the railway, within such time as the Lieutenant-Governor in Council directs; and for every day after the period so fixed during which the company uses such swing, draw or movable bridges, the company shall forfeit and pay to Her Majesty the sum of $200; and it shall not be lawful for a company to substitute a swing, draw or other movable bridge in the place or stead of any fixed or permanent bridge already built and constructed, without the consent of the Lieutenant-Governor in Council previously had and obtained. R. S. O. 1887, c. 170, s. 65.

Certain powers vested in Commissioner, with respect to crossing public highways, on a level.

66. In any case where a railway commenced after the 27th day of May, 1857, is constructed across a turnpike road, street or other public highway, on the level, the Commissioner of Public Works, if it appears to him necessary for the public safety, may, with the sanction of the Lieutenant-Governor in Council, authorize and require the company to whom the railway belongs, within such time as the Commissioner directs, to carry the road, street or highway either over or under the railway, by means of a bridge or arch, instead of crossing the same on the level, or to execute such other works as under the circumstances of the case appear to him the best adapted for removing or diminishing the danger arising from such level crossing; and all the provisions of law at such time applicable to the taking of land by railway companies, and its valuation and conveyance to them, and to the compensation therefor, shall apply to the case of land required for the construction of any works for effecting the alteration of such level crossing. R. S. O. 1887, c. 170, s. 66.

Railway may be required to repair any level crossing out of repair.

67. (1) Where a level crossing on a railway is out of repair, the warden, mayor, reeve or other chief officer of the municipality within whose jurisdiction the crossing is situate, may serve a notice upon the company in the usual manner, requiring the repair to be forthwith made; and if the company does not forthwith make the same, such officer may transmit a copy of the notice so served to the Inspector of Railways; and thereupon it shall be the duty of the Inspector, with all possible despatch, to appoint a day when he will examine into the matter; and he shall, by mail, give notice to the warden, mayor, reeve or other chief officer, and to the company, of the day he so fixes; and upon the day so named he shall examine the crossing; and a certificate under his

Inspector's certificate to be conclusive.

hand shall be final on the subject so in dispute between the parties; and if the Inspector determines that any repairs are required, he shall specify the nature thereof in his certificate, and direct the company to make the same; and the company shall thereupon, with all possible despatch, comply with the requirements of the certificate; and in case of default, the municipality within whose jurisdiction the said crossing is situate, may make the repairs, and may recover all costs, expenses and outlays in the premises by action against the company in any Court of competent jurisdiction, as money paid to the company's use.

Proviso.

(2) Neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to the company in the premises. R. S. O. 1887, c. 170, s. 67.

Inspection not to relieve Company from liability.

68. No inspection had under this Act, nor anything in this Act contained or done or ordered, or omitted to be done or ordered, under or by virtue of the provisions of this Act, shall relieve or be construed to relieve a railway company of or from any liability or responsibility resting upon it by law either towards Her Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, or other personal representative of any person for anything done or omitted to be done by the company, or for any wrongful act, neglect or default, misfeasance, malfeasance or nonfeasance of the company, or in any manner or way to lessen the liability or responsibility, or in any way to weaken or diminish the liability or responsibility of such company under the existing laws of the Province. R. S. O. 1887, c. 170, s. 68.

Company to notify orders of Commissioner to its officers, etc.

69. Every railway company shall, as soon as possible after the receipt of any order or notice of the Commissioner of Public Works, give cognizance thereof to each of its officers and servants, in one or more of the ways mentioned in section 89 of this Act. R. S. O. 1887, c. 170, s. 69.

What to be deemed sufficient notice thereof.

70. All orders of the Commissioner shall be considered as made known to the railway company by a notice thereof signed by him, and delivered to the president, vice-president, managing director, secretary or superintendent of the company, or at the office of the company. R. S. O. 1887, c. 170, s. 70.

Notice of accidents to be given to the Commissioner of Public Works.

71. Every railway company shall, as soon as possible, and at least within forty-eight hours after the occurrence upon the railway belonging to the company of any accident attended with serious personal injury to any person using the same, or whereby a bridge, culvert, viaduct or tunnel on or of the railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof to the Commissioner of Public Works; and any company which wilfully

omits to give such notice, shall forfeit to Her Majesty the sum of $200 for every day during which the omission to give the same continues. R. S. O. 1887, c. 170, s. 71.

Return of accidents to be made semi-annually.

72. Every railway company shall, within ten days after the first days of January and July, in each and every year, make to the Commissioner of Public Works, under the oath of the president, secretary or superintendent of the company, a true and particular return of all accidents and casualties (whether to life or property) which have occurred on the railway of the company during the half year next preceding each of the said periods respectively, setting forth—

1. The causes and natures of such accidents and casualties;

2. The points at which they occurred, and whether by night or by day;

3. The full extent thereof, and all particulars of the same; and shall also at the same time return a true copy of the existing by-laws of the company, and of their rules and regulations for the management of the company and of their railway. R. S. O. 1887, c. 170, s. 72

Form to be appointed by the Commissioner.

73. The Commissioner of Public Works may order and direct, from time to time, the form in which such returns shall be made up, and may order and direct any railway company to make up and deliver to him from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the railway belonging to such company, whether attended with personal injury or not, in such form and manner as the Commissioner deems necessary and requires for his information with a view to the public safety. R. S. O. 1887, c. 170, s. 73.

Penalty for neglect.

74. If the returns so verified are not delivered within the respective times herein prescribed, or within fourteen days after the same have been so required by the Commissioner, every company making default shall forfeit to Her Majesty the sum of $100 for every day during which the company neglects to deliver the same. R. S. O 1887, c. 170, s. 74.

Such returns to be privileged communications.

75. All such returns shall be privileged communications, and shall not be evidence in any Court whatsoever. R. S. O. 1887, c. 170, s. 75.

RAILWAY INSPECTION FUND.

Railway Inspection Fund.

76. From the 27th day of May, 1857, every railway then or thereafter constructed shall, so soon as any portion thereof is in use, pay to the Treasurer of the Province an annual rate to be fixed by the Lieutenant-Governor in Council, not exceeding $10 per mile of railway constructed and in

use; such rate to be paid half-yearly on the first days of January and July in each year, and to form a special fund for the purposes of this Act, to be called "The Railway Inspection Fund." R. S. O. 1887, c. 170, s. 76.

One Company may agree with another respecting traffic.

77. The directors of any railway company may at any time, and from time to time, make and enter into any agreement or arrangement with any other company, either in this Province or elsewhere, for the regulation and interchange of traffic passing to and from the railways of the said companies, and for the working of the traffic over the said railways respectively, or for either of those objects separately, and for the division and apportionment of tolls, rates and charges in respect of such traffic, and generally in relation to the management, and working of the railways, or any of them, or any part thereof, and of any railway in connection therewith, for any term not exceeding twenty-one years, and to provide, either by proxy or otherwise, for the appointment of a joint committee or committees for the better carrying into effect such agreement or arrangement, with such powers and functions as may be considered necessary or expedient, subject to the consent of two-thirds of the shareholders, voting in person or by proxy; but the provisions of this section shall not apply to anything done before the 30th day of June, 1858. R. S. O. 1887, c. 170, s. 77.

Railway Companies must afford each other every facility for the forwarding of traffic, without preference or favour.

78.—(1) Every railway company shall, according to their respective powers, afford all reasonable facilities to any other railway company for the receiving and forwarding and delivering of traffic upon and from the several railways belonging to or worked by such companies respectively, and for the return of carriages, trucks, and other vehicles; and no such company shall give or continue any preference or advantage to or in favour of any particular company, or any particular description of traffic, in any respect whatsoever, nor shall such company subject any particular company or any particular description of traffic to any prejudice or disadvantage in any respect whatsoever; and every railway company having or working a railway which forms part of a continuous line of railway, or which intersects any other railway or which has a terminus, station or wharf of the one near a terminus, station or wharf of the other, shall afford all due and reasonable facilities for receiving and forwarding by the one of such railways, all the traffic arriving by the other, without any unreasonable delay and without any such preference or advantage, or prejudice or disadvantage as aforesaid, and so that no obstruction may be offered in the using of such railway as a continuous line of communication, and so that all reasonable accommodation may at all times, by the means aforesaid, be mutually afforded by and to the said several railway companies.

Agreements made in contravention of this section, to be void.

(2) Any agreement between any two or more railway companies contrary to the foregoing provisions, made since the 18th day of May, 1861, or after the passing of this Act, shall be unlawful, null and void. R. S. O 1887, c. 170, s. 78.

Penalty on Companies or their officers refusing or neglecting to forward traffic, as above required.

79. If any officer, servant or agent of a railway company, having the superintendence of the traffic at any station or depot thereof, refuses or neglects to receive, convey or deliver at any station or depot of the company for which they may be destined, any passenger, goods or things, brought, conveyed or delivered to him or to such company, for conveyance over or along the railway from that of any other company, intersecting or coming near to such first-mentioned railway, or in any way wilfully contravenes the provisions of the next preceding section—such first-mentioned railway company, or such officer, servant or agent, personally, shall, for every such neglect or refusal, incur a penalty not exceeding $50 over and above the actual damages sustained; which penalty may be recovered with costs, in a summary way, before any Justice of the Peace, by the railway company or any other person aggrieved by such neglect or refusal, and to and for the use and benefit of such company or other person so aggrieved. R. S. O. 1887, c. 170, s. 79.

How recoverable, and how to be applied.

nterpretation of word "Traffic,"

80. For the purposes of the next preceding two sections—

1. "Traffic" shall include not only passengers and their baggage, goods, animals and things conveyed by railway, but also cars, trucks and vehicles of any description adapted for running over any railway;

"Railway,"

2. "Railway" shall include all stations and depots of the railway;

"Railway Company," etc.

3. "Railway Company" shall include all persons owning, leasing or working any railway;

and a railway shall be deemed to come near another when some part of the one is within one mile of some part of the other. R. S. O. 1887, c. 170, s. 80.

APPOINTMENT OF RAILWAY CONSTABLES.

Constables may be appointed to act on the line of any railway.

81.—(1) The Justices of the Peace for any county assembled at any General Sessions of the Peace, on the application of the board of directors of any railway company whose railway passes within the local jurisdiction of such Justices of the Peace, or on the application of any clerk or agent of the company thereto authorized by such board, may, in their discretion, appoint any persons recommended to them for that purpose by such board of directors, clerk or agent, to act as constables on and along such railway; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say:

"I, *A. B.*, having been appointed a Constable to act upon and along "(*here name the Railway*), under the provisions of *The Railway Act of* "*Ontario*, do swear that I will well and truly serve our Sovereign Lady "the Queen, in the said office of Constable, without favour or affection, "malice or ill-will, and that I will, to the best of my power, cause the "peace to be kept, and prevent all offences against the peace, and that "while I continue to hold the said office, I will, to the best of my skill "and knowledge, discharge the duties thereof faithfully, according to law: "So help me God." Oath of office.

(2) Such oath or declaration shall be administered by any one such Justice. R. S. O. 1887, c. 170, s. 81. By whom to be administered.

82. Every constable so appointed, and having taken such oath or made such declaration as aforesaid, shall have full power to act as a constable for the preservation of the peace and for the security of persons and property against felonies and other unlawful acts on such railway, and on any of the works belonging thereto, and on and about any trains, roads, wharfs, quays, landing-places, warehouses, lands and premises belonging to the company, whether the same be in the county, city, district or other local jurisdiction within which he was appointed, or in any other place through which the railway passes, or in which the same terminates, or through or to which any railway passes which is worked or leased by such railway company, and in all places not more than one-quarter of a mile distant from the railway; and shall have all the powers, protections and privileges for the apprehending of offenders, as well by night as by day and for doing all things for the prevention, discovery and prosecution of felonies and other offences, and for keeping the peace, possessed by any constable duly appointed. R. S. O. 1887, c. 170, s. 82. Powers of such constables, and to what localities they shall extend.

83. It shall be lawful for such constable to take such persons as may be punishable by summary conviction for any offence against the provisions of this Act, or of any of the Acts or by-laws affecting such railway, before any Justice or Justices appointed for any county, city, district or other local jurisdiction within which such railway passes; and every such Justice shall have authority to deal with all such cases, as though the offence had been committed and the person taken within the limits of his own local jurisdiction. R. S. O. 1887, c. 170, s. 83. Duties of such constables.

84. Any two Justices of the Peace may dismiss any such constable who may be acting within their several jurisdictions; and the board of directors of the railway company, or any clerk or agent of the company thereto authorized by the board, may dismiss any such constable who may be acting on the railway; and upon such dismissal, all powers, protections and privileges belonging to such person, by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed or act as a constable for such railway Dismissal of any such constable.

without the consent of the authority by which he was dismissed. R. S. O. 1887, c. 170, s. 84.

Record of appointment of such constable to be kept.

85. Every such railway company shall cause to be recorded, in the office of the Clerk of the Peace for every county, or other local jurisdiction wherein the railway passes, the name and designation of every constable so appointed at their instance, the date of his appointment, and the authority making it, and also the fact of every dismissal of such constable, the date thereof and the authority making the same within one week after the date of such appointment or dismissal, as the case may be; and every such Clerk of the Peace shall keep such record in a book in such form as the Lieutenant-Governor in Council directs, and open to public inspection, charging such fee or fees only as the Lieutenant-Governor in Council authorizes. R. S. O. 1887, c. 170, s. 85.

Fees.

Punishment of constables guilty of neglect of duty.

86. Every such constable who is guilty of any neglect or breach of duty in his office of constable, shall be liable, on summary conviction thereof within any county, city, district or other local jurisdiction wherein such railway passes, to a penalty of not more than $80, the amount of which penalty may be deducted from any salary due to such offender, if such constable is in receipt of a salary from the railway company, or to imprisonment, with or without hard labour, for not more than two months, in the gaol of such county, city, district or other local jurisdiction. R. S. O. 1887, c. 170, s. 86.

GENERAL PROVISIONS.

Companies to make by-laws for regulation of conductors and other officers, etc.

87. Every railway company shall make such by-laws, rules and regulations, to be observed by the conductors, engine-drivers, and other officers and servants of the company, and by all other companies and persons using the railway of such company, and such regulations with regard to the construction of the carriages and other vehicles, to be used in the trains on the railway of the company, as are requisite for insuring the perfect carrying into effect of the provisions of this part of this Act and the orders and regulations of the Lieutenant-Governor in Council. R. S. O. 1887, c. 170, s. 87.

Company may impose forfeiture for contravention of by-laws.

88. Any railway company may, by a by-law, impose upon any officer, servant, or person, who, before the contravention of such by-law has had notice thereof, and is employed by the company, a forfeiture to the company of not more than thirty days' pay of such officer or servant, for any contravention of such by-law, and may retain such forfeiture out of the salary or wages of the offender. R. S. O. 1887, c. 170, s. 88.

How notice of by-laws or orders may be proved.

89. The notice of the by-law or of any order or notice of the Commissioner of Public Works may be proved by proving

the delivery of a copy thereof to the officer, servant or person, or that he signed a copy thereof, or that a copy thereof was posted in some place where his work or his duties, or some of them, were to be performed. R. S. O. 1887, c. 170, s. 89.

When such proof, etc., to be a defence for the Company.

90. Such proof, with evidence of the contravention, shall be a defence to the company in any action for the recovery from it of the amount so retained. R. S. O. 1887, c. 170, s. 90.

Company not to impede navigation.

91. No such company shall cause an obstruction in or impede the free navigation of any river, stream or canal to or across or along which their railway is carried. R. S. O. 1887, c. 170, s. 91.

Railways crossing rivers, etc., regulated.

92. If the railway is carried across a navigable river or canal, the company shall leave openings between the abutments or piers of their bridge or viaduct over the same, and shall make the same of such clear height above the surface of the water, or shall construct the draw-bridge or swing-bridge over the channel of the river, or over the whole width of the canal, and shall be subject to such regulations as to the opening of such swing-bridge or draw-bridge, as the Lieutenant-Governor in Council may from time to time determine. R. S. O. 1887, c. 170, s. 92.

Plans to be submitted to the Lieutenant-Governor in Council.

93. It shall not be lawful for such company to construct any wharf, bridge, pier or other work upon or over a navigable river, lake or canal, or upon the beach or bed or lands covered with the waters thereof, until they have first submitted the plan and proposed site of such work to the Lieutenant-Governor in Council, and the same has been by him approved ; and no deviation from such approved site and plan shall be made without his consent. R. S. O. 1887, c. 170, s. 93.

Exception where special powers given by the special Act.

94. Nothing contained in the last preceding three sections, shall be construed to limit or affect any power expressly given to any railway company by its special Act of incorporation or any special Act amending the same. R. S. O. 1887, c. 170, s. 94.

When a railway passes over a swing-bridge, etc., trains to stop for three minutes.

95. Where a railway passes a draw or swing bridge over a navigable river, canal or stream, which is subject to be opened for the purposes of navigation, the trains shall in every case be stopped at least three minutes, to ascertain from the bridge-tender that the bridge is closed and in perfect order for passing, and in default of stopping during the full period of three minutes the railway company shall be subject to a fine or penalty of $400. R. S. O. 1887, c. 170, s. 95.

Company to use the best apparatus for communication between conductors and engine-

96. Every railway company which runs trains upon the railway, for the conveyance of passengers, shall provide and cause to be used in and upon such trains such known apparatus and arrangements as best afford good and sufficient means of

drivers, and for stopping or disconnecting cars, fixing seats in cars, etc.

immediate communication between the conductors and the engine-drivers of such trains while the trains are in motion, and good and sufficient means of applying by the power of the steam-engine or otherwise at the will of the engine-driver, or other person appointed to such duty, the brakes to the truck-wheels of the locomotive or tender, or both, or of all or any of the cars or carriages composing the trains, and of disconnecting the locomotive, tender, and cars or carriages from each other by any such power or means, and also such apparatus and arrangements as best and most securely place and fix the seats or chairs in the cars or carriages, and shall alter such apparatus and arrangements or supply new apparatus and arrangements from time to time as the Commissioner of Public Works, with the sanction of the Lieutenant-Governor in Council, may order. R. S. O. 1887, c. 170, s. 96.

Forfeiture for not complying with section 96.

97. Every railway company which fails to comply with any of the provisions contained in the last preceding section of this Act shall forfeit to Her Majesty a sum not exceeding $200 for every day during which such default continues. R. S. O. 1887, c. 170, s. 97.

Further precautions at level crossing.

98. Every railway company shall station an officer at every point on their line crossed on a level by any other railway, and no train shall proceed over such crossing until signal has been made to the conductor thereof that the way is clear. R. S. O. 1887, c. 170, s. 98.

Further precautions when one railway crosses another on a level;

99. Every locomotive or railway engine or train of cars, on any railway, shall, before its crosses the track of any other railway on a level, be stopped for the space of at least three minutes. R. S. O. 1887, c. 170, s. 99.

Or runs through a city, town, etc.

100. No locomotive or railway engine shall pass in or through a thickly peopled portion of a city, town or village, at a speed greater than six miles per hour, unless the track is properly fenced. R. S. O. 1887, c. 170, s. 100.

Or moves reversely.

101. Whenever a train of cars is moving reversely in a city, town or village, the locomotive being in the rear, the company shall station on the last car in the train a person who shall warn persons standing on or crossing the track of the railway, of the approach of such train, under a penalty of $100 for any contravention of the above provisions. R. S. O. 1887, c. 170, s. 101.

Foot passengers to use foot-bridge, if provided for that purpose at level crossings.

102. If the Commissioner of Public Works orders a railway company to erect at or near or in lieu of any level crossing of a turnpike road, or other public highway, a foot-bridge or foot-bridges over their railway, for the purpose of enabling persons passing on foot along such turnpike road or public highway to cross the railway by means of such bridge or bridges,

then, from and after the completion of such foot bridge or foot-bridges so required to be erected, and while the company keeps the same in good and sufficient repair, such level crossing shall not be used by foot passengers on the said turnpike road or public highway, except during the time when the same is used for the passage of carriages, carts, horses or cattle along the said road. R. S. O. 1887, c. 170, s. 102.

No cattle to be allowed to be at large on any highway within half a mile of any Railway.

103. No horses, sheep, swine or other cattle shall be permitted to be at large upon any highway within a half mile of the intersection of such highway with any railway on grade, unless the cattle are in charge of some person or persons to prevent their loitering or stopping on such highway at such intersection. R. S. O. 1887, c. 170, s. 103.

Such cattle may be impounded.

104. All cattle found at large in contravention of the last preceding section may, by any person finding the same at large, be impounded in the nearest pound to the place where the same are so found, and the pound-keeper with whom the same are so impounded shall detain the same in the like manner, and subject to the like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property. R. S. O. 1887, c. 170, s. 104.

If killed, owner not entitled to any action.

105. No person, any of whose cattle being at large, contrary to the provisions of section 103 of this Act, are killed by a train at such point of intersection, shall have any action against a railway company in respect to the same being so killed. R. S. O. 1887, c. 170, s. 105.

Crossings to be fenced.

106. At every road and farm crossing on the grade of the railways in this Province, the crossings shall be sufficiently fenced on both sides of such points, so as to allow the safe passage of the trains. R. S. O. 1887, c. 170, s. 106.

Ground adjoining any Railway and belonging to the Company to be laid down with grass and cleared of weeds, etc.

107. Every railway company, whether any of the clauses or provisions of this Act are or are not incorporated with the Act incorporating the company, shall cause all cleared land or ground adjoining their railway and belonging to the company to be sown or laid down with grass or turf, and cause the same as far as may be in their power to be covered with grass or turf, if not already so covered, and cause all thistles and other noxious weeds growing on the land or ground to be cut down, and kept constantly cut down, or to be rooted out of the same. R. S. O. 1887, c. 170, s. 107.

Consequences of omitting to do so.

108. If a railway company fails to comply with the requirements of the last preceding section within twenty days after they have been required to comply with the same, by notice from the mayor, reeve or chief officer of the municipality of the township or county in which the land or ground

lies, the company shall thereby incur a penalty of $2 to the use of the municipality, for each day during which they neglect to do any thing which they are lawfully required to do by the notice, and the said mayor, reeve or chief officer may cause all things to be done which the company were lawfully required to do by the notice, and for that purpose may enter by himself and his assistants or workmen upon the lands or grounds, and such municipality may recover the expenses and charges incurred in so doing and the said penalty, with costs of suit, in any Court having jurisdiction in civil cases to the amount sought to be recovered. R. S. O. 1887, c. 170, s. 108.

INTEREST OR RENT, WHEN TO BE DEEMED WORKING EXPENSES.

Interest of purchase money or rent of property necessary for working a Railway, to be deemed part of its working expenses.

109. The interest of the purchase money or rent of any real property acquired or leased by a railway company, and necessary to the efficient working of the railway, and the price or purchase money of any real property or thing without which the railway could not be efficiently worked, shall be considered to be part of the expenses of working the railway, and shall be paid as such out of the earnings of the railway. R. S. O. 1887, c. 170, s. 109.

PENALTIES.

The Company may pay penalty and deduct from wages. R. S. C. c. 109.

110. The company may in all cases under this Act, or under *The Railway Act* of Canada, pay the amount of any penalty and costs imposed upon an officer, servant, or person in the employ of the company, and recover the same from the offender or deduct it from his salary or pay. R. S. O. 1887, c. 170, s. 110.

How penalties recovered and applied.

111. All penalties incurred under any of the sections of this Act in section 46 referred to, may be recovered in the name of Her Majesty, by Her Majesty's Attorney General for Ontario, in any Court having competent jurisdiction thereover; and all penalties recovered under the other sections of this Act shall, unless otherwise herein expressly provided, be paid to the Treasurer of the Province to the credit of "The Railway Inspection Fund." R. S. O. 1887, c. 170, s. 111.

CHAPTER 208.

An Act respecting Street Railways.

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as "*The Street Railway Act.*" R. S. O. 1887, c. 171, s. 1. Short title.

2. Where the words following occur in this Act they shall be construed in the manner hereinafter mentioned unless a contrary intention appears: Interpretation.

1 "Street" shall include any highway. R. S. O. 1887, c. 171, s. 2. "Street."

2 "Railway" and the expression "street railway" shall include a tramway. 53 V. c. 47, s. 1. "Railway and Street Railway."

3 The expression "working expenses" shall mean and comprise all expenses of maintenance of the railway, and of the buildings, works and conveniences belonging thereto, and of the rolling and other stock and movable plant used in the working thereof, and all reasonable and necessary renewals of the same, and also all reasonable rents for property, also all usual expenses of or incidental to the working of the railway and the traffic thereon, including stores and consumable articles; also rates, taxes, insurance and compensation for "Working expenses."

accidents and losses, also all proper salaries and wages and office and management expenses; also all moneys owing by the company for any of the above items of expense; also interest on mortgages or debenture indebtedness, also a sum not exceeding five per cent. per annum of the total mortgage or debenture indebtedness of the company to be placed to the credit of a special account as a sinking fund for the purpose of extinguishing such indebtedness. 59 V. c. 50, s. 2.

Incorporation under Rev. Stat. c. 191.

3. The Lieutenant-Governor in Council may, by letters patent under the great seal, grant a charter, under *The Ontario Companies Act*, incorporating a company for the purpose of constructing and working a street railway or lines of street railway in any local municipality, or in two or more adjoining local municipalities. R. S. O. 1887, c. 171, s. 3.

Shares and Shareholders.

Capital stock, etc., how applied.

4. The capital stock of the company shall be divided into shares of $100 each, and the money raised therefrom and all other moneys and property of the company shall be applied in the first place, to the payment of such reasonable fees, expenses and disbursements for securing the letters patent as the shareholders at the first general meeting of the company shall by resolution sanction and approve of, and for making the plans and estimates of the work authorized; and all the remainder of such moneys shall be applied to the making, equipping, completing and maintaining of the said railway, and other purposes of the undertaking. 59 V. c. 50, s. 9.

First issue of stock.

5.—(1) The "first issue of stock" shall mean all stock subscribed for prior to the first meeting of the directors for the transaction of any business relating to the company, and upon which at least ten per cent. has been paid in within the said period.

Disposing of unissued or forfeited shares.

(2) After the first issue of stock as hereinbefore defined, any unissued or forfeited shares in the capital stock of the company shall be issued and sold only after a day and time fixed for receiving tenders of price for the same, of which public notice shall be given by at least four insertions in any newspaper published in or nearest to the municipality in which the head office of the company is situate, and in or nearest to each and every municipality through or in any part of which it is proposed to construct the railway. The shares shall be sold by the company for cash to the highest tenderer at or above the minimum price fixed for the purposes of such sale by a vote of the shareholders representing two-thirds in value of the capital stock, voting in person or by proxy, passed at a general meeting specially called for the purpose. Provided that the directors, if authorized so to do by a vote of the shareholders representing two-thirds in value of the capital stock, voting in person or by proxy, passed at a general meeting specially

called for the purpose, may, in their discretion, exclude any one or more of such tenderers if in their judgment such exclusion would best promote the interests of the undertaking.

Shares to be subject to be paid in cash.

(3) Every share in the company shall be deemed and taken to have been issued and to be held subject to the payment of the whole amount thereof in cash.

Payment of calls how to be made.

(4) Every shareholder shall be liable to pay the amount of any call made in respect of the shares held by him in cash.

Rev. Stat. c. 191.

How shares disposed of.

(5) Notwithstanding anything in *The Ontario Companies Act*, or in any other Act of the Legislature, the shares in the company shall be sold and disposed of in the manner and upon the terms prescribed in this section. 59 V. c. 50, s. 7.

Shareholders individually liable till shares paid up.

6. Each shareholder shall be individually liable to the creditors of the company to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities of the company, and until the whole amount of his stock has been paid up in cash; but shall not be liable to an action therefor before an execution against the company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholder. 59 V. c. 50, s. 8.

Rights of aliens.

7. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company. 59 V. c. 50, s. 17.

Directors.

Contractors with company not to be directors.

8. No person holding any office, place or employment in or being concerned or interested in any contract under or with the company shall be capable of being chosen a director or of holding or continuing in the office of director, nor shall any person being a director or promoter of the company enter into or be directly or indirectly interested or concerned in or participate in the profit of any contract with the company, not relating to the purchase of land necessary for the railway, or be or become a partner of any contractor with the company; and in the event of any such contract being made by or on behalf of any director or promoter, an action shall lie in any Court of competent jurisdiction against such director or promoter at the suit of any shareholder of the company or of any municipality through which any part of the railway passes, for the benefit of the funds of the company for the whole amount of profit accruing to such director or promoter from the contract so made or fulfilled. 59 V. c. 50, s. 5, *first part.*

Unless Managing Director.

9. The directors may, with the consent of the shareholders, employ one of their number as managing director. 59 V. c. 50, s. 5, *last clause.*

Remuneration of directors,

10. The directors may be paid such reasonable remuneration for their services for their year of office, as may be sanctioned by the shareholders, by resolution passed at the annual general meeting to be held for the purpose of electing the successors of such directors. 59 V. c. 50, s. 6.

Powers.

Powers of company.

11.—(1) Every such company shall, subject to any provisions contained in the charter, or in its by-laws, have authority to construct, maintain, complete, and operate (on all days except Sundays), and from time to time to remove and change as required, a double or single iron railway, with necessary side tracks and turn-outs, for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the streets in any municipality to which its charter extends, as the council of the municipality may by by-law authorize, and over and upon lands purchased or leased by the company for that purpose, and to take, transport and carry passengers upon the same, by the force or power of animals, or by such other motive power as the company thinks proper and as the municipal council authorizes, and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith.

(2) The company may also carry freight, if so authorized by a by-law of the municipality. R. S. O. 1887, c. 171, s. 4 (1)(2).

Rev. Stat. c. 223

(3) Any such by-law shall be subject to the conditions and provisions of section 632 of *The Municipal Act.* R. S. O. 1887, c. 171, s. 17.

Contracts for construction and equipment.

12. The company may enter into a reasonable contract or reasonable contracts with any individual or association of individuals for the construction or equipment of the railway or any part thereof, provided that no such contract shall be of any force or validity till sanctioned by a resolution passed by the votes of shareholders, in person or by proxy, representing two-thirds in value of the whole amount paid-up on the total capital stock of the company then issued and outstanding at a general meeting of the shareholders specially called for the purpose of considering the agreement or agreements. 59 V. c. 50, s. 4.

Agreements between municipality and company as to construction, street repairs, etc.

13. The company and the council of any municipality in which a railway or part of a railway is laid may, amongst other things, enter into any agreements they think advisable, relating to the construction of the railway; the time within

which the railway shall be commenced, the manner of proceeding therewith and the time of its completion; the paving macadamizing, repairing, grading and cleaning of the streets upon which the railway is laid; the construction, opening and repairing of drains and sewers; the laying, repairing or taking up of gas and water pipes in the streets; the location of the railway, and the particular streets along which the same may be laid; the pattern of rails and the gauge of the railway; the time and speed of running the cars, sleighs and other conveyances; the fares to be charged within the maximum hereinafter mentioned, and the amount of license (if any) to be paid by the company annually or otherwise. R. S. O. 1887, c. 171, s. 13.

Powers.

14.—(1) The company shall have power,

Production and use of electricity

(*a*) To construct, maintain and operate works for the production of electricity for the motive power of the railway and for lighting and heating the rolling stock and other property of the company;

Agreements with other companies for leasing or hiring rolling stock, etc.

(*b*) To enter into any agreement with any other company lawfully authorized to enter into the same, or with any person for leasing, hiring or using, any electric motors, carriages, cars, rolling stock and other movable property from such company or person, for such time and on such terms as may be agreed on; and also to enter into agreements with any railway company lawfully authorized, for the use by any contracting company of the electric motors, carriages, cars, rolling stock and other movable property of the other, for the running of the cars or carriages of the company over the track of any other railway company, with the consent of such company, on such terms as to compensation and otherwise as may be agreed on;

Agreement with electric companies.

(*c*) To enter into any agreement with any person or company for supplying steam or other power for the production of electricity for the purposes of the railway or with any electric light or electric railway company, or any company organized for the purpose of supplying or furnishing electric power, for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the company to construct, carry on and operate the railway;

Confirmation of agreement by shareholders.

(*d*) The prices to be paid by the company under and by virtue of any such agreement as in the last two sub-sections mentioned shall be reasonable in amount, but such agreement shall not be valid unless confirmed and approved by a resolution passed by the votes of the shareholders, in person or by proxy, representing two-thirds in value of the whole amount paid-up on the total capital stock of the company then issued and outstanding, at a general meeting of shareholders specially called for the purpose of considering such agreement;

Power to acquire lands for parks, etc.

(*e*) To purchase, lease or acquire by voluntary donation, and to hold for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended, and necessary or suitable, for park or pleasure grounds, not exceeding 100 acres in any one municipality; and to improve and lay out such lands as parks or places of public resort, and to make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate, or any of them, in respect thereto; subject, however, to the power of the municipality to pass by-laws to regulate the use of such public parks and pleasure grounds; but none of the provisions of this clause shall be in force or have effect unless and until the municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the company are situate, has or have by by-law declared its or their assent to the company's acquiring lands under and for the purpose mentioned in this clause;

Limits of park and not to open on Sunday.

(2) The total acreage of lands acquired by the company for park purposes shall not exceed 300 acres; and no such park or pleasure grounds shall be open to the public on the Lord's day;

Restriction.

(3) The company shall not under this section have power to acquire any lands after the lapse of four years from the date of its incorporation; and nothing in this section contained shall be deemed to enable the company to carry on the general business of a land company. 59 V. c. 50, s. 3 (1-5).

Material of rails of tramways,

15. Where the company is incorporated for the purpose of constructing and working a tramway, the charter incorporating the company may, notwithstanding anything in this Act contained, expressly provide that the rails of the tramway may be made and constructed either of wood wholly or partly covered with iron, or of wood only; and may also expressly provide that the company shall not have the power to take, transport or carry passengers upon or over its line of tramway. 53 V. c. 47, s. 2.

Where steam used, s. 30 of Rev. Stat. c. 207, as to fences to apply.

16. In case steam is the motive power employed, and if the railway or part of the railway is situate within a township municipality, section 30 of *The Railway Act of Ontario*, shall apply to the railway. R. S. O. 1887, c. 171, s. 4 (3).

Application of Rev. Stat. c. 207, s. 30.

17. The said section 30 of *The Railway Act of Ontario* shall, as respects any and every expropriated parcel of land, apply to every street railway constructed before the 31st day of December, 1887, and to every street railway incorporated before said date under any special Act or otherwise, except where the owners of the land and the company have heretofore made or hereafter make any agreement inconsistent with the rights given to the owners by the said section of *The Railway Act of Ontario*. R. S. O. 1887, c. 171, s. 4. (4).

Guard wires.

18.—(1) The company when operating any portion of its line across or along a highway by means of electricity conveyed by

wires above ground shall cause to be strung and maintained guard wires sufficient to prevent telegraph, telephone or other wires now or hereafter strung across or along the highway from coming into contact with or falling upon the said wires conveying such electricity. 59 V. c. 50, s. 3 (6).

Protecting water pipes, etc., from injury by electricity.

(2) The company when operating any portion of its line by means of electricity shall use such means and appliances as may, as far as may be reasonably possible, prevent water pipes, gas pipes, cables and other things now or hereafter placed underground from being damaged in consequence of the escape or discharge of electricity into the ground. Proper bonding of the rails and connecting the rails so bonded to the electric power generator or generators with a proper and efficient system of return wires shall be taken to be a compliance with the conditions of this section.

(3) This section shall apply to all street railways whether incorporated under this Act or otherwise. 59 V. c. 50, s. 3. (7); 60 V. c. 3, s. 3.

Right of action.

19. Any person suffering damage by reason of the non-compliance by the company with the provisions of the two preceding sections shall have a right of action against the company therefor. 59 V. c. 50, s. 3. (8).

Mode of laying rails.

20. The rails of the railway shall be laid (as nearly as practicable) flush with the streets, and the railway track shall conform to the grades of the same, and shall be laid so as to cause the least possible impediment to the ordinary traffic of the streets. R. S. O. 1887, c. 171, s. 5.

Rails to be kept flush with streets.

21. The municipal corporation shall keep, or shall require the company to keep, the rails as nearly as practicable flush with the streets, and so as to cause the least possible impediment to the ordinary traffic of the streets. R. S. O. 1887, c. 171, s. 8.

Use of tracks by other vehicles than those of the company.

22. All other ordinary vehicles may use and travel in the said tracks, provided they do not interfere with or impede the running of the cars, or other conveyances of the company; and in all cases any carriage or other vehicle on the track shall immediately, by leaving the track, give place to the cars, or other conveyances of the company. R. S. O. 1887, c. 171, s. 6

Repair, etc., of streets by company.

23. Unless otherwise agreed upon between the company and the council of the municipality in which the railway or any part of it is laid, the company shall, at its own expense, keep clean and in proper repair, the street, between the rails, and for eighteen inches on each side of the rails; and in default the council may cause the same to be done at the expense and proper cost of the company. R. S. O. 1887, c. 171, s. 7

Use of sleighs, etc.

24. Subject to any agreement between the company and the council, the company may substitute sleighs, or other conveyances, for the railway carriages upon the route of their railway, as occasion may require. R. S. O. 1887, c. 171, s. 11.

Municipal regulations respecting matters affecting railway.

25. The council of the municipality in which a railway or part of railway is laid may pass by-laws:

1. For facilitating the running of the company's cars, sleighs and other conveyances;

2. For regulating the traffic and conduct of all persons travelling upon the streets and highways upon which the railway is laid;

3. For exempting the property of the company from taxation for any period not exceeding ten years;

4. For renewing such exemption for a further period not exceeding ten years;

5. For exempting from taxation for a like period of ten years, the income derived by the shareholders of the company;

6. For providing for the safety and convenience of passengers, and the conduct of the agents and servants of the company; and

7. For preventing the obstructing or impeding of the ordinary traffic and for compelling vehicles on the track to give place to the cars, or other conveyances of the company. R. S. O. 1887, c. 171, s. 12.

FARES.

Rates of fares.

26.—(1) The fares to be taken by the company shall not exceed, for each passenger five cents for any distance not exceeding three miles and shall not exceed one cent per mile for any additional distance. Children under ten years of age shall be carried for three miles for three cents, and for any additional distance at the rate of half a cent per mile: but the company may, with the consent of the council, charge double the said rates of fare between the hours of seven o'clock in the afternoon and seven o'clock in the forenoon.

(2) The rates hereinbefore limited shall apply wherever the passenger is carried only within the limits of the municipality; where he is carried from one municipality into another, or others, a fare double the said rates may be charged, unless the company and any municipality otherwise agree: provided that in no case shall a greater charge be made than at the rate of three cents per mile for adults and one and a half cents per mile for children. Children in arms shall in all cases be carried free. R. S. O. 1887, c. 171, s. 9.

Payment of fare.

27. The fare shall be due and payable by every passenger on entering the car, or other conveyance, and any person

refusing to pay the fare when demanded by the conductor or driver, and refusing to quit the car, or other conveyance upon being requested so to do, shall be liable to a fine of not more than $10, besides costs; and the same shall be recoverable before any Justice of the Peace. R. S. O. 1887, c. 171, s. 10.

FINANCIAL MANAGEMENT OF THE COMPANY.

Company not to take stock in other companies.

28. The funds of the company shall not be employed in the purchase of any stock in their own or in any other company. 59 V. c. 50, s. 10.

Sale of bonds.

29. Any of the bonds, debentures or other securities of the company sold by the directors shall be sold at the best price and upon the best terms and conditions which at the time they may be able to obtain for the purpose of raising money for prosecuting the said undertaking, but they may pledge the said bonds, debentures or other securities for the purpose of procuring the rails, fish plates and electric plant necessary for the undertaking. 59 V. c. 50, s. 11.

Limitation as to receipts of company.

30. The tolls and fares to be levied by the company shall be as nearly as possible so fixed and regulated that, after paying "working expenses," the balance of the annual receipts shall not exceed eight per cent. (or $8 on every $100) of the total amount actually paid up in cash on the capital stock of the company then issued and outstanding; and if in any year the gross receipts from tolls and from fares and from all other sources arising from the working, operating or carrying on of the railway and works and business authorized by the letters patent to be worked, operated or carried on by the company, shall be such that after deducting therefrom the "working expenses" there shall remain an amount exceeding eight per cent. of the total amount theretofore actually paid up in cash on the capital stock of the company then outstanding, then all such excess shall be placed to the credit of a special account to be called "the surplus tolls account"; provided that in no case shall the fares exceed the maximum rates prescribed by this Act. 59 V, c. 50, s. 12.

Application of surplus tolls.

31. The moneys at the credit of the "surplus tolls account" may be used from time to time in making good any deficiency, if such there be, caused by the gross receipts of the company in any subsequent year being insufficient to pay the "working expenses" and a dividend of eight per cent. (or $8 on every $100) on the total amount actually paid up in cash on the capital stock of the company then issued and outstanding; provided that whenever, and so often as the same shall happen, the total amount to the credit of "the surplus tolls account," including any interest accruals thereon, shall equal one fifth of the average annual gross receipts of the company, computed

from the actual receipts for the then preceding five years, the company shall by by-law make a sufficient proportionate reduction in the tolls and fares, so that the probable net earnings thereafter shall be such as to make it necessary to resort to the moneys at the credit of "the surplus tolls account," in order to meet any such deficiency in whole or in part, but as soon as the amount at the credit of "the surplus tolls account" is exhausted the rates and tolls may be again raised. 59 V. c. 50, s. 13.

Charging unearned dividends upon surplus tolls account.

32. If during the ten years immediately succeeding the incorporation of the company, the gross receipts as aforesaid are in any year insufficient after paying the "working expenses" of the railway, to pay a dividend of five per cent. on the total amount actually paid up in cash on the capital stock of the company then issued and outstanding, the company may charge against "the surplus tolls account" an amount sufficient, after deducting any dividends earned during such year, to equal a dividend of five per cent. per annum on the total amounts so actually paid up as aforesaid on the stock of the company, and the company shall not be bound to reduce the tolls as hereinbefore provided until the amount at the credit of the "surplus tolls account" equals an amount sufficient, less any dividends earned during the year, to pay the said dividend of five per cent in every such year during the said period of ten years, in addition to one-fifth of the average annual gross receipts of the company, computed as aforesaid. 59 V. c. 50, s. 14.

Declaration of dividend.

33.—(1) At the annual general meeting of the shareholders of the undertaking, from time to time holden, a dividend shall be made, out of the clear profits of the undertaking, unless such meeting declares otherwise.

Division of profits.

(2) Such dividends shall be divisible among the shareholders in proportion to the amounts paid up in cash upon the shares held by them respectively.

Dividends, how payable.

(3) Dividends shall be payable only in cash, and no division of profits in any one year, either by way of dividends or bonus, or both combined, or in any other way, exceeding eight per cent. (or $8 on every $100) actually paid up in cash on the capital stock of the company, from time to time issued and outstanding, shall ever be made, declared or paid by the company.

Dividends not to impair the capital.

(4) No dividend shall be made whereby the capital of the company is in any degree reduced or impaired, or be paid thereout, nor shall any dividend be paid in respect of any share after a day appointed for payment of any call for money in respect thereof until such call has been paid.

Application of annual revenue.

(5) No part of the annual revenue of the company shall be applied to expenditure on capital account or otherwise than as

by this Act prescribed, and all moneys received in payment for shares or as proceeds of mortgages, bonds, debentures or other securities sold by the company, shall be applied and expended for the purposes of the undertaking as in this Act prescribed, and not otherwise. 59 V. c. 50, s. 15.

Directors to cause annual accounts to be kept.

34. The directors shall cause to be kept, and annually, on the 31st day of December, shall cause to be made up and balanced, a true, exact, detailed and particular account of all moneys and revenues collected and received by the company, or by the directors or managers thereof, or otherwise, for the use of the company, and of the charges and expenses attending the making, equipping, completing, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company or of the directors, and shall file a certified copy of the same with the Provincial Secretary, together with a statement showing the amount of the capital stock issued, and the amount actually received in cash for the same, and the amount, if any, still unpaid thereon, and the amount of dividends paid or declared during such year, and the amount on the last day of such year and of the preceding year at the credit of the surplus tolls account. This account shall be filed on or before the last day of January in each year. And if the same as filed is, in the opinion of the Provincial Secretary, not sufficiently full, detailed or explicit, the directors shall furnish and file such other accounts and information as to the company's gross receipts, working expenses and other expenses, and any other matters and things generally relating to the receipts, expenditures and capital of the company as may from time to time be demanded by the Provincial Secretary, and within a reasonable time after any such demand; and if any default is made in the filing of the said annual account or said further account the company shall, besides being compellable to file the same, be liable to a penalty of one hundred dollars, to be enforced in the High Court of Justice at the suit of any municipality through which the railway passes, and one-half of which said penalty shall belong to Her Majesty, and the other half to the said municipality. 59 V. c. 50, s. 16.

Lien for wages

35. Every mechanic, labourer or other person who performs labour for wages upon the construction or maintenance of the railway or the works connected therewith, shall have upon the said railway and other property of the company a lien for such wages not exceeding the wages of thirty days, or a balance equal to his wages for thirty days, and the said lien may be enforced in the manner provided for enforcing liens for wages by *The Mechanics' and Wage Earners' Lien Act.* Rev. Stat. c. 153. 59 V. c. 50, s. 19.

MISCELLANEOUS.

Powers of High Court as to controlling companies

36. If the company fails or neglects to keep, observe, perform or comply with any of the provisions of this Act, in

relieving against agreement.

the observance or enforcement of which any shareholder or the residents of the municipality are interested, then, in addition to all other remedies by law enforceable against the company, the council of any municipality through which any part of the railway passes may, in the name of the municipal corporation, bring an action in the High Court of Justice against the company, and all other necessary parties, to compel the keeping, observing, performing of, and complying with such provisions; and the Court shall have full power and jurisdiction in the premises, and to set aside or otherwise relieve against unreasonable agreements made in violation of all or any of the provisions of this Act, and to enforce, by injunction or otherwise, the due observance, performance and fulfilment by the company and its officers and other persons of all provisions of this Act, in the observance or enforcement of which any shareholder or the residents of the municipality are interested, and in particular those relating to tolls and fares, to capital, to directors, to dividends, to returns, and to the agreements mentioned in clauses (*b*), (*c*) and (*d*) of subsection 1 of section 14 of this Act. 59 V. c. 50, s. 20.

Forfeiture by non-user.

37. In case the company at any time ceases to regularly use the whole or any part of their railway for a period of six months, they shall forfeit the right to use the railway or the part unused, as the case may be, together with the rails thereon, which shall become the property of the municipal corporation within whose territory the railway or such part is situated, and the company shall, in addition, indemnify the municipality in respect of all costs incurred in taking up the rails and putting the streets in proper repair; but this section is subject to any agreement between the company and corporation in respect of the said matters. R. S. O. 1887, c. 171, s. 14.

Provisions for use by one company of railway of another company and the compensation therefor.

38.—(1) Where there are more companies than one in any municipality and the council of the municipality is of opinion that it is in the public interest that any company should have the right to use a portion of the railway of another company, and if—after notice to the proprietor company, so that it may be heard in opposition—the council passes a resolution declaring such opinion, the said company shall have such right, and shall pay therefor such annual sum, or such proportion of the cost of maintenance as may be agreed upon between the companies, or, in case they cannot agree, as may be awarded by the majority of three arbitrators, one to be named by each of the companies and the other by the two so named; but no company shall have the right to use the track of any other company for a greater distance, on any one street, than two hundred yards, without the consent of the proprietor company.

(2) If for seven days after having received notice in writing of the appointment of an arbitrator, the company notified

omits to appoint an arbitrator, or, if for seven days after the second arbitrator has been appointed the two arbitrators omit to appoint a third arbitrator, the Judge of the County Court of the county in which the municipality is situated may appoint an arbitrator for the party in default, or a third arbitrator, as the case may require. The arbitrators shall have authority to determine by whom, or in what proportion, the costs of the arbitration, reference and award shall be paid.

(3) In case the company using such right is in default in respect of any payment under the agreement or award, the said company shall have no right to run over the said portion of road so long as the default continues: provided that in case there is a dispute as to the amount actually owing, the company enjoying the right of user may apply to the Judge of the County Court for an order that it should continue to have such right; which order the Judge may make, upon such terms and conditions as to security and otherwise as he deems just; and the Judge may rescind, or from time to time vary, such order, as occasion may require.

(4) If the part used is partly in each of two or more counties, the application shall be made to the Judge of the county in which the greater portion of the part used is situate, or to the Judge for the time being acting for him in the county.

(5) From time to time, after an agreement or award has been in force for five years, either company may give notice of its desire to terminate the arrangement, and thereupon the companies shall settle anew, by agreement, or by arbitration under this Act, the amount or proportion to be paid, and upon a new agreement being entered into, or a new award made, the former arrangement shall cease. R. S. O. 1887, c. 171, s. 15 (1-5).

(6) A street railway company may, with the consent, by by-law, of the local municipal council, and subject to any terms in the by-law set out, cross the line of any street railway company; but shall pay the expenses of altering the rails so as to permit thereof.

Crossing other street railway lines.

Provided that the line of railway of any street railway company incorporated before the first day of February, 1883, may be crossed by the line of railway of any other street railway company if authority therefor is given by the order of the Lieutenant-Governor in Council; and such order in Council may fix and determine the terms and conditions upon which such first mentioned line of railway may be so crossed. R. S. O. 1887, c. 171, s. 15 (6); 54 V. c. 40, s. 1.

(7) In case a street railway company desires to cross the line of a railway company, within the legislative authority of this Province, not being a street railway company, and such company objects, the street railway company shall first obtain the sanction of the Commissioner of Public Works

to the proposed crossing, and the mode of construction thereof. The Commissioner shall, before giving his sanction, give to the objecting company an opportunity to be heard, and may impose such terms as to cost of maintenance, and as to other matters in connection therewith, as he deems proper. The street railway company shall pay the expense of altering the rails of the line intended to be crossed, so as to permit of such crossing. R. S. O. 1887, c. 171, s. 15 (7).

Expropriation of land, when and to what extent allowed.

39.—(1) In case the council of a municipality, by resolution, declares that the council is of opinion that a company incorporated with power to construct a railway in the municipality should have powers of expropriation for the purpose of building a part of its railway between two or more points, set forth in the resolution, and situated within the municipality, and if the Judge of the County Court of the county certifies that in his opinion the building of the proposed railway between the said points will be of considerable public advantage or convenience,—the company, upon registering the resolution and certificate in the proper registry office, shall, in respect of lands lying between the points named, possess the powers conferred upon railway companies under sections 11 to 20 inclusive of *The Railway Act of Ontario*.

Rev. Stat. c. 207, ss. 11-20.

(2) Such powers shall be exercised within two years from the passing of the resolution, and not afterwards, and the lands to be taken hereunder shall not exceed one chain in width.

(3) The arbitrators, besides awarding to the owner the amount which they find to be the value of the land, shall award ten per centum of the amount so found in addition, and they shall in their award state what they find to be the value of the land, as well as the total amount to be paid to compensate the owners or for damages.

(4) The provisions of this section shall not apply to the tract of country extending three miles above and three miles below the Falls of Niagara, and for a width inland of one mile from the said River Niagara. R. S. O. 1887, c. 171, s. 16.

Rev. Stat. c. 223, s. 632, to apply to certain resolutions.

40. The resolutions mentioned in sections 38 and 39, shall be subject to the conditions and provisions of section 632 of *The Municipal Act*. R. S. O. 1887, c. 171, s. 17.

Time for which municipality may grant privileges.

41.—(1) No municipal council shall grant to a street railway company any privilege under this Act for a longer period than twenty years, but at the expiration of twenty years from the time of passing the first by-law which is acted upon, conferring the right of laying rails upon any street, or at such other earlier date as may be fixed by agreement, the municipal corporation may, after giving six months' notice prior to the expiration of the period limited, assume the ownership of

the railway, and all real and personal property in connection with the working thereof, on payment of the value thereof, to be determined by arbitration. Municipality may assume the ownership

(2) In case the corporation fails to exercise the right of assuming the ownership of the railway, at the expiration of the said period, the corporation may exercise such right at the expiration of any fifth year thereafter, upon giving one year's notice to the company, and the privileges of the company shall continue until the ownership is assumed by the municipal council. R. S. O. 1887, c. 171, s. 18.

Mode in which right to purchase to be exercised as between different municipalities interested.

42. If the company's line or lines is or are situated in two or more municipalities, the municipality in which the greater mileage of the company's line or lines is or are situate shall have the right to exercise the power of purchase herein conferred, unless the municipal councils agree otherwise between themselves; and the corporation purchasing shall thereafter possess all the powers and authority theretofore enjoyed by the company, and shall, as to other municipalities into which the line runs, be subject to the like liabilities; provided that where the municipalities are not all of the same character, they shall, independently of the length of mileage, exercise the right of purchase in the following order of preference, namely: first, a city; second, a town; third, a village; fourth, a township. R. S. O. 1887, c. 171, s. 19.

Municipality dissatisfied with terms as to railway in certain cases, may require arbitration.

Rev. Stat. c. 223.

43. —(1) The council of a municipality in which a railway runs may, at any time after the ownership of the railway accrues to such municipality, or to any other municipality, require that the terms upon which the railway shall be operated in such municipality be determined by arbitration under *The Municipal Act*, and the terms, unless the parties in the meantime agree, shall be settled accordingly, and such arrangement shall remain in force for ten years.

(2) At the end of that period either party may require that the terms be settled anew in like manner for another period of ten years; but such settlement or agreement shall be without prejudice to the right hereinbefore conferred upon a municipality to assume the ownership of the railway at the expiration of any fifth year. R. S. O. 1887, c. 171, s. 20.

Application of preceding section.

44. A company to which any lines of railway have been transferred by a municipal corporation, shall, as respects the provisions of the next preceding section, stand in the same position as the municipal corporation from which it received such transfer. R. O. S. 1887, c. 171, s. 21.

Municipality acquiring railway may transfer same to a company.

45. The municipal corporation purchasing may, at any time, transfer its rights to its railway lines or any of them, and the whole or any part of the plant of the railway to any railway company authorized to operate a railway; subject, however,

to the provisions of section 41 as to such railway and plant being assumed by a municipal corporation, entitled under that section, at the expiration of twenty years, or of such shorter period as may be agreed upon. R. S. O. 1887, c. 171, s. 22.

Application of Act.

46. (1) Nothing in this Act contained shall apply to or affect any street railway company existing or incorporated before the 1st day of February, 1883, except only sections 17 and 18. R. S. O. 1887, c. 171, s. 24.

(2) Sections 4 to 10, 12, 14 and 28 to 36 inclusive of this Act shall apply only to companies incorporated on or after the 7th day of April, 1896, under the authority of the Revised Statutes 1887, chapter 171 or of this Act. 59 V. c. 50, s. 1; 60 V. c. 3, s. 3.

Rev. Stat., c. 191, not to apply where inconsistent with this Act.

47. Any of the provisions of *The Ontario Companies Act* inconsistent with the provisions of this Act, shall not apply to any company incorporated hereunder. 59 V. c. 50, s. 21.

Rev. Stat. c. 207, to apply only so far as expressly mentioned.

48. No other parts of *The Railway Act of Ontario*, except those expressly hereinbefore mentioned, shall apply to a company, person or firm owning or operating a street railway under this Act.. R. S. O. 1887, c. 171, s. 25.

CHAPTER 209.

An Act respecting Electric Railways.

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as "*The Electric Railway Act.*" Short title. 58 V. c. 38, s. 1.

INTERPRETATION.

2. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:— Interpretation of words.

"The special Act."

1 "The special Act" shall be construed to mean any Act authorizing the construction of an electric or other railway, and with which this Act wholly or in part is incorporated by the provisions of this Act or by the express terms of such special Act.

"Prescribed."

2 "Prescribed," used in this Act in reference to any matter herein stated, shall be construed to refer to such matter as the same is prescribed or provided for in the special Act; and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the special Act" had been used;

"The lands.

3 "The Lands" shall mean the lands which by the special Act are authorized to be taken or used for the purpose thereof;

"The undertaking.

4 "The undertaking" shall mean the railway and works, of whatever description, by the special Act authorized to be executed. 58 V. c. 38, s. 2.

Interpretation of words in this Act and in special Acts.

3. Where the following words occur, both in this and the special Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:—

"Lands.

1 "Lands" shall include all real estate, messuages, lands, tenements and hereditaments of any tenure;

"Lease.

2 "Lease" shall include any agreement for a lease;

"Toll.

3 "Toll" shall include any rate or charge or other payment payable under this Act or the special Act, for any passenger, animal, carriage, goods, merchandise, articles, matters or things conveyed on the railway;

"Goods.

4 "Goods" shall include things of every kind conveyed upon the railway, or upon steam or other vessels connected therewith.

"County.

5 "County" shall include any union of counties, and any district;

"County Court Judge."

6 "County Court Judge" shall include a Judge of a District Court;

"Highways.

7 "Highways" shall mean all public roads, streets, lanes and other public ways and communications;

'Sheriff.

8 "Sheriff" shall include under-sheriff, or other legally competent deputy; and where any matter in relation to any lands is required to be done by any sheriff or clerk of the

"Clerk of the Peace.

peace, the expression "the sheriff," or the expression "clerk of the peace," shall in such case be construed to mean the sheriff or clerk of the peace of the district, county, riding, division or place where such lands are situate; and if the lands in question, being the property of one and the same party, are situate not wholly in one district, county, riding, division, or place, the same expression shall be construed to mean the sheriff or clerk of the peace of any such district, county,

riding, division or place where any part of such lands are situate;

"Justice." 9 "Justice" shall mean Justice of the Peace acting for the district, county, riding, division, city or place where the matter requiring the cognizance of a Justice arises, and who is not interested in the matter; and where the matter arises in respect of lands being the property of the same person, situate not wholly in any one district, county, riding, division, city or place, the word "Justice" shall mean a Justice acting for the district, county, riding, division, city or place where any part of such lands is situate, and who is not interested in such matter;

"Owner." 10 "Owner," (where, under the provisions of this Act or the special Act, any notice is required to be given to the owner of any lands, or where any act is authorized or required to be done with the consent of any such owner) shall be understood to mean any corporation or person who, under the provisions of this Act, or the special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the company;

"The company." 11 "The company" shall mean the company or person authorized by the special Act to construct the railway;

"The railway." 12 "The railway" shall mean the railway and works by the special Act authorized to be constructed;

"Shareholder." 13 "Shareholder" shall mean every subscriber to or holder of stock in the undertaking, and shall extend to and include the personal representatives of the shareholder.

"Working expenses." 14 The expression "working expenses" shall mean and comprise all expenses of maintenance of the railway, and of the buildings, works and conveniences belonging thereto, and of the rolling and other stock and movable plant used in the working thereof, and all reasonable and necessary renewals of the same, and also all reasonable rents for property, or for hire of power or rolling stock, also all usual expenses of or incidental to the working the railway and the traffic thereon, including stores and consumable articles; also rates, taxes, insurance and compensation for accident or losses, also all proper salaries and wages and office and management expenses, directors' fees and legal and other like expenses; also all moneys owing by the company for any of the above items of expenses; also interest on mortgages or debenture indebtedness; also a sum not exceeding five per cent. per annum of the total mortgage or debenture indebtedness of the company to be placed to the credit of a special account as a sinking fund for the purpose of extinguishing such indebtedness.

"First issue of stock." 15 The "first issue of stock" shall mean all stock subscribed for and allotted prior to the first meeting of shareholders of the company for organization and election of directors, and upon which at least ten per cent. has been paid in. 58 V. c. 38, s. 3.

APPLICATION OF ACT.

Application of Act to electric railways hereafter incorporated.

4.—(1) This Act shall apply, unless otherwise expressed in the special Act, to every electric railway subject to the legislative authority of this Province, authorized to be constructed by any special Act, passed at or after the Session of the Legislature held in the year 1895, and shall also apply to every railway to which this Act is expressly made applicable by any special Act, and this Act shall be incorporated with every such special Act; and all the clauses and provisions of this Act, except in so far as they are expressly varied or excepted by such special Act, shall apply to the undertaking authorized thereby, so far as applicable to the undertaking, and shall, as well as the clauses and provisions of every other Act expressly incorporated with such special Act, form part of such special Act and be construed together therewith as forming one Act.

Electric railways incorporated in or after 1895.

Rev. Stat. c. 208.

(2) Notwithstanding anything contained in *The Street Railway Act* or in any other Act of the Legislature of Ontario, the railway of every company incorporated at or after the said Session of the Legislature, held in the year 1895, for the purpose of constructing and operating a railway to be operated by electricity, shall be so constructed and operated under the provisions of this Act, and all the provisions of this Act shall apply to every such company and to the railway or railways constructed by it.

Railway which may be operated by steam or electricity.

(3) The railway of every company incorporated at or after the said Session of the Legislature for the purpose of constructing and operating a railway with power to operate the same by steam or electricity, or partly by steam and partly by electricity, shall be so constructed and operated under the provisions of this Act, and all the provisions of this Act shall apply to every such company and to the railway or railways to be constructed by it.

(4) Wherever any railway company is by any special Act passed at or after the said Session of the Legislature, authorized to extend its railway and to operate such extension by electricity, the provisions of this Act shall, so far as the same are applicable, apply and extend to the construction and operation of every such extension. 58 V. c. 38, s. 4 (1-4).

Rev. Stat. c. 208.

(5) Any company incorporated after the 16th day of April, 1895, under the provisions of *The Street Railway Act*, which extends its line of railway beyond a distance of one and a half miles from any city, town or incorporated village from which the same runs shall come within the provisions of this Act, provided the railway is intended to be operated by electricity. 58 V. c. 38, s. 4 (5); 60 V. c. 14, s. 94.

Proviso.

(6) This Act shall not apply to or include an electric railway wholly constructed and operated within the limits of any city,

town or incorporated village nor to any extension of such railway beyond such limits for a distance not exceeding one and one-half miles. 58 V. c. 38, s. 4 (6); 60 V. c. 14, s. 94.

Rev. Stat. cc. 207, 208 not to apply unless named in special Act.

(7) No part of *The Railway Act of Ontario*, or *The Street Railway Act* shall apply to any electric railway company or other railway company, to which this Act wholly or in part applies, except in so far as they are expressly made applicable by the special Act. 58 V. c. 38, s. 4 (7).

What shall be sufficient to incorporate this Act with special Acts.

5. The special Act shall be a public Act, and for the purpose of expressly incorporating this Act or any of its provisions with a special Act, it shall be sufficient in such Act to enact, that the clauses of this Act, with respect to the matter so proposed to be incorporated, referring to the same in the word or words at the head of and introductory to the enactment with respect to such matter, shall be incorporated with the special Act, and thereupon all the clauses and provisions of this Act, with respect to the matter so incorporated, shall, save in so far as they are expressly varied or excepted by the special Act, form part thereof, and the special Act shall be construed as if the substance of such clauses and provisions were set forth therein with reference to the matter to which the special Act relates. 58 V. c. 38, s. 5.

Power to construct railway, etc., to be exercised subject to provisions of this Act.

6. The power given by the special Act to construct the railway, and to take and use lands for that purpose, shall be exercised subject to the provisions and restrictions contained in this Act. 58 V. c. 38, s. 6.

Compensation to be made for lands damaged.

7.—(1) For the value of lands taken, and for all damages to lands injuriously affected by the construction of the railway, in the exercise of the powers by this or the special Act, or any Act incorporated therewith, vested in the company, compensation shall be made to the owners and occupiers of, and to all other persons interested in, any lands so taken or injuriously affected.

How compensation to be determined.

(2) Unless otherwise specially provided by this Act or the special Act, the amount of such compensation shall be ascertained and determined in the manner provided by this Act. 58 V. c. 38, s 7.

INCORPORATION.

Companies established under special Acts, etc., and to be bodies corporate, etc.

Rev. Stat. c. 1, s. 29.

8. Every company established under a special Act shall be a body corporate under the name declared in the special Act, and shall be invested with all such powers, privileges and immunities as are necessary to carry into effect the intentions and objects of this Act and of the special Act therefor, and are incident to such corporations, or are expressed or included in *The Interpretation Act*. 58 V. c. 38, s. 8.

POWERS.

Powers.

9.—(1) The company shall have power and authority—

To receive grants of land etc.

(*a*) To receive, hold and take all voluntary grants and donations of land or other property made to it, to aid in the construction, maintenance and accommodation of the railway, but the same shall be held and used for the purpose of such grants or donations only;

Purchase land.

(*b*) To purchase and hold and, when authorized in the manner hereinafter mentioned in this Act, to take of any corporation or person any land or other property necessary for the construction, maintenance, accommodation and use of the railway, and also to alienate, sell or dispose of the same;

Construct railways.

(*c*) To survey, lay out, construct, make, complete, alter and keep in repair an iron or steel railway (the gauge of which shall be four feet eight and one-half inches) to be operated by electricity or by any other motive power authorized by the special Act, with double or single iron or steel tracks, and the said railway or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, and in *The Municipal Act*;

Rev. Stat. c. 223.

Warehouses, docks, etc.

(*d*) To purchase land for and erect power-houses, warehouses, elevators, docks, stations, workshops and offices and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway;

Erect necessary buildings, wharfs, etc.

(*e*) To erect and maintain all necessary and convenient buildings, stations, depots, wharfs and fixtures, and from time to time to alter, repair or enlarge the same, and to purchase and acquire motors, engines, carriages, waggons and other machinery and contrivances necessary for the working of the railway and the accommodation and use of the passengers, freight and business of the railway;

Powers as to production and use of electricity.

(*f*) To construct, maintain and operate works for the production of electricity for the motive power of the said railways,

and for the lighting and heating the rolling stock and other property of the company;

Lease or sell electricity not required for railway.

(*g*) To sell or lease any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this sub-section;

Rev. Stat., c. 200.

Acquiring rights for conveying electricity.

(*h*) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the railway by the special Act authorized to be built, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof, provided such works are not so constructed as to incommode the public use of such roads or highways, or as to be a nuisance thereto, or to impede the free access to any house or other building erected in the vicinity of the same or to endanger or injuriously affect the same or injuriously to interrupt the navigation of such waters. The rights conferred upon the company shall not be exercised within the limits of the Queen Victoria Niagara Falls Park or any land vested in the commissioners thereof without the consent of the commissioners and the approval of the Lieutenant-Governor in Council;

All other matters and things necessary for railway.

(*i*) To construct, erect and make all other matters and things necessary and convenient for the making, extending and using of the railway, in pursuance of and according to the meaning and intent of this Act, and of the special Act;

Convey persons and goods on railway.

(*j*) To take, transport, carry and convey persons and goods on the railway, and to regulate the time and manner in which the same shall be transported;

Power to acquire lands for parks, etc.

(*k*) To purchase, lease or acquire by voluntary donation, and to hold for any estate in the same, and to sell, lease, alienate or

mortgage any lands or premises intended, and necessary, or suitable for park or pleasure grounds, not exceeding 100 acres in any one municipality; and to improve and lay out such lands as parks or places of public resort, and to make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate, or any of them, in respect thereto; subject, however, to the power of the municipality to pass by-laws to regulate the use of such public parks and pleasure grounds; but none of the provisions of this clause shall be in force or have effect unless and until the municipal council or councils of the municipality or municipalities wherein the lands proposed to be acquired by the company are situate, has or have by by-law declared its or their assent to the company's acquiring lands under and for the purpose mentioned in this clause.

Limits of Park and restrictions in its use on Sunday.

(2) The total acreage of lands acquired by the company for park purposes shall not exceed 300 acres; and no such park or pleasure grounds shall be open to the public on the Lord's Day to be used for games, picnics, concerts, excursions or other public entertainments.

Restriction.

(3) Nothing in this section contained shall be deemed to enable the company to carry on the general business of a land company. 58 V. c. 38, s. 9.

Rev. Stat. c. 223, s. 632.

(4) The by-laws mentioned in clauses (*c*) and (*h*) of subsection 1 shall be subject to the conditions and provisions of section 632 of *The Municipal Act*. 58 V. c. 38, s. 19, *part*.

Power to purchase whole lots.

10. Whenever the company in procuring sufficient lands, for stations or gravel pits, or for constructing, maintaining and using the railway, can purchase the whole of any lot or parcel of land at a more reasonable price, or to greater advantage than it can purchase the part actually required for the purposes of the railway, the company may purchase, hold, use and enjoy the whole of such lot or parcel, and also the right of way thereto, if the same be separated from its railway, and may sell and convey the same or any part thereof from time to time as it may deem expedient 58 V. c. 38, s. 10.

Acquiring material for construction.

11.—(1) When stone, gravel, earth or sand is required for the construction or maintenance of the railway or any part thereof the company may, in case they cannot agree with the owner of the lands on which the same is situated for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required.

Transmission of plan and application.

(2) The company may transmit such plan and description to the Commissioner of Public Works with an application, on behalf of the company, supported by affidavit, referring to such plan and stating that certain land shown thereon is necessary

for such purposes, and that no other land suitable for such purposes can be acquired at such place on reasonable terms and with less injury to private rights, and stating either that the company desires to acquire the fee simple in the said land from which said materials are proposed to be taken, or the right to take materials therefrom for the time mentioned therein and requesting the Commissioner of Public Works to authorize the taking thereof for such purposes under this Act.

Notice to owner, etc.

(3) At least ten days' notice of such application shall be given to the owner or possessor of such property; and the correctness of the plan and the truth of the allegations in such application shall be certified by the president or one of the directors of the company, and by its engineer, and such plan and statement shall be made and transmitted to the Commissioner of Public Works in duplicate.

Certificate of Minister required.

(4) The Commissioner of Public Works shall inquire into the correctness of the plan and the truth of the allegations of such application, and, if he is satisfied thereof, shall grant a certificate to that effect, and declaring it to be necessary in the public interest that the land shown on such plan or any less quantity or the right to take materials therefrom as the case may be, should be acquired by the company; and such certificate shall be annexed to one of the duplicates of the said plan and statement, and the other duplicate shall remain in the department.

Effect of certificate.

(5) Upon the granting of such certificate, and by virtue thereof, the company may acquire without the consent of the owners, the land shown on the said plan or the right to take materials therefrom as the case may be, as required for such purposes; and the company and all persons who could not otherwise convey the same to the company, shall have, with respect to any such land or right all the powers granted in such case by this Act to companies and persons who could not otherwise convey the same, with respect to lands which may be taken without the consent of the owners thereof; and all the provisions of law at any time applicable to the compulsory taking of land by the company and its valuation and the compensation therefor shall apply and are hereby extended to the land or right mentioned in the said certificate of the Commissioner of Public Works.

Powers of the company in such cases.

Application of sub-s. 10 of s. 35 limited.

(6) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 10 of section 35 of this Act shall not apply. 58 V. c. 38 s. 11.

Siding to gravel pits.

12.—(1) When the said gravel, earth, stone or sand in the preceding section mentioned is situate at a distance from the line of railway and the company cannot agree with the owners of the intervening lands for a siding or right of way from the railway to the said lands, then the company may obtain power to acquire compulsorily such siding or right of way

... like proceedings and upon similar terms to those mentioned in the preceding section of this Act.

(2) Such sidings and tracks shall not be used by the company or by others, nor shall the company suffer or permit the use of such sidings or tracks for transportation purposes or for any other purpose than that of constructing and maintaining the said railway. 58 V. c. 38, s. 12.

Agreements with other companies for leasing or hiring rolling stock.

13. The company shall have power to enter into any agreement with any other company, lawfully authorized to enter into the same, or with any person, for leasing, hiring, or using any electric motors, carriages, cars, rolling stock, and other movable property from such company or person for such time and on such terms as may be agreed on; and also to enter into agreements with any railway company lawfully authorized, for the use by any contracting company of the electric motors, carriages, cars, rolling stock and other movable property of the other, for the running of the cars or carriages of the company over the track of any other railway company with the consent of such company on such terms as to compensation and otherwise as may be agreed on. 58 V. c. 38, s. 13.

Agreement with electric companies.

14. The company shall have power to enter into any agreement with any person or company for supplying steam or other power for the production of electricity for the purposes of the railway or with any electric light or electric railway company, or any company organized for the purpose of supplying or furnishing electric power for the purchase, leasing, hiring or power to run their electric motors, carriages or cars ... lighting or heating the same, or for any other purpose ... which it may be required by the company to construct, carry on and operate the railway. 58 V. c. 38, s. 14.

Confirmation of agreement by shareholders.

15. The prices to be paid by the company under ... by virtue of any such agreement as in the last two sections ... shall be reasonable in amount, but such agreement shall not be valid unless confirmed and approved by a resolution passed by the votes of shareholders in person or by proxy representing two-thirds in value of the whole amount paid up on the total capital stock of the company then issued and outstanding, at a general meeting of shareholders specially called for the purpose of considering such agreement. 58 V. c. 38, s. 15.

Telegraph and telephone lines.

R.S.C. 1906, c. 126.

16. The company may also construct an electric telegraph line and a telephone line in connection with the railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, have the power conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 192 of the

Revised Statutes of Ontario, is hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the company; provided also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company. 58 V. c. 38, s. 16. Proviso.

17. The company may enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the railway or any part thereof, including or excluding the purchase of right of way; but no such contract shall be of any force or validity till sanctioned by a resolution passed by the votes of shareholders (in person or by proxy) representing two-thirds in value of the whole amount paid up on the total capital stock of the company then issued and outstanding, at a general meeting of shareholders specially called for the purpose of considering the agreement or agreements. 58 V. c. 38, s. 17. Contracts for construction and equipment.

18.—(1) In case the council of a municipality by resolution declares that the council is of opinion that a company incorporated with power to construct an electric railway in the municipality should have powers of expropriation for the purpose of building a part of its railway between two or more points set forth in the resolution, and situated within the municipality, and if the Judge of the County Court of the county certifies that in his opinion the building of the proposed electric railway between the said points will be of considerable public advantage or convenience, the company, upon registering the resolution and certificate in the proper registry office, shall, in respect of lands lying between the points named and described in the said resolution and certificate, possess powers of expropriation to be exercised subject to the provisions of this Act. Permission from municipal councils to expropriate lands.

In case the council refuses or neglects to pass such resolution, the Commissioner of Public Works, if the Judge of the County Court certifies as aforesaid, may by his order confer upon the company the powers of expropriation within the particular municipality; but the council shall be entitled to at least one week's notice of the hearing of the application by the Commissioner.

(2) Such powers shall be exercised within the time limited for the completion of the railway and within two years from the passing of the resolution, and not afterwards.

(3) The provisions of this section shall not apply to the tract of country extending three miles above and three miles below the Falls of Niagara and for a width inland of one mile from any part or point of the said River Niagara.

(4) Except as provided by sections 11 and 12 of this Act the company shall possess no power of expropriation except

under and in pursuance of the provisions of this section, and any such power when obtained by it hereunder shall be exercised in the manner and subject to the conditions, restrictions, limitations and provisions contained in this section or in the other sections of this Act. 58 V. c. 38, s. 18.

Application of Rev. Stat. c. 223.

19. The resolution mentioned in section 18, shall be subject to the conditions and provisions of section 632 of *The Municipal Act*. 58 V. c. 38, s. 19, *part*.

BORROWING POWERS.

Power to issue bonds, debentures, and other securities and to raise money thereon.

20. (1) The directors of the company, under the authority of the shareholders to them given at any special general meeting called for the purpose at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company, and who have paid all calls due thereon, are present in person or represented by proxy, may, subject to the provisions in this Act and the special Act contained, issue bonds, debentures or other securities signed by the president or other presiding officer and countersigned by the secretary, which counter signature and the signature of the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest not exceeding six per cent. per annum as the directors may think proper; but the whole amount of the issue of such bonds, debentures or other securities shall not exceed $10,000 for each mile of the railway.

(2) The directors shall issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and conditions which at the time they may be able to obtain for the purpose of raising money for prosecuting the said undertaking, or they may pledge the said bonds, debentures or other securities for the purpose of procuring the rails, fish plates and electric plant necessary for the undertaking.

(3) No such bond, debenture or other security shall be for a less sum than one hundred dollars.

(4) The power of issuing bonds conferred upon the company hereby or under the special Act shall not be construed as being exhausted by such issue; but such power may be exercised from time to time, upon the bonds constituting such issue being withdrawn or paid off and duly cancelled; but no bonds or debentures shall be issued until twenty per centum of the authorized capital has been actually expended on the work.

(5) Such bonds shall be issued only in proportion to the length of railway constructed or under contract to be constructed. 58 V. c. 38, s. 20.

21.—(1) The company may secure such bonds, debentures or other securities by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property assets, rents and revenues of the company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of any penalty imposed for non-compliance with the requirements of this Act respecting returns to be made under this Act, and next to the payment of the working expenses of the railway as in this Act defined other than the sinking fund and the interest on mortgage or debenture indebtedness. Mortgages securing bonds, etc.

(2) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

(3) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in the *Ontario Gazette*. 58 V. c. 38, s. 21.

22.—(1) The bonds, debentures or other securities hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the company and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof at any time acquired, save and except as provided for in the next preceding section: Bonds, etc., how ranked.

(2) Each holder of the said bonds, debentures or other securities shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities or of the interest thereon except through the trustee or trustees appointed by or under such mortgage deed. 58 V. c. 38, s. 22.

23.—(1) If the company makes default in paying the principal of or interest on any of the bonds, debentures or other securities hereby authorized at the time when the same by the terms of the bond, debenture or other security becomes due and payable, then at the next annual general meeting of the company and at all subsequent meetings all holders of bonds, debentures or other securities so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected Rights of holders of bonds, etc., upon default in payment.

directors and for voting at general meetings as would attach to them as shareholders if they held fully paid up shares of the company to a corresponding amount.

(2) The rights given by this section shall not be exercised by any such holder unless the bond, debenture or other security in respect of which he claims to exercise such rights has been registered in his name in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon; and the company shall be bound on demand to register such bonds, debentures or other securities, and thereafter any transfers thereof, in the same manner as shares or transfer of shares.

(3) The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of such mortgage deed. 58 V. c. 38, s. 23,

Bonds, etc., mode of transfer of.

24. All bonds, debentures or other securities hereby authorized may be made payable to bearer, and shall in that case be transferable by delivery until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers registered in the same manner as in the case of the transfer of shares. 58 V. c. 38, s. 24.

Registration of instruments elsewhere than in office of Provincial Secretary not required.

25. It shall not be necessary in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or to be created by any bond, debenture or other security issued or mortgage deed executed under the authority of this Act that such bond or deed be registered in any manner or in any place whatsoever except at the office of the Provincial Secretary as aforesaid. 58 V. c. 38, s. 25.

Negotiable instruments.

26. The company may become parties to promissory notes and bills of exchange for sums not less than $100, and any such promissory note or bill of exchange made, drawn, accepted or indorsed by the president or vice-president of the company, and countersigned by the secretary of the company or other officer authorized by the by-laws of the company shall be binding on the company; and every such promissory note or bill of exchange so made, drawn, accepted or indorsed shall be presumed to have been made, drawn, accepted or indorsed with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange; nor shall the president, vice-president or the secretary or other officer so authorized be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without proper authority; but nothing in this section shall be construed to authorize the company to issue

any promissory note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank. 58 V. c. 38, s. 26.

PLANS AND SURVEYS.

27. When the company has power and desires to expropriate lands, plans and surveys shall be made and corrected as follows:— Provision respecting surveys and levels.

1. Surveys shall be taken and made of the lands intended to be expropriated through which the railway is to pass, together with a map or plan of the said lands and of its course and direction through the same, and also a statement showing:— Book of reference.

(*a*) A general description of the said lands;

(*b*) The names of the owners and occupiers thereof, so far as they can be ascertained; and

(*c*) Everything necessary for the right understanding of such map or plan.

2. The map or plan and statement shall be examined and certified by the Commissioner of Crown Lands or his deputies, who shall deposit copies thereof in the offices of the Clerks of the Peace in the districts or counties in which the said lands are situate, and also in the office of the Provincial Secretary, and shall also deliver one copy thereof to the said company; By whom certified.

3. Any person may resort to such copies, and make extracts or copies thereof, as occasion requires, paying to the Provincial Secretary, or to the Clerks of the Peace, at the rate of ten cents for every hundred words so extracted or copied. Copies.

4. The triplicates of such map or plan and statement so certified, or a true copy thereof certified by the Provincial Secretary, or by the clerks of the peace, shall be good evidence in any court of law and elsewhere. Evidence.

5. Any omission, misstatement or erroneous description of such lands or of the owners or occupiers thereof, in a map or plan or statement, may, after giving ten days' notice to the owners of such lands, be corrected by two Justices on application made to them for that purpose, and if it appears to them that such omission, misstatement or erroneous description arose from mistake, the Justices shall certify the same accordingly. Omissions how remedied.

6. The certificate shall state the particulars of such omission, and the manner thereof, and shall be deposited with the Clerks of the Peace of the districts or counties respectively in which such lands are situate, and be kept by them along with the other documents to which they relate; and thereupon, such map or plan or statement shall be deemed to be corrected according to such certificate; and the company may make the railway in accordance with the certificate. Contents of certificate.

Railway not to be proceeded with until map, etc., deposited.

7. Until such original or corrected map or plan and statement have been so deposited, the execution of the part of the railway, affected thereby, shall not be proceeded with.

Clerks of the peace to receive copies of original plan, etc.

8. The Clerks of the Peace shall receive and retain the copies of the original and corrected plans and surveys, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, under penalty for default of four dollars.

Copies certified by clerk to be good evidence in courts.

9. The copies of the maps, plans and statement, or of any alteration or correction thereof, or extracts therefrom, certified by the Clerk of the Peace, shall be received in all courts of justice or elsewhere as good evidence of the contents thereof, and the Clerk of the Peace shall give such certificate to all parties interested when required. 58 V. c. 38, s. 27.

LANDS AND THEIR VALUATION.

Extent of lands to be taken without consent of proprietor.

28. The lands which may be taken without the consent of the proprietor thereof shall not exceed one chain in breadth. 58 V. c. 38, s. 28.

Corporation, etc., may convey lands.

29.—(1) All corporations and persons whatsoever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes covert*, or other persons, seised, possessed of or interested in any lands, may contract for, sell and convey unto the company all or any part thereof.

Limitation of powers in certain cases.

(2) But the powers by the preceding sub-section conferred upon rectors in possession of glebe lands, ecclesiastical and other corporations, trustees of land for church and school purposes or either, executors appointed by wills in which they are not invested with any power over the real estate of the testator, administrators of persons dying intestate, but at their death seised of real estate, shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of any railway company. 58 V. c. 38, s. 29.

Effect of sale under preceding section.

30. Any contract, agreement, sale, conveyance and assurance made under the preceding section shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the company receiving the same, the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever, and the corporation or person so conveying, is hereby indemnified for what it or he respectively does by virtue of or in pursuance of this Act. 58 V. c. 38, s. 30.

31. The company shall not be responsible for the disposition of any purchase money for lands taken by it for its purposes, if paid to the owner of the land or into court for his benefit, as hereinafter provided. 58 V. c. 38, s. 31.

Disposition of purchase money.

32. Any contract or agreement made by any person authorized by this Act to convey lands, and made before the deposit of the map or plan and statement, and before the setting out and ascertaining of the lands required for the railway, shall, if duly registered in the proper registry office, be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, after such registration, have become the property of a third party; and possession of the land may be taken and the agreement and price may be dealt with, as if such price had been fixed by an award of arbitrators as hereinafter provided, and the agreement shall be in the place of an award. 58 V. c. 38, s. 32.

Effect of contracts made before deposit of map.

33. Wherever more persons than one are proprietors of any land as joint tenants or tenants in common, any contract or agreement made in good faith with any person being proprietor or with any persons being together proprietors of one-third or more of such lands, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors as joint tenants or tenants in common; and the proprietor or proprietors who have so agreed, may deliver possession of such land, or empower the entry upon the same, as the case may be. 58 V. c. 38, s. 33.

As to tenants in common, etc.

34.—(1) After one month from the deposit of the map or plan and statement, and from notice thereof in at least one newspaper, if there is any, published in the districts and counties in which the lands intended to be expropriated lie, application may be made to the owners of such lands or to persons empowered to convey lands, or interested in lands which may suffer damage from the exercise of any of the powers granted for the railway, and thereupon, agreements and contracts may be made with such persons touching the said lands, or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties, and in case of disagreement between them, or any of them, then if the company possesses powers of expropriation in respect of the particular lands required all questions which arise between the company and the owners of such lands shall be settled as in the next section mentioned.

After one month's notice of deposit of map, etc., application to the owner of lands.

(2) The deposit of a map or plan and statement, and the notice of such deposit, shall be deemed a general notice to all such persons as aforesaid of the lands which will be required

Deposit, etc. to be general notice.

to be expropriated for the said railway and works. 58 V. c. 38, s. 34.

Notice to opposite party.

35.—(1) If the company possesses powers to expropriate the lands in question then the following proceedings shall thereupon be taken in order to expropriate the same. A notice shall be served upon the party which shall contain:

(*a*) A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands (describing them).

(*b*) A declaration of readiness to pay some certain sum as compensation for such lands or for such damages; and

(*c*) The name of a person to be appointed as the arbitrator of the company, if their offer be not accepted; and such notice shall be accompanied by the certificate of a sworn surveyor for Ontario, disinterested in the matter, and not being the arbitrator named in the notice:—

1. That the land, if the notice relates to the taking of land, shown on the said map or plan, is required for the railway.
2. That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and
3. That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages as aforesaid.

If the party is absent or unknown.

(2) If the opposite party is absent from the district or county in which the lands lie, or is unknown, then, upon application to a Judge of the County Court, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the company that the opposite party is so absent, or that, after diligent inquiry, the party on whom the notice ought to be served cannot be ascertained, the Judge shall order a notice as aforesaid, but without a certificate, to be inserted three times in the course of one month in some newspaper published in the said district or county.

Provision when the county judge is interested in lands required for any railway.

(3) Wherever any Judge of a County Court is interested in lands taken or required within the county in which he is such Judge, by any company, for railway purposes, a Judge of the High Court shall, on application of such company, exercise in such case all the powers given to a Judge of a County Court by the provisions of this section in cases in which such Judge of a County Court is not interested.

Party not accepting the company's offer, and not appointing an arbitrator.

(4) If within ten days after the service of such notice, or within one month after the first publication thereof as aforesaid, the opposite party does not notify to the company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, then the

Judge shall, on the application of the company, appoint a sworn surveyor for Ontario, to be sole arbitrator for determining the compensation to be paid as aforesaid.

Appointment of arbitrator by opposite party.

(5) If the opposite party within the time aforesaid, notifies to the company the name of his arbitrator, then the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then the Judge shall, on the application of the party or of the company (previous notice of at least one clear day having been given to the other party), appoint a third arbitrator.

Third arbitrator.

Party other than company commencing proceedings to determine compensation.

(6) If lands have been entered on and taken by the company with or without the license of the persons in possession thereof and without any agreement as to the compensation to be paid therefor or if the lands though not taken are injuriously affected by or through the construction of the railway, then any owner or person interested in such lands shall have power to commence proceedings to ascertain the compensation to which he is entitled in respect of the lands so taken or injuriously affected, by giving to the company notice in writing of the name of a person to be appointed as his arbitrator, the description of the lands taken or injuriously affected, and the amount of compensation or damages claimed by him, and thereupon like proceedings shall be taken to ascertain such compensation as is prescribed in cases where the company commences proceedings.

Duties of arbitrators.

(7) The arbitrators, or any two of them, or the sole arbitrator, being sworn before some Justice of the Peace for the district or county in which the lands lie, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation in such way as they or he, or a majority of them, deem best; but no award shall be made or any official act be done by such majority, except at a meeting held at a time and place of which the other arbitrator has had at least one clear day's notice, or to which some meeting at which the third arbitrator was present, had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the arbitrator appointed by him, or whose appointment he required.

Stating amount found payable in award.

(8) The arbitrators, besides awarding to the owner the amount which they find to be the value of the land, shall award ten per centum of the amount so found in addition, and they shall in their award state what they find to be the value of the land as well as the total amount to be paid to compensate the owners or for damages.

Costs how paid.

(9) If in any case where three arbitrators have been appointed, the sum awarded is not greater than that offered, the costs of the arbitration shall be borne by the opposite party, and be deducted from the compensation, but if otherwise, they shall be borne by the company, and in either case they may, if not agreed upon, be taxed by the Judge aforesaid.

Arbitrators to consider increased value of remaining lands.

(10) The arbitrators, in deciding on such value or compensation, are authorized and required to take into consideration the increased value that would be given to any lands or grounds through or over which the railway will pass by reason of the passage of the railway through or over the same, or by reason of the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of, or using the said lands or grounds as aforesaid.

Arbitrators may examine on oath.

(11) The arbitrators, or a majority of them, or the sole arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as appear before him or them, and may administer such oath or affirmation.

Parties to arbitrations under this Act may obtain subpœnas.

(12) Any party to an arbitration under this Act, may without leave or order, obtain and issue out of the High Court, upon *præcipe*, setting forth the names of the witnesses to be subpœnaed, the names of the arbitrators, and the place and time of meeting, a subpœna commanding the attendance for examination of any witness, and also the production of any document to or before the arbitrator or arbitrators, and at the time and place mentioned in such subpœna; and the disobedience of such subpœna shall be deemed a contempt of Court, and shall be punishable in the same manner and to the like extent as in the case of subpœnas issued out of such court in a civil case.

Disobedience thereto to be contempt of court.

Fees and conduct money.

(13) The like fees shall be payable for such subpœnas as in the case of subpœnas issued out of the High Court in civil cases, and the witnesses shall be entitled to the like conduct money.

Depositions to be in writing and filed in Central Office Toronto, with exhibits, etc.

(14) The arbitrators shall take down the depositions of witnesses in writing, and after the making of their award, when requested in writing by any of the parties, shall forthwith deliver, or transmit, by registered letter, the said depositions, together with the exhibits referred to therein, and all other papers connected with the reference except the award, to the Central Office of the High Court of Justice at Toronto, with appropriate stamps, to be filed with the records of the Court.

Time within which award must be made.

(15) The Judge by whom any third arbitrator or sole arbitrator is appointed, shall, at the same time, fix a day on or before which the award shall be made, and if the same is not made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties or by the order of the Judge (as it may be for reasonable cause shown, on the application of such sole arbitrator, or of one of the arbitrators, after one clear day's notice to the others), then the sum offered by the company as aforesaid shall be the compensation to be paid by them.

(16) If the arbitrator appointed by such Judge, or if any arbitrator appointed by the parties, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the arbitrator appointed by the judge, upon the application of either party, such Judge, being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another arbitrator in his place, and the company and party respectively may each appoint an arbitrator in the place of his arbitrator deceased or otherwise not acting as aforesaid, but no recommencement or repetition of prior proceedings shall be required in any case. Arbitrator dying, etc.

(17) Prior to the making of the award any such notice for lands, as aforesaid, may be desisted from, and new notice given, with regard to the same or other lands, to the same or any other party, but in such case, the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist. But the right of desisting shall not be exercised more than once. Company may desist upon paying costs.

(18) The surveyor or other person offered or appointed as valuator or as arbitrator shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the company, provided he is not himself personally interested in the amount of the compensation; and no cause of disqualification shall be urged against any arbitrator appointed by the Judge after his appointment, but the objection must be made before the appointment, and its validity or invalidity shall be summarily determined by the Judge. Arbitrators not disqualified unless personally interested.

(19) No cause of disqualification shall be urged against an arbitrator appointed by the company, or by the opposite party, after the appointment of a third arbitrator; and the validity or invalidity of any cause of disqualification urged against any such arbitrator, before the appointment of a third arbitrator, shall be summarily determined by the Judge, on the application of either party, after one clear day's notice to the other, and if such cause is determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held not to have appointed an arbitrator. No objection admissible after a third arbitrator has been appointed. How validity of objections to arbitrator determined.

(20) No award made as aforesaid shall be invalidated by reason of any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award states clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the person or persons to whom the sum is to be paid, be named in the award. Awards not avoided for want of form.

(21) Any party to such arbitration may, within one month after receiving a written notice from one of the arbitrators of Parties to arbitration may appeal to a judge of High Court.

the making of the award, appeal therefrom upon any question of law or fact to a Judge of the High Court and upon the hearing of such appeal such Judge shall, if the same is a question of fact, decide the same upon the evidence, as in a case of original jurisdiction.

Practice and proceedings upon appeal.

Rev. Stat. c. 62.

Rev. Stat. c. 51.

(22) Upon such appeal the practice and proceedings shall be, as nearly as may be, the same as upon an appeal from an Official Referee under *The Arbitration Act*, subject to any General Rules or Orders (to be from time to time made by the Judges of the High Court, under section 124 of *The Judicature Act*).

Existing practice as to setting aside awards continued.

(23) The right of appeal hereby given shall not affect the existing law or practice as to setting aside awards.

Possession may be taken on payment or tender, etc., of sum awarded.

(24) Upon payment or legal tender of the compensation so awarded or agreed upon as aforesaid to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the said company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation has been awarded or agreed upon; and if any resistance or forcible opposition is made by any person to their so doing, the Judge may, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the district or county, or to a bailiff, as he may deem most suitable, to put the said company in possession, and to put down such resistance or opposition, which the sheriff or bailiff, taking with him sufficient assistance, shall accordingly do.

When compensation to stand in the place of the land.

(25) The compensation for any lands which might be taken without the consent of the proprietor, shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the company, be converted into a claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party.

As to incumbrances, etc., upon lands, etc., purchased or taken.

(26) If the company has reason to fear any claims or incumbrances, or if any party to whom the compensation or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or is unknown to the company, or if for any other reason the company deems it advisable, the company may pay such compensation into the office of the Accountant of the Supreme Court of Judicature, with the interest thereon for six months, and may deliver to the said Accountant an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the company to the land therein mentioned.

(27) A notice, in such form and for such time as the High Court appoints, shall be inserted in some newspaper published in the county in which the lands are situate, if there is any such newspaper, and in one newspaper published in the city of Toronto, which shall state that the title of the company, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or to any part thereof, or representing or being the husbands of any parties so entitled, to file their claims to the compensation or any part thereof; and all such claims shall be received and adjudged upon by the Court, and the said proceedings shall for ever bar all claims to the lands, or any part thereof, including dower, as well as all mortgages and incumbrances upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested, as to right and justice, and according to the provisions of this Act, and the special Act, and to law, appertain. What notice to be published.

(28) The costs of the proceedings, or any part thereof, shall be paid by the company, or by any other party as the Court deems it equitable to order. By whom costs be paid.

(29) If such order of distribution as aforesaid is obtained in less than six months from the payment of the compensation into Court, the Court shall direct a proportionate part of the interest to be returned to the company, and if from any error, fault or neglect of the company, it is not obtained until after the six months have expired, the Court shall order the company to pay to the proper claimants the interest for such further period as may be right. 58 V. c. 38, s. 35. When interest to be returned to, or paid by the company.

HIGHWAYS, CROSSINGS AND BRIDGES.

36. Highways, crossings and bridges shall be regulated as provided in the following sections. 58 V. c. 38, s. 36. Regulation of highways, crossings and bridges.

37. The railway, its cars, carriages, engines, motors or machinery shall not be carried, operated or worked on, upon or along any street, highway or public place of any municipality unless first authorized by an agreement in respect thereof made between the company and such municipality, with the approval of a two-thirds vote of the members of the council of such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of said municipality, to be passed in pursuance thereof and subject also to the consent of any road company interested in any such street, highway or public place, and subject also in all municipalities except cities, towns and incorporated villages to the written consent first being obtained of the owners of one-half of the property fronting on such street or highway or public place where it is proposed to carry, operate or work such railway, and in all such cases, any and every work, matter or Use of highways by company.

thing in connection with electricity, or other motive power, and the application and user thereof in so carrying, operating and working the said railways, or their cars, carriages, engines, motors or machinery as aforesaid, shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of any such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, nor to endanger the same.

Provided, however, that when the consent of the municipality has been obtained and an agreement has been entered into as aforesaid and the consent of at least one half of the owners of property fronting on such street, highway or public place cannot be obtained, the Commissioner of Public Works may dispense with such last mentioned consent if in his opinion it is in the public interest so to do. One week's notice of application to the Commissioner shall be given on the company's behalf to the persons who refuse such consent. 58 V. c. 38, s. 37.

Crossing steam railways.

38. Except in cities, towns, and incorporated villages the railway of any company operated by steam shall not be crossed or intersected at grade by the railways of the company. 58 V. c. 38, s. 38.

Laying rails flush with the streets.

39. Unless the company and the council of the municipality otherwise agree, the rails of the railway shall be laid (as nearly as practicable) flush with the streets, public roads and highways, over, along or across which it passes and the railway track shall conform to the grades of the same, and shall be laid so as to cause the least possible impediment to the ordinary traffic of the streets. 58 V. c. 38, s. 39.

Use of track by other vehicles.

40.—(1) On all public streets, roads and highways along which the railway is authorized to pass all other ordinary vehicles may use and travel in the said tracks, provided they do not unduly interfere with or impede the running of the cars, or other conveyances of the company; and in all cases any carriage or other vehicle on the track shall immediately, by leaving the track, give place to the cars or other conveyances of the company.

Railway not to rise more than one inch above level of highways when crossing the same.

(2) No part of the railway which crosses any highway without being carried over by a bridge, or under by a tunnel, shall rise above or sink below the level of the highway more than one inch; and the railway may be carried across or above any highway within the limits aforesaid.

Guard wires.

(3) The company when operating any portion of its line across or along a highway by means of electricity conveyed by wires above ground shall cause to be strung and maintained guard wires sufficient to prevent telegraph, telephone or other wires now or hereafter strung across or along the highway,

from coming into contact with or falling upon the said wires conveying such electricity.

Protecting water pipes, etc., from injury by electricity.

(4) The company when operating any portion of its line by means of electricity, shall use such means and appliances as may, as far as may be reasonably possible, prevent water pipes, gas pipes, cables and other things now or hereafter placed underground from being damaged in consequence of the escape or discharge of electricity into the ground. Proper bonding of the rails and connecting the rails so bonded to the electric power generator or generators with a proper and efficient system of return wires shall be taken to be a compliance with the conditions of this sub-section

Right of action.

(5) Any person suffering damage by reason of the non-compliance by the company with the provisions of the two preceding sub-sections, shall have a right of action against the company therefor. 58 V. c. 38, s. 40.

Ascent of bridges.

41. The ascent of all bridges erected to carry any highway over any railway, shall not be more than one foot in twenty feet increase over the natural ascent of the highway; and a good and sufficient fence shall be made on each side of every bridge, which fence shall not be less than four feet above the surface of the bridge. 58 V. c. 38, s. 41.

FENCES.

Fences to be erected on each side of railway.

42.—(1) On each side of all that portion of the railway which is not passing along or across a public highway fences shall be erected and maintained of the height and strength of an ordinary division fence, with openings or gates, or bars therein at farm crossings of the road, for the use of the proprietors of the lands adjoining the railway; and also cattle guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on the railway.

Meaning of certain words.

(2) The said words "openings, gates or bars," shall be held to mean and shall in all cases imply sliding gates, commonly called hurdle gates, with proper fastenings.

Liability of company until cattle guards erected.

(3) Until such fences and cattle guards are duly made, the company shall be liable for all damages which may be done by their motors, cars, carriages or trains to cattle, horses or other animals on that part of the railway hereby required to be fenced. 58 V. c. 38, s. 42.

TOLLS.

Tolls to be fixed by by-laws or otherwise.

43.—(1) Subject to the provisions of this Act, tolls shall be from time to time fixed and regulated by the by-laws of the company, or by the directors, if thereunto authorized by the by-laws, or by the shareholders at any general meeting, and may be demanded and received for all passengers and goods

transported upon the railway, or on its motors, cars or carriages and shall be paid to such persons and at such places near to or on the railway, and in such manner and under such regulations as provided by this Act or the said by-laws.

How payment of tolls enforced.

(2) In case of denial or neglect of payment on demand of any such tolls, or any part thereof, to such persons, the same may be sued for and recovered in any court of competent jurisdiction, or the agents or servants of the company may seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the said goods shall be at the risk of the owners thereof.

When, if tolls not paid, goods distrained may be sold.

(3) If the tolls are not paid within six weeks, the company may sell the whole or any part of such goods, and out of the money arising from such sale retain the tolls payable, and all charges and expenses of the detention and sale; rendering the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto.

When goods distrained or detained may be sold.

(4) If any goods remain in the possession of the company unclaimed for the space of twelve months, the company may thereafter, and on giving public notice thereof by advertisement for six weeks in the *Ontario Gazette*, and in such other papers as they deem necessary, sell such goods by public auction at a time and place to be mentioned in such advertisement, and out of the proceeds thereof pay such tolls and all reasonably charges for storing, advertising and selling such goods; and the balance of the proceeds, if any, shall be kept by the compane for a further period of three months, to be paid over to any person entitled thereto.

How balance to be dispose of.

(5) In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Provincial Treasurer to be applied to the general purposes of the Province, until claimed by the person entitled thereto

Tolls—how raised, or reduced.

(6) Subject to the provisions of this Act, and subject particularly to the provisions of subsections 10 and 11 of this section, all or any of the tolls may, by by-law, be reduced and again raised as often as deemed necessary for the interests of the undertaking; but the same tolls shall be payable at the same time and under the same circumstances upon all goods and by all persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any by-laws relating to the tolls.

Amount of fares.

(7) The fares to be taken by the company for each passenger shall not exceed five cents for any distance not exceeding three miles, and where the distance exceeds three miles then not exceeding two cents per mile or fraction thereof for the distance actually travelled. Children under ten years of age shall be carried for three miles for three cents and for any additional distance for half fare, but children in arms shall in all cases be carried free.

(8) The fare or toll shall be due and payable by every passenger on entering the car, or other conveyance, and any person refusing to pay the same when demanded by the conductor or motorman, and refusing to quit the car, or other conveyance upon being requested so to do, shall be liable to a fine of not more than $10, besides costs; and the same shall be recoverable before any Justice of the Peace. 58 V. c. 38. s. 43 (1-8). When fare to be due.

(9) The tolls and fares to be levied by the company as nearly as possible shall be so fixed and regulated, that after paying "working expenses" the balance of the annual receipts shall not exceed eight per cent. (or $8 on every $100) on the total amount actually paid up in cash on the capital stock of the company and then issued and outstanding; and if in any year the gross receipts from tolls and fares and from all other sources arising from the working, operating or carrying on of the railway and works and business authorized to be worked, operated or carried on by the company by this or the special Act, shall be such, that after deducting therefrom the "working expenses" there shall remain an amount exceeding eight per cent. of the total amount theretofore actually paid up in cash on the capital stock of the company then outstanding, then all such excess shall be placed to the credit of a special account to be called "the surplus tolls account;" provided that in no case shall the fares exceed the maximum rates prescribed by sub-section 7 of this section. 58 V c. 38, s. 43 (9); 59 V. c. 49, s. 2. Limit as to application of receipts of company.

(10) The moneys at the credit of "the surplus tolls account" may be used from time to time in making good any deficiency if such there be, caused by the gross receipts of the company, in any subsequent year being insufficient to pay the "working expenses" and a dividend of eight per cent. (or $8 on every $100) on the total amount actually paid up in cash on the capital stock of the company and then issued and outstanding; provided that, whenever, and so often as the same shall happen, the total amount, to the credit of "the surplus tolls account," including any interest accruals thereon, shall equal one-fifth of the average annual gross receipts of the company computed from the actual receipts for the then preceding five years, the company shall by by-law make a sufficient proportionate reduction in the tolls and fares so that the probable net earnings thereafter shall be such as to make it necessary to resort to the moneys at the credit of "the surplus tolls account," in order to meet any such deficiency in whole or in part, but as soon as the amount at the credit of "the surplus tolls account" is exhausted the rates and tolls may be again raised. 58 V. c. 38, s. 43 (10); 59 V. c. 49, s. 3. Application of "surplus tolls account."

(11) Provided that if, during the ten years immediately succeeding the incorporation of the company, the gross receipts as aforesaid shall in any year be insufficient, after paying the working expenses of the railway, to pay a dividend of five per Charging unearned dividends upon surplus tolls account.

cent. on the total amount paid up on the capital stock of the company then issued and outstanding, the company may charge against the surplus tolls account an amount sufficient, after deducting any dividends earned during such year, to equal a dividend of five per cent. per annum on the total amount actually paid up on the stock of the company, and the company shall not be bound to reduce the tolls as hereinbefore provided until the amount at the credit of the surplus tolls account shall equal an amount sufficient, less any dividends earned during the year, to pay the said dividend of five per cent. in every such year during the said period of ten years in addition to one-fifth of the average annual gross receipts of the company computed as aforesaid. 58 V. c. 38, s. 43 (11); 59 V. c. 49, s. 4.

Table of tolls to be posted up in offices and cars.

(12) The directors shall, from time to time, print and post up, or cause to be printed and posted up, in the office, and in all and every of the places where the tolls are to be collected, and in every passenger car, in some conspicuous place there, a printed board or paper exhibiting all the tolls payable, and particularizing the price or sum of money to be charged or taken for the carriage of any matter or thing.

Tolls to be approved of by the Lieut.-Governor.

(13) No tolls on goods shall be levied or taken until approved of by the Lieutenant-Governor in Council, nor until after two weekly publications in the *Ontario Gazette* of the by-law establishing such tolls, and of the Order in Council approving thereof.

The Lieut.-Governor may revise by-laws fixing tolls.

(14) Every by-law fixing and regulating tolls on goods shall be subject to revision by the Lieutenant-Governor in Council from time to time, after approval thereof as aforesaid; and after an Order in Council reducing the tolls fixed and regulated by any by-law, has been twice published in the *Ontario Gazette* the tolls mentioned in such Order in Council shall be substituted for those mentioned in the by-law so long as the Order in Council remains unrevoked.

Payment of back charges on goods.

(15) The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on the payment of such back charges and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. 58 V. c. 38, s. 43 (12-15).

PROVISIONAL DIRECTORS AND THEIR POWERS.

Provisional directors, powers of.

44. The persons mentioned by name as such in the special Act are hereby constituted provisional directors, a majority of whom shall be a quorum, and the said provisional directors shall hold office as such until the first election of directors, and may forthwith open stock books and procure subscriptions of stock for the undertaking, and receive payments on account of stock

subscribed, and cause plans and surveys to be made, and shall deposit in any chartered bank of Canada all moneys received by them on account of stock subscribed, which moneys shall not be withdrawn, except for the purposes of the undertaking or upon the dissolution of the company, for any cause whatever. They may also fill vacancies in the board caused by death, resignation or other cause, but the provisional directors shall have no powers other than those given by this clause, or in terms conferred on provisional directors by the express words of this Act. 58 V. c. 38, s. 44.

Apportionment when more than whole amount of stock subscribed.

45. If more than the whole stock has been subscribed the provisional directors shall allocate and apportion the authorized stock among the subscribers as they deem most advantageous and conducive to the furtherance of the undertaking. 58 V. c. 38, s. 45.

Excluding subscribers.

46. The provisional directors may in their discretion exclude any one from subscribing for stock or erase the names of any such subscribers who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act and of the special Act. 58 V. c. 38, s. 46.

Place of meeting of provisional directors.

47. All meetings of the provisional board of directors shall be held at the place in the special Act mentioned, or at such other place as the provisional directors may determine. 58 V. c. 38, s. 47.

CAPITAL.

Capital stock.

48. The capital stock of the company shall be stated in the special Act and shall be divided into shares of $100 each and the money raised therefrom and all other moneys and property of the company shall be applied in the first place, to the payment of such reasonable fees, expenses and disbursements for procuring the passing of the special Act as the shareholders at the first general meeting of the company shall by resolution sanction and approve of, and for making the surveys, plans and estimates of the works authorized by the special Act; and all the remainder of such moneys shall be applied to the making, equipping, completing and maintaining of the said railway, and other purposes of the undertaking. Provided that the directors may agree to pay a reasonable sum out of the funds of the company for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or in the purchase of the right of way, whether such promoters or other persons were provisional or are elected directors or not, and any agreement so made if reasonable, shall be binding on the company if and after the same shall be confirmed and approved by a resolution passed by the votes

Proviso.

of shareholders (in person or by proxy) representing two-thirds in value of the whole amount paid up on the total capital stock of the company at the passing of such resolution issued and outstanding at a general meeting of shareholders specially called for the purpose of considering such agreement. 58 V. c. 38, s. 48.

Shares to be subject to be paid in cash.

49. Every share in the company shall be deemed and taken to have been issued and to be held subject to the payment of the whole amount thereof in cash. 58 V. c. 38, s. 49.

Disposing of unissued or forfeited shares.

50. After the first issue of stock as hereinbefore defined, any unissued or forfeited shares in the capital stock of the company shall be issued and sold only after a day and time fixed for receiving tenders of price for same, of which public notice shall be given by at least four insertions in any newspaper published in or nearest to the municipality in which the head office of the company is situate, and in or nearest to each and every municipality through or in any part of which it is proposed to construct the railway. 58 V. c. 38, s. 51, *first part.*

Exclusion of tenders.

51. The shares shall be sold by the company for cash to the highest tenderer at or above the minimum price fixed for the purpose of such sale, by a vote of the shareholders representing two-thirds in value of the capital stock, voting in person or by proxy, passed at a general meeting or special meeting called for the purpose. Provided that the directors, if authorized so to do by a vote of the shareholders representing two-thirds in value of the capital stock voting in person or by proxy, passed at a general meeting specially called for the purpose, may in their discretion exclude any one or more of such tenderers if in their judgment such exclusion would best promote the interests of the undertaking. 58 V, c. 38, s. 51, *second part;* 59 V. c. 49, s. 1.

ORGANIZATION.

First meeting for election of directors.

52. So soon as twenty-five per cent. of the authorized capital stock has been subscribed, and ten per cent. of the authorized capital stock has been paid in cash into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the company for the purpose of organization at the place where the head office is situate, at such time as they think proper, giving the notice prescribed by section 54 of this Act; at which meeting the shareholders who have paid at least ten per cent. on the amount of stock subscribed for by them shall, from the shareholders possessing the qualifications hereinafter mentioned, elect the number of directors prescribed by the special Act. 58 V. c. 38, s 52.

GENERAL MEETINGS.

53.—(1) A general meeting of the shareholders for the election of directors and for the transaction of other business connected with or incident to the undertaking, to be called "the annual meeting," shall be held annually on the day mentioned in the special Act; and other general meetings, to be called "special meetings," may be called at any time by the directors, or by shareholders representing at least one-fourth in value of the subscribed stock, if the directors, having been requested by such shareholders to convene such special meeting, for twenty-one days thereafter fail to call such meeting. Annual meetings. Special meetings.

(2) All general meetings, whether annual or special, shall be held at the head office of the company. 58 V. c. 38, s. 53. Where to be held.

54.—(1) At least two weeks' public notice of any meeting of the shareholders shall be given by advertisement published in the *Ontario Gazette*, and in at least one newspaper published in the place where the head office is situate—in which notice shall be specified the place and the day and the hour of meeting; all such notices shall be published weekly, and a copy of the *Gazette* containing such notice shall, on production thereof, be evidence of the sufficiency of such notice. Notice of meetings. Evidence.

(2) Any business connected with or incident to the undertaking may be transacted at an annual meeting, excepting such business as by this Act or the special Act is required to be transacted at a special meeting; but no special meeting shall enter upon any business not set forth in the notice upon which it is convened. What business may be transacted.

(3) The number of votes to which each shareholder shall be entitled on every occasion when the votes of the shareholders are to be given, shall be in proportion to the number of shares held by him, and on which all calls due have been paid. Votes on shares.

(4) Every shareholder, whether resident in Canada or elsewhere, may vote by proxy, if he sees fit, and if such proxy produces from his constituent an appointment in writing, in the words or to the effect following, that is to say: Shareholders may vote by proxy.

I, , of , one of the shareholders of the , do hereby appoint of , to be my proxy, and in my absence to vote or give my assent to any business, matter or thing relating to the undertaking of the said that is mentioned or proposed at any meeting of the shareholders of the said company, in such manner as he the said thinks proper. Form of proxy.

In witness whereof, I have hereunto set my hand and seal, the day of in the year

(5) The votes by proxy shall be as valid as if the constituents had voted in person; and every matter or thing proposed or considered at any meeting of the shareholders shall be deter- Votes by proxy valid.

mined by the majority of votes and proxies then present and given, and all decisions and acts of any such majority shall bind the company, and be deemed the decisions and acts of the company. 58 V. c. 38, s. 54.

Majority to govern.

PRESIDENT AND DIRECTORS.

Election of board of directors.

55.—(1) A board of directors of the company to manage its affairs, the number of whom shall be stated in the special Act, and a majority of whom shall form a quorum, shall be chosen at the annual meeting; and if such election is not held on the day appointed therefor, the directors shall cause such election to be held at a special meeting duly called for that purpose within as short a time as possible after the day so appointed.

Who entitled to vote.

(2) On the day so notified, no person shall be admitted to vote except those who would have been entitled to vote had the election been held on the day when it ought to have been held.

Vacancies how to be filled up.

(3) Vacancies in the board of directors shall be filled in the manner prescribed by the by-laws.

Who qualified to be a director.

(4) No person shall be a director unless he is a shareholder, owning at least ten shares of stock absolutely in his own right, and qualified to vote for directors at the election at which he is chosen.

Term of office of directors.

(5) The directors appointed at the last election or those appointed in their stead, in case of vacancy, shall remain in office until the next ensuing election of directors.

Vacancies how supplied.

(6) In case of the death, absence or resignation of any of the directors, others may be appointed in their stead by the surviving directors; but if such appointment is not made such death, absence or resignation shall not invalidate the acts of the remaining directors.

President.

(7) The directors shall, at their first or at some other meeting after the election elect one of their number to be the president of the company, who shall, always, when present, be the chairman of and preside at all meetings of the directors,

Vice-President.

and shall hold his office until he ceases to be a director, or until another president has been elected in his stead; and they may in like manner elect a vice-president, who shall act as chairman in the absence of the president.

Quorum.

(8) The directors at any meeting at which not less than a quorum are present, shall be competent to use and exercise all and any of the powers vested in the directors.

Acts of majority to bind the whole.

(9) The act of a majority of a quorum of the directors present at any meeting regularly held, shall be deemed the act of the directors.

Casting vote.

(10) No director shall have more than one vote at any meeting, except the chairman, who shall, in case of a division, of equal numbers, have the casting vote.

(11) The directors shall be subject to the examination and control of the shareholders at their annual meetings, and be subject to all by-laws of the company, and to the orders and directions from time to time made at the annual or at any special meetings, such orders and directions not being contrary to any express directions or provisions of this Act or the special Act. Directors to be subject to shareholders and by-laws.

(12) Subject to section 48 of this Act, no person holding any office, place or employment in or being concerned or interested in any contracts under or with the company, shall be capable of being chosen a director, or of holding or continuing in the office of director or provisional director, nor shall any person being a director or provisional director or promoter of the company enter into or be directly or indirectly interested or concerned in or participate in the profit of any contract with the company, not relating to the purchase of land necessary for the railway, or be or become a partner of any contractor with the company; and in the event of any such contract being made by or on behalf of any director or provisional director or promoter, an action shall lie in any court of competent jurisdiction against such director or provisional director or promoter at the suit of any shareholder of the company or of any municipality through which any part of the railway passes, for the benefit of the funds of the company, for the whole amount of profit accruing to such director, provisional promoter or director from the contract so made or fulfilled. Officers of company not to be directors.

(13) Subject to the provisions of this Act, the directors shall make by-laws for the management and disposition of the stock, property, business and affairs of the company, not inconsistent with the laws of this Province, and for the appointment of all officers, servants and artificers, and prescribing their respective duties and salaries. By-laws for management of stock, etc.

(14) The directors shall from time to time appoint such officers as they deem requisite, and shall take sufficient security, by one or more penal bonds, or otherwise, from the manager and officers for the time being, for the safe keeping and accounting by them respectively of the moneys raised by virtue of this Act and the special Act, and for the faithful execution of their offices, as the directors think proper. Unreasonably large salaries shall not be paid. May appoint officers.

(15) The directors may be paid such reasonable remuneration for their services for their year of office as may be sanctioned by the shareholders by resolution passed at the annual general meeting to be held for the purpose of electing the successors of such directors. Remuneration of directors.

(16) In case of the absence or illness of the president, the vice-president shall have all the rights and powers of the president, and may sign all debentures, and other instruments, and perform all acts which by the regulations and Vice-president to act in the absence of the president.

by-laws of the company or by the Acts incorporating the company are required to be signed, performed and done by the president.

Absence of president may be entered in the minutes, and certified, etc.

(17) The directors may at any meeting require the secretary to enter such absence or illness among the proceedings of such meeting, and a certificate thereof signed by the secretary shall be delivered to any person or persons requiring the same on payment to the treasurer of $1, and such certificate shall be taken and considered as *prima facie* evidence of such absence or illness at and during the period in the said certificate mentioned in all proceedings in courts of justice or otherwise.

Directors to cause annual accounts to be kept.

(18) The directors shall cause to be kept, and annually, on the 31st day of December, shall cause to be made up and balanced, a true, exact and particular account of all moneys collected and received by the company, or by the directors or managers thereof, or otherwise, for the use of the company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company or of the directors, and shall file a certified copy of the same with the Provincial Secretary, together with a statement showing the amount of the capital stock issued and the amount actually received in cash for same, and the amount, if any, still unpaid thereon, and the amount of dividends paid or declared during such year, and the amount on the last day of such year at the credit of the surplus tolls account. Such statement shall be filed on or before the last day of January in each year, and in default thereof the company shall, besides being compellable to file the same, be liable to a penalty of one hundred dollars to be enforced in the High Court of Justice at the suit of any municipality through which the railway passes, one-half of which said penalty shall belong to Her Majesty, and the other half to the said municipality. 58 V. c. 38, s. 55.

CALLS.

Calls.

56.—(1) The directors may from time to time make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall be made at any one time for more than ten per cent. of the amount subscribed by each shareholder or be made at a less interval than two months from the previous call.

Notice of meetings, how published.

(2) All notices of meetings or of calls upon the shareholders of the company shall be published weekly in the *Ontario Gazette*, and the said *Gazette* shall, on production thereof, be conclusive evidence of the sufficiency of such notices.

Payment of calls how to be made.

(3) Every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him in cash

to the persons and at the times and places from time to time appointed by the company or the directors.

Interest to be chargeable on unpaid calls.

(4) If, before or on the day appointed for payment, any shareholder does not pay the amount of the call, he shall be liable to pay interest for the same, at the legal rate for the time being, from the day appointed for the payment thereof to the time of the actual payment.

Amount of call may be recovered by suit.

(5) If at the time appointed for the payment of any call, any shareholder fails to pay the amount of the call, he may be sued for the same, in any court of competent jurisdiction, and the same may be recovered, with lawful interest from the day on which the call became payable.

What formalities necessary in actions for calls.

(6) In an action to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to state that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more, upon one share or more, stating the number and amount of each of such calls, whereby an action has accrued to the company by virtue of the special Act.

Certificate of proprietorship *prima facie* evidence.

(7) The certificate of proprietorship of any share shall be admitted in all courts as *prima facie* evidence of the title of any shareholder, his executors, administrators, successors or assigns, to the share therein specified.

Want of certificate not to prevent disposing of shares.

(8) But the want of such certificate shall not prevent the holder of any share from disposing thereof.

Penalty for refusal to pay calls.

(9) Any person neglecting or refusing to pay a rateable share of the calls as aforesaid, for the space of two months after the time appointed for the payment thereof, shall forfeit his shares in the undertaking, and all the profit and benefit thereof; all which forfeitures shall go to the company for the benefit thereof.

Forfeiture of share to be taken advantage of only at a general meeting.

(10) No advantage shall be taken of the forfeiture, unless the same is declared to be forfeited at a general meeting of the company, assembled at any time after such forfeiture incurred.

Effect of forfeiture as to liabilities.

(11) Every such forfeiture shall be an indemnification to and for every shareholder so forfeiting, against all actions, suits or prosecutions whatever, commenced or prosecuted for any breach of contract or other agreement between such shareholder and the other shareholders with regard to carrying on the undertaking.

Directors may sell forfeited shares by auction.

(12) The directors may sell such forfeited shares as hereinbefore prescribed.

Certificate of treasurer to

(13) A certificate of the treasurer of the company that the forfeiture of the shares was declared, and of their purchase by

be evidence forfeiture and of title.

the purchaser, shall be sufficient evidence of the facts, and such certificate, with the receipt of the treasurer for the price of such shares, shall constitute a good title to the shares, and the certificate shall be by the said treasurer enregistered in the name and with the place of abode and occupation of the purchasers, and shall be entered in the books required to be kept by the by-laws of the company, and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase money, nor shall his title to such shares be affected by any irregularity in the proceedings in reference to such sale, and any shareholder may purchase any shares so sold.

Interest may be allowed to shareholders paying money in advance on their shares.

(14) Shareholders willing to advance the amount of their shares, or any part of the money due upon their respective shares beyond the sums actually called for, may pay the same; and upon the principal moneys so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect to which such advance is made, the company may pay interest at the legal rate of interest for the time being; but such interest shall not be paid out of the capital subscribed. 58 V. c. 38, s. 56.

DIVIDENDS.

Declaration of dividend.

57.—(1) At the annual general meetings of the shareholders of the undertaking, from time to time holden, a dividend shall be made, out of the clear profits of the undertaking, unless such meetings declare otherwise.

Division of profits.

(2) Such dividends shall be divisible among the shareholders in proportion to the amounts paid up in cash upon the shares held by them respectively.

Dividends, how payable.

(3) Dividends shall be payable only in cash, and no division of profits in any one year, either by way of dividends or bonus, or both combined, or in any other way, exceeding eight per cent. or $8 on every $100 actually paid up in cash on the capital stock of the company, from time to time issued and outstanding, shall ever be made, declared or paid by the company.

Dividends not to impair the capital.

(4) No dividend shall be made whereby the capital of the company is in any degree reduced or impaired, or be paid thereout, nor shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money in respect thereof until such call has been paid.

Application of annual revenue.

(5) No part of the annual revenue of the company shall be applied to expenditure on capital account or otherwise than as by this Act prescribed, and all moneys received in payment for shares or as proceeds of mortgages, bonds, debentures or other securities sold by the company shall be applied and expended for the purposes of the undertaking as in this Act prescribed and not otherwise. 58 V. c 38, s. 57.

SHARES AND THEIR TRANSFER.

Shareholders may dispose of shares.

58.—(1) Shares in the undertaking may, by the parties, be sold and disposed of by instrument in writing, to be made in duplicate, one part of which shall be delivered to the directors, to be filed and kept for the use of the company, and an entry thereof shall be made in a book to be kept for that purpose; and no interest on the shares transferred shall be paid to the purchaser until such duplicate is so delivered, filed and entered.

Form of sale.

(2) Sales shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require:—

I, *A. B.*, in consideration of the sum of paid to me by *C. D.*, hereby do sell and transfer to him share (*or* shares) of the stock of the , to hold to him the said *C D.*, his executors, administrators and assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution hereof. And I the said *C. D.* do hereby agree to accept the said share (*or* shares) subject to the same rules, orders and conditions.

Witness our hands this day of in the year 18 .

Shares to be personal estate —transfer of.

(3) The stock of the company shall be deemed personal estate, but no shares shall be transferable until all previous calls thereon have been fully paid in, or the said shares have been declared forfeited for the non-payment of calls thereon, and no transfer of less than a whole share shall be valid.

Transmission of shares other than by transfer, provided for.

(4) If any share in the company is transmitted by the death, bankruptcy, or last will, donation or testament, or by the intestacy, of any shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the person to whom such share is so transmitted shall deposit in the office of the company a statement in writing, signed by him, declaring the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary; without which such person shall not be entitled to receive any share of the profits of the company, or to vote in respect of any such share as the holder thereof.

Company not bound to see to execution of trusts.

(5) The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares may be subject; and the receipt of the person in whose name any share stands in the books of the company, or if it stands in the name of more persons than one, the receipt of one of the persons named in the register of shareholders, shall from time to time be a sufficient discharge to the company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share may then be subject, and whether or not the company have had notice of the trusts: and the company shall not be bound to see to the application of the money paid upon such receipts.

Company not to take stock in other companies.

(6) The funds of the company shall not be employed in the purchase of any stock in their own or in any other company. 58 V. c. 38, s. 58

SHAREHOLDERS.

Shareholders individually liable till shares paid up.

59.—(1) Each shareholder shall be individually liable to the creditors of the company to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities of the company, and until the whole amount of his stock has been paid up in cash; but shall not be liable to an action therefor before an execution against the company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholder.

Account of names and residence of shareholder's to be kept

(2) A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book to be kept for that purpose, as well as of the several persons who from time to time become proprietors of, or entitled to any shares therein, and of all the other acts, proceedings and transactions of the company and of the directors for the time being. 58 V. c. 38, s. 59.

Rights of aliens.

60. Aliens, and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and, corporations excepted, shall also be eligible for office as directors in the said company. 58 V. c. 38, s. 60.

MUNICIPALITIES TAKING STOCK.

Municipal corporations may take stock.

61.—(1) Municipal corporations in this Province may subscribe for any number of shares in the capital stock of, or lend any sum of money to the company, and may assess and levy from time to time upon the whole rateable property of the municipality a sufficient sum for them to discharge the debt so contracted, and for the like purpose may issue debentures payable at such times and for such sums respectively, not less than $20, and bearing or not bearing interest, as such municipal corporation thinks fit.

Debentures issued by them to be binding.

(2) Any such debenture issued, indorsed or guaranteed, shall be valid and binding upon the municipal corporation, if signed or indorsed, and countersigned by the officer or person, and in such manner and form as directed by any by-law of the corporation, and the seal of the corporation thereto shall not be necessary, nor the observance of any other form with regard to the debentures than as directed in the by-law.

Not to subscribe for stock unless

(3) No municipal corporation shall subscribe for stock or incur any debt or liability under this Act or the special Act,

unless and until a by-law to that effect has been duly assented to and passed in accordance with and subject to the provisions of section 694 of *The Municipal Act* or of the provisions of the Municipal Act from time to time in force regulating this matter; but the proceedings shall be commenced and carried on in accordance with the provisions of sections 65 to 70 inclusive of this Act. by-laws are made for that purpose. Rev. Stat. c. 223.

(4) The mayor, warden or reeve, or other chief officer of such municipal corporation subscribing for and holding stock in the company to the amount of $20,000, or upwards, shall be *ex officio* one of the directors of the company, in addition to the number of directors authorized by the special Act, and shall have the same rights, powers and duties as any of the directors of the company. 58 V. c. 38, s. 61. Mayor, etc., to be *ex officio* a director in certain cases.

AID TO THE RAILWAY.

62. The said company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money, or debentures or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon. 58 V. c. 38, s. 62. Aid to railway.

63. Any municipality through which the railways may pass or are situate is empowered to grant by way of gift to the company any lands other than public highways belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the traffic or running of the railways, and the railway company shall have power to accept gifts of land from any government or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company. 58 V. c. 38, s. 63. Gifts of lands.

64. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railways or through any part of which or near which the railways or works of the said company shall pass or be situate may aid the said company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with, and subject to the provisions relating to granting aid by way of bonuses to railways contained in *The Municipal Act*, or other law in force at the time of the application to the council for such aid. 58 V. c. 38, s. 64. Aid from municipalities. Rev. Stat. c. 223.

Submitting bonus by-law.

65. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

1. The proper petition shall first be presented to the council, expressing the desire to aid the railways, and stating in what way and for what amount and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

Rev. Stat c. 223.

2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves of or of fifty resident freeholders in, each of the minor municipalities of the county, who are qualified voters under *The Municipal Act.*

3. In the case of other municipalities the petition shall be that of a majority of the council thereof or of fifty resident freeholders, being duly qualified voters under *The Municipal Act.*

4. In the case of a section of a township municipality the petition shall be presented to the council, defining the section by metes and bounds or by lots and concessions and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid. 58 V. c. 38, s. 65.

By-law, what to contain.

66. Such by-law shall in each instance provide

1. For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law.

2. For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in the said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively. 58 V. c. 38, s. 66.

Petition against aid from county.

67. In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground, ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of

a sum sufficient to defray the expenses of such reference the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order. 58 V. c. 38, s. 67.

"Minor municipality," meaning of.

68. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county municipality. 58 V. c. 38, s. 68.

Deposit to be made before by-law submitted.

69. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting the said by-law. 58 V. c. 38, s. 69.

Council to pass by-law if assented to by ratepayers.

70. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same. 58 V. c. 38, s. 70.

Issue of debentures.

71. Unless otherwise provided in the by-law, the said council and the mayor, warden, reeve or other head or other officers thereof within one month after the passing of such by-law, shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under this Act. 58 V. c. 38, s. 71.

Levying rates on portion of municipality.

72. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion only of such municipality. 58 V. c. 38, s. 72.

Application of provisions of Rev. Stat. c. 223.

73. The provisions of *The Municipal Act*, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality. 58 V. c. 38, s. 73.

Councils may extend time for commencement.

74. The councils for all corporations that may grant aid by way of bonus to the said company may by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year. 58 V. c. 38, s. 74.

Councils may extend time for completion.

75. The council of any municipality which grants aid by way of bonus to the said company by resolution or by-law may extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus from time to time; provided that no such extension shall be for a longer period than one year at a time. 58 V. c. 38, s. 75.

Extent of aid from municipalities.

76. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the rateable property therein. 58 V. c. 38, s. 76.

By-laws granting exemption from taxation.

77. The corporation of any municipality through any part of which the railway of the said company passes, or in which it is situate, by by-law specially passed for that purpose, may exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross by way of commutation or composition, for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein. 58 V. c. 38, s. 77.

Issues of debentures

78. Whenever any municipality or portion of a township municipality grants aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in

Proviso.

Council omits to name such trustee within one month after notice in writing to him of the appointment of the other trustee, then in either case the company shall be at liberty to name such other trustee or trustees. Any trustee may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council 58 V. c. 38, s. 78.

Trusts of proceeds of debentures.

79. The said trustees shall receive the said debentures or bonds in trust, firstly under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amounts realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Electric Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said company for the time being in the form set out in Schedule A hereto or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and shall be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures; and such engineer shall not wrongfully grant any such certificate under a penalty of $500, recoverable in any court of competent jurisdiction by any person who may sue therefor. 58 V. c. 38, s. 79.

Fees to trustees.

80. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the acts of any two of such trustees shall be as valid and binding as if the three had agreed. 58 V. c. 38, s. 80.

BY-LAWS—NOTICES, ETC.

By-laws to be put into writing and signed by chairman.

81.—(1) All by-laws, rules and orders regularly made, shall be put into writing and signed by the chairman or person presiding at the meeting at which they are adopted, and shall be kept in the office of the company; and a printed copy of so much of them as relates to or affects any person other than the members or servants of the company, shall be affixed openly in all and every passenger car, and in all and every place where tolls are to be gathered, and in like manner so often as any change or alteration is made in the same; and any copy of the same or of any of them, certified as correct by the president or secretary, shall be deemed authentic, and shall be received as evidence thereof in any court, without further proof.

Copies of minutes to be *prima facie* evidence.

(2) Copies of the minutes of proceedings and resolutions of the shareholders of the company, at any general or special meeting, and of the minutes of proceedings and resolutions of the directors, at their meetings, extracted from the minute books kept by the secretary of the company, and by him certified to be true copies, extracted from such minute books, shall be *prima facie* evidence of such proceedings and resolutions in all courts of civil jurisdiction.

Notices by secretary valid.

(3) All notices given by the secretary of the company, by order of the directors, shall be deemed notices by the directors and company. 58 V. c. 38, s. 81.

Best appliances for communication and for stopping trains to be used.

82.—(1) Every railway company, which runs cars, carriages, or other vehicles upon the railway for the conveyance of passengers, shall provide and cause to be used in and upon such cars, carriages or other vehicles adapted to the same such known apparatus and arrangements as best afford good and sufficient means of immediate communication between the conductors and the motormen of such cars, carriages or other vehicles while the same are in motion—and good and sufficient means of applying, at the will of the motorman or other person appointed to such duty, the brakes to the wheels of the motors, cars, carriages or other vehicles, and of disconnecting the motors, cars, carriages or other vehicles from each other—and also such apparatus and arrangements as best and most securely place and fix the seats or chairs in the cars or carriages—and shall alter such apparatus and arrangements or supply new apparatus and arrangements, from time to time, as the Commissioner of Public Works orders; and every railway company which fails to comply with any of the provisions of this section, shall forfeit to Her Majesty a sum not exceeding two hundred dollars for every day during which such default continues, and shall, as well, be liable to pay to all such persons as are injured by reason of non-compliance with these provisions, or to their representatives, such damages as they are legally entitled to, notwithstanding any agreement to the contrary with regard to any such person.

Penalty for non-compliance.

Liability for damages.

Servants to wear badges.

(2) Every servant of the undertaking employed in a passenger car or train, or at a station for passengers, shall wear upon his hat or cap a badge which shall indicate his office, and he shall not without such badge be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, or meddle or interfere with any passenger or his baggage or property.

Trains to start at regular hours.

(3) The cars, carriages or trains shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transportation at the place of starting, and at the junctions of other railways, and at usual stopping places, established for receiving and discharging way-passengers and goods from the cars, carriages or trains.

(4) Such passengers and goods shall be taken, transported and discharged, at, from, and to such places, on the due payment of the toll, freight or fare legally authorized therefor. Passengers and goods to be carried on payment of fare or freight.

(5) The person aggrieved by any neglect or refusal in the premises, shall have an action therefor against the company, from which action the company shall not be relieved by any agreement, notice, condition or declaration if the damage arises from any negligence, omission or misconduct of the company or of its servants. The company liable for neglect or refusal.

(6) Checks shall be affixed by an agent or servant to every parcel of baggage having a handle, loop or fixture of any kind thereupon, and a duplicate of such check shall be given to the passenger delivering the parcel. Checks to be fixed on parcels.

(7) If such check is refused on demand, the company shall pay to such passenger the sum of $8, to be recovered in a civil action ; and further, no fare or toll shall be collected or received from such passenger, and if he has paid his fare, the same shall be refunded by the conductor in charge of the car, carriage or train. Penalty for refusing to give checks.

(8) Every car which contains a motor or which runs at the head of a train shall be furnished with a gong of at least ten inches in diameter. Cars to have gongs.

(9) The gong on the first or only car forming a train shall be sounded at the distance at least of eighty rods from every place where the railway crosses any highway, and be kept ringing or be sounded at short intervals, until the car has crossed such highway, under a penalty of $8 for every neglect thereof, to be paid by the company, which shall also be liable for all damages sustained by any person by reason of such neglect, one-half of which penalty and damages shall be chargeable to and collected by the company from the motorman having charge of such car and neglecting to sound the gong as aforesaid. To be rung or sounded at every crossing, etc.

(10) Any passenger refusing to pay his fare, may, with his baggage, by the conductor of the train and the servants of the company, be put out of the cars at any usual stopping place, or near any dwelling-house, as the conductor elects, the conductor first stopping the train and using no unnecessary force. Passenger refusing to pay fare may be put out.

(11) No person shall be entitled to carry or to require the company to carry upon their railway, *aqua fortis*, oil of vitriol, gunpowder, lucifer matches, or any other goods which, in the judgment of the company, are of a dangerous nature ; and if any person sends by the railway such goods without, at the time of so sending the said goods, distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the book keeper or other servant of the company with whom the same are As to goods of a dangerous nature.

left, he shall forfeit to the company the sum of $20 for every such offence.

Dangerous goods may be refused.

(12) The company may refuse to take any package or parcel which they suspect to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact.

Hours of labour.

(13) No person shall be compelled to work in the service of the railway for a longer period than ten hours per day or than sixty hours per week or on more than six days per week.

Lien for wages

(14) Every mechanic, labourer, or other person who performs labour for wages upon the construction or maintenance of the railway or the works connected therewith, shall have upon the said railway and other property of the company a lien for such wages not exceeding the wages of thirty days or a balance equal to his wages for thirty days, and the said lien may be enforced in the manner provided for enforcing liens for wages by *The Mechanics' and Wage Earners' Lien Act.* 58 V. c. 38, s. 82.

Rev. Stat. c. 153.

RAILWAY CROSSINGS.

Crossing lines of electric or street railways.

83.—(1) The company may cross the lines of any electric railway company, or of any company to which this Act applies or of any street railway company,

(*a*) Either by the authority of the Commissioner of Public Works, and upon such terms and conditions as the said Commissioner thinks just and desirable;

(*b*) Or by the permission of the municipal council of the municipality or municipalities where the crossing is situate, conferred by a by-law passed for that purpose, and subject to the terms and conditions imposed by the said by-law;

Provided always that the company which seeks to cross shall pay all necessary costs and expenses incurred in altering the rails and otherwise making and completing the crossing.

Crossing lines of railway companies.

(2) In case the company desires to cross the line of a railway company within the legislative authority of this Province, not being a railway company to which this Act applies, nor a street railway company, and such railway company objects, the company shall first obtain the sanction of the Commissioner of Public Works as to the proposed crossing and as to the mode of construction thereof, which said sanction the said commissioner is hereby empowered to give, and thereupon the company shall have the right to cross the other railway upon the terms and in the mode sanctioned by the said Commissioner; provided always that the said Commissioner before giving his sanction as aforesaid shall give to the railway company objecting an opportunity to be heard, and shall have full power to impose such terms as to cost of maintenance of the said crossing, and as to all other matters in connection therewith as he may deem proper; provided, however, that the

company desiring to cross shall always pay the whole of the costs and expenses of making the proposed crossing, which may be so sanctioned as aforesaid. 58 V. c. 38, s. 83.

ACTIONS FOR INDEMNITY, AND FINES AND PENALTIES AND THEIR PROSECUTION.

Limitation of actions for damages.

84.—(1) All suits for indemnity for any damage or injury sustained by reason of the railway, shall be instituted within twelve months next after the time of such supposed damage sustained, or if there be continuation of damage, then within twelve months next after the doing or committing such damage ceases, and not afterwards; and the defendants may plead the general issue and give this Act and the special Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by authority of this Act and the special Act.

Fines how recovered.

(2) All fines and forfeitures imposed by this Act or the special Act, or by any by-law, the levying and recovering of which are not particularly herein directed, shall, upon proof of the offence before any one or more Justice or Justices of the Peace for the district, county or place where the act occurred, either by the confession of the party, or by the oath or affirmation of any one credible witness, to be administered without fee or reward, be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal or hands and seals of such Justice or Justices.

How applicable.

(3) All fines, forfeitures and penalties, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the treasurer of the company, to be applied to the use thereof, and the overplus of the money so raised, after deducting the penalty and the expenses of the levying and recovering thereof, shall be returned to the owner of the goods so distrained and sold.

When party may be committed.

(4) In case sufficient goods and chattels whereof to levy the penalty and expense are not found, the offender shall be sent to the common gaol for the county or district in which he has been convicted, there to remain without bail, for such term, not exceeding one month, as the Justice or Justices think proper, unless the penalty or forfeiture, and all expenses attending the same, are sooner paid and satisfied. 58 V. c. 38, s. 84.

Punishment for contravention of this Act, etc., not to exempt company from forfeiture.

85. No punishment for a contravention of this Act or of the special Act, by the company, shall exempt the company from the forfeiture of the privileges conferred on them by the said Acts, if by the provisions thereof or by law, the same be forfeited by such contravention. 58 V. c. 38, s. 85.

INSPECTION OF RAILWAYS TO WHICH THIS ACT, IN WHOLE OR IN PART, APPLIES.

Railway Inspectors.

Duties of.

86. The Lieutenant-Governor in Council may appoint and authorize any proper person or persons, not exceeding three in number, whose duty it shall be from time to time to inspect all railways constructed or in course of construction, under the authority of this Act, and every person so authorized may, at all reasonable times, upon producing his authority if required, enter upon and examine the said railway and the stations, fences or gates, road crossings, cattle guards, works and buildings, and the engines, cars and carriages belonging thereto. 58 V. c. 38, s. 90.

Railway not to be open till after one month's notice of intention to open the same.

87. No railway or portion of any railway shall be opened for the public conveyance of passengers until one month after notice in writing of the intention to open the same has been given by the company to whom the railway belongs to the Commissioner of Public Works, and until ten days after notice in writing has been given by the company to the Commissioner, of the time when the railway or portion of railway will be, in the opinion of the company, sufficiently completed for the safe conveyance of passengers, and ready for inspection. 58 V. c. 38, s. 91.

Penalty for contravention.

88. If any railway or portion of a railway be opened without such notices, the company to whom such railway belongs shall forfeit to Her Majesty the sum of $200 for every day during which the same continues open, until the said notices have been duly given and have expired. 58 V. c. 38, s. 92.

Commissioner of Public Works, upon report of Inspectors and approval of Lieutenant-Governor in Council, may order postponement of opening of road.

89. If the Railway Inspectors after inspection of a railway, report in writing to the Commissioner of Public Works that, in his or their opinion, the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or the insufficiency of the establishment for working the railway, together with the grounds of such opinion, the Commissioner, with the sanction of the Lieutenant-Governor in Council, and so from time to time, as often as the Inspectors after further inspection thereof so report, may order and direct the company to whom the railway belongs to postpone the opening for a period not exceeding one month at any one time, until it appears to the Commissioner, that such opening may take place without danger to the public. 58 V. c. 38, s. 93.

Penalty for opening contrary to the order of the Commissioner.

90. If any such railway, or any portion thereof, is opened contrary to such order or direction of the Commissioner, the company to whom the railway belongs shall forfeit to Her Majesty the sum of $200 for every day during which the same continues open contrary to such order or direction. 58 V. c. 38, s. 94.

91. No such order shall be binding upon any railway company unless there is delivered therewith to the company a copy of the report of the Inspectors on which the order is founded. 58 V. c. 38, s. 95. When only such order to be binding on the Company.

92. When any bridge, culvert, viaduct, tunnel, fence, road, crossing or cattle guard, or any other portion of a railway constructed or in course of construction, or a motor, car or carriage used or for use on a railway, has been condemned on the report of an Inspector by the Commissioner of Public Works, with the approval of the Lieutenant-Governor in Council, or when any change or alteration therein or in any part thereof, or the substitution of any new bridge, culvert, viaduct or tunnel, or of any material for the said railway, has been required by the Commissioner, with the approval of the Lieutenant-Governor in Council, the company to which such railway belongs, or the company using, running or controlling the same, shall, after notice thereof in writing, signed by the said Commissioner, proceed to make good or remedy the defects in the said portions of the railway, or in the motor, car or carriage which have been so condemned, or shall make such change, alteration or substitution hereinbefore referred to as has been required in manner aforesaid by the Commissioner. 58 V. c. 38, s. 96. When any railway bridge condemned by Commissioner and Inspectors, what to be done.

93. If, in the opinion of any such Railway Inspector, it is dangerous for trains or vehicles to pass over any particular railway, or any portion of a railway, until alterations, substitutions or repairs have been made thereon, or that any particular motor, car or carriage should be run or used, the said Inspector may forthwith forbid the running of any train or vehicle over any such railway or portion of railway, or the running or using of any such motor, car or carriage, by delivering or causing to be delivered to the president, managing director, or secretary or superintendent of the company owning, running, or using such railway, or to any officer having the management or control of the running of trains on the railway, a notice in writing to that effect, with his reasons therefor, in which he shall distinctly point out the defects or nature of the danger to be apprehended. 58 V. c. 38, s. 97. When Inspectors may forbid the running of trains, etc.

94. The said Inspector shall forthwith report the same to the Commissioner of Public Works, who, with the sanction of the Lieutenant-Governor in Council, may either confirm, modify or disallow the act or order of the Inspector, and such confirmation, modification or disallowance shall be duly notified to the railway company affected thereby. 58 V. c. 38, s. 98. Commissioner may modify report of Inspectors.

95. The Commissioner of Public Works may, with the sanction of the Lieutenant-Governor in Council, limit the number, or times or rate of speed of running, of motors, cars When the Commissioner may regulate speed, etc.

or trains upon the railway or portion of railway, until such alterations or repairs as he may think sufficient have been made, or until such time as he thinks prudent; and the company owning, running or using the railway shall comply forthwith with any such order of the Inspector or of the Commissioner upon notice thereof as aforesaid; and for every act of non-compliance therewith every such railway company shall forfeit to Her Majesty the sum of $2000. 58 V. c. 38, s. 99.

Penalty for non-compliance.

Companies to afford information to the Inspectors.

96. Every railway company and the directors and officers thereof shall afford to such Inspector every information, and full and true explanations, so far as may be in their power or knowledge, on all matters inquired into by any such Inspector, and submit to such Inspector all plans, specifications, drawings and documents relating to the construction or reconstruction, repair or state of repair of the railway or any portion thereof, whether a bridge, culvert or other part. 58 V. c. 38, s. 100.

Inspectors may use telegraph wires; for what purposes.

97. The Inspector shall have the right to use the telegraph or telephone wires and machinery in the offices of or under the control of any such railway company, for the purpose of communicating with any of the officers of the company, or transmitting any order of any such Inspector relating to the railway. 58 V. c. 38, s. 101.

Operators and others to obey orders of Inspectors.

98. The operators or officers employed in the telegraph or telephone offices of or under the control of the company, shall, without unnecessary delay, obey all orders of such Inspector for effecting such communications and transmitting messages for the purpose aforesaid, and any operator or officer refusing or neglecting so to do, shall forfeit for every offence the sum of $40. 58 V. c. 38, s. 102.

Authority of Inspectors, how proved.

99. The authority of any such Inspector shall be sufficiently evidenced by a paper in writing nominating him an Inspector of Railways, or of any railway in particular, signed by the Commissioner of Public Works. 58 V. c. 38, s. 103.

Lieutenant-Governor may order permanent bridges to be substituted for movable b idges.

100. The Lieutenant-Governor in Council, upon the report of the Commissioner of Public Works, may authorize or require any railway company to construct fixed and permanent bridges or to substitute such bridges in the place of the swing, draw or movable bridges on the line of such railway, within such time as the Lieutenant-Governor in Council directs; and for every day after the period so fixed during which the company uses such swing, draw or movable bridges, the company shall forfeit and pay to Her Majesty the sum of $200; and it shall not be lawful for a railway company to substitute a swing, draw or other movable bridge in the place or stead of any fixed or permanent bridge already built and constructed,

without the consent of the Lieutenant-Governor in Council previously had and obtained. 58 V. c. 38, s. 104.

Certain powers vested in Commissioner, with respect to crossing public highways, on a level.

101. In any case where a railway is constructed across a turnpike road, street or other public highway, on the level, the Commissioner of Public Works, if it appears to him necessary for the public safety, may, with the sanction of the Lieutenant-Governor in Council, authorize and require the company to whom the railway belongs, within such time as the Commissioner directs, to carry the road, street or highway either over or under the railway, by means of a bridge or arch, instead of crossing the same on the level, or to execute such other works as under the circumstances of the case appear to him the best adapted for removing or diminishing the danger arising from such level crossing; and all the provisions of law at such time applicable to the compulsory taking of land by railway companies, and its valuation and conveyance to them, and to the compensation therefor, shall apply to the case of land required for the construction of any works for effecting the alteration of such level crossing. 58 V. c. 38, s. 105.

Railway may be required to repair any level crossing out of repair.

102.—(1) Where a level crossing on any railway is out of repair, the warden, mayor, reeve or other chief officer of the municipality within whose jurisdiction the crossing is situate, may serve a notice upon the company in the usual manner, requiring the repair to be forthwith made; and if the company does not forthwith make the same, such officer may transmit a copy of the notice so served to the Inspector of Railways; and thereupon it shall be the duty of the Inspector, with all possible despatch, to appoint a day when he will examine into the matter; and he shall, by mail, give notice to the warden, mayor, reeve, or other chief officer, and to the company, of the day he so fixes; and upon the day so named he shall examine the crossing: and a certificate under his hand shall be final on the subject so in dispute between the parties; and if the said Inspector determines that any repairs are required, he shall specify the nature thereof in his said certificate, and direct the company to make the same: and the company shall thereupon, with all possible despatch, comply with the requirements of the certificate; and in case of default, the municipality within whose jurisdiction the said crossing is situate, may make such repairs, and may recover all costs, expenses and outlays in the premises by action against the company in any court of competent jurisdiction, as money paid to the company's use.

Inspector's certificate to be conclusive.

Proviso.

(2) Neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to such company in the premises. 58 V. c. 38, s 106.

Inspection not to relieve company from liability.

103. No inspection had under this Act, nor anything in this Act contained or done or ordered, or omitted to be done or

ordered, under or by virtue of the provisions of this Act, shall relieve or be construed to relieve the company of or from any liability or responsibility resting upon it by law either towards Her Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, or other personal representative of any person for anything done or omitted to be done by the company, or for any wrongful act, neglect or default, misfeasance, malfeasance or nonfeasance of the company, or in any manner or way to lessen such liability or responsibility, or in any way to weaken or diminish the liability or responsibility of such company under the existing laws of the Province. 58 V. c 38, s. 107.

Company to notify orders of Commissioner to its officers, etc.

104. The company shall, as soon as possible after the receipt of any order or notice of the Commissioner of Public Works, give cognizance thereof to each of its officers and servants, in one or more of the ways mentioned in section 139 of this Act. 58 V. c. 38, s. 108.

What to be deemed sufficient notice thereof.

105. All orders of the said Commissioner shall be considered as made known to the company by a notice thereof signed by him, and delivered to the president, vice-president, managing director, secretary or superintendent of the said company, or at the office of the company. 58 V. c. 38, s. 109.

Notice of accidents to be given to the Commissioner of Public Works.

106. The company shall, as soon as possible, and at least within forty-eight hours after the occurrence upon the railway belonging to the company of any accident attended with serious personal injury to any person using the same, or whereby a bridge, culvert, viaduct or tunnel on or of the railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof to the Commissioner of Public Works; and the company which wilfully omits to give such notice, shall forfeit to Her Majesty the sum of $200 for every day during which the omission to give the same continues. 58 V. c. 38, s. 110.

Returns.

Annual returns to be prepared.

107.—(1) Every company shall annually prepare returns in accordance with the forms contained in Schedule C to this Act, of its capital, traffic and working expenses, and of all information required, as indicated in the said form, to be furnished to the Provincial Secretary; and such returns shall be dated and signed by, and attested upon the oath of the secretary, or some other chief officer of the company, and of the president, or in his absence, of the vice-president or manager of the company.

What period to be included.

(2) Such returns shall be made for the period included from the date to which the then last yearly returns made by the company extended, or from the commencement of the opera-

tion of the railway, if no such returns have been previously made, and, in either case, down to the last day of December in the then current year.

(3) A duplicate copy of such returns, dated, signed and attested in manner aforesaid shall be forwarded by such company to the Provincial Secretary within three months after the last day of December in each year. Duplicate for the Minister.

(4) The company shall also, in addition to the information required to be furnished to the Provincial Secretary, as indicated in the said Schedule C, furnish such other information and returns as are, from time to time, required by the Provincial Secretary or as shall hereafter be ordered by the Legislature. Further returns when required

(5) Every company which makes default in forwarding such returns in accordance with the provisions of this section, shall incur a penalty not exceeding twenty dollars for every day during which such default continues, to be enforced in the High Court of Justice at the suit of any municipality through which the railway passes, one-half of which said penalty shall belong to Her Majesty, and the other half to the said municipality. Penalty for non-compliance.

(6) The Provincial Secretary shall lay before the Legislative Assembly, within twenty-one days from the commencement of each Session thereof, the returns made and forwarded to him in pursuance of this section. 58 V. c. 38, s. 111. Returns to be submitted to Legislative Assembly.

108. The company shall, within ten days after the first days of January and July, in each and every year, make to the Commissioner of Public Works, under the oath of the president, secretary or superintendent of the company, a true and particular return of all accidents and casualties (whether to life or property) which have occurred on the railway of the company during the half year next preceding each of the said periods respectively, setting forth— Return of accidents to be made semi-annually.

1. The causes and natures of such accidents and casualties;

2. The points at which they occurred, and whether by night or by day;

3. The full extent thereof, and all particulars of the same; and shall also at the same time return a true copy of the existing by-laws of the company, and of their rules and regulations for the management of the company and of their railway. 58 V. c. 38, s. 112.

109. The Commissioner of Public Works may order and direct, from time to time, the form in which such returns shall be made up, and may order and direct the railway company to make up and deliver to him from time to time, in addition to the said periodical returns, returns of serious accidents occur- Form to be appointed by the Commissioner.

ring in the course of the public traffic upon the railway belonging to the company, whether attended with personal injury or not, in such form and manner as the Commissioner deems necessary and requires for his information with a view to the public safety. 58 V. c. 38, s. 113.

Penalty for neglect.

110. If the returns so verified are not delivered within the respective times herein prescribed, or within fourteen days after the same have been so required by the Commissioner, every company making default shall forfeit to Her Majesty the sum of $100 for every day during which the company neglects to deliver the same. 58 V. c. 38, s. 114.

Such returns to be privileged communications.

111. All such returns relating to accidents made in pursuance of the provisions of this Act shall be privileged communications, and shall not be evidence in any Court whatsoever except to enforce the penalties for failure or neglect to furnish cash returns as required by the Act. 58 V. c. 38, s. 115.

RAILWAY INSPECTION FUND.

Railway Inspection Fund.

112. The company shall, so soon as any portion of its railway thereof is in use, pay to the Treasurer of the Province an annual rate to be fixed by the Lieutenant-Governor in Council, not exceeding $10 per mile of railway constructed and in use; such rate to be paid half-yearly on the first days of January and July in each year, and to form a special fund for the purposes of this Act, to be called "The Electric Railway Inspection Fund." 58 V. c. 38, s. 116.

APPOINTMENT OF RAILWAY CONSTABLES.

Constables may be appointed to act on the line of any railway, and how.

113.—(1) The Justices of the Peace for any county assembled at any General Sessions of the Peace, on the application of the board of directors of the company whose railway or any part thereof passes within the local jurisdiction of such Justices of the Peace, or on the application of any clerk or agent of the company thereto authorized by such board, may, in their discretion, appoint any persons recommended to them for that purpose by such board of directors, clerk or agent, to act as constables on and along such railway; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say:

Oath of office.

"I, *A. B.*, having been appointed a Constable to act upon and along "(*here name the Railway*), under the provisions of *The Electric Railway* "*Act*, do swear that I will well and truly serve our Sovereign Lady "the Queen, in the said office of Constable, without favour or affection, "malice or ill-will, and that I will, to the best of my power, cause the "peace to be kept, and prevent all offences against the peace, and that "while I continue to hold the said office, I will, to the best of my skill "and knowledge, discharge the duties thereof faithfully, according to law: "So help me God."

(2) Such oath or declaration shall be administered by any one such Justice. 58 V. c. 38, s. 117. By whom to be administered.

114. Every constable so appointed, and having taken such oath or made such declaration as aforesaid, shall have full power to act as a constable for the preservation of the peace and for the security of persons and property against felonies and other unlawful acts on such railway, and on any of the works belonging thereto, and on and about any trains, roads, wharfs, quays, landing-places, warehouses, lands and premises belonging to the company, whether the same be in the county, city, district or other local jurisdiction within which he was appointed, or in any other place through which such railway passes, or in which the same terminates, or through or to which any railway passes which is worked or leased by such railway company, and in all places not more than one quarter of a mile distant from the railway; and shall have all the powers, protections and privileges for the apprehending of offenders, as well by night as by day and for doing all things for the prevention, discovery and prosecution of felonies and other offences, and for keeping the peace, possessed by any constable duly appointed. 58 V. c. 38, s. 118. Powers of such constables, and to what localities they shall extend.

115. It shall be lawful for any such constable to take such persons as may be punishable by summary conviction for any offence against the provisions of this Act, or of any of the Acts or by-laws affecting any such railway, before any Justice or Justices appointed for any county, city, district or other local jurisdiction within which such railway passes; and every such Justice shall have authority to deal with all such cases, as though the offence had been committed and the person taken within the limits of his own local jurisdiction. 58 V. c. 38, s. 119. Duties of such constables.

116. Any two Justices of the Peace may dismiss any such constable who may be acting within their several jurisdictions; and the board of directors of the railway company, or any clerk or agent of the company thereto authorized by the board, may dismiss any such constable who may be acting on the railway; and upon such dismissal, all powers, protections and privileges belonging to any such person, by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed or act as a constable for such railway without the consent of the authority by which he was dismissed. 58 V. c. 38, s. 120. Dismissal of any such constable.

117. Every such railway company shall cause to be recorded, in the office of the Clerk of the Peace for every county, or other local jurisdiction wherein such railway or railways pass, the name and designation of every constable so appointed at their instance, the date of his appointment, and the authority making it, and also the fact of every dismissal of any such constable, the date thereof and the authority making the same Record of appointment of such constable to be kept.

Fees.

within one week after the date of such appointment or dismissal, as the case may be; and every such Clerk of the Peace shall keep such record in a book in such form as the Lieutenant-Governor in Council directs, and open to public inspection, charging such fee or fees only as the Lieutenant-Governor in Council authorizes. 58 V. c. 38, s. 121.

Punishment of constables guilty of neglect of duty.

118. Every such constable who is guilty of any neglect or breach of duty in his office of constable, shall be liable, on summary conviction thereof within any county, city, district or other local jurisdiction wherein such railway passes, to a penalty of not more than $80, the amount of which penalty may be deducted from any salary due to such offender, if such constable is in receipt of a salary from the railway company, or to imprisonment, with or without hard labour, for not more than two months, in the gaol of such county, city, district or other local jurisdiction. 58 V. c. 38, s. 122.

GENERAL PROVISIONS.

Tenders must be advertised for.

119. No contracts for works of construction or maintenance of railways, except works of ordinary repair, or of immediate necessity, shall be entered into until after tenders for such works respectively have been invited by public notice therefor, given for at least four weeks in some newspaper published in the place nearest to the work required to be done; but no company shall be compelled to accept any such tender. 58 V. c. 38, s. 86 (4).

Company not to impede navigation.

120. No such company shall cause any obstruction in or impede the free navigation of any river, stream or canal to or across or along which their railway is carried. 58 V. c. 38, s. 127.

Railways crossing rivers, etc., regulated.

121. If the railway when not passing along the public highway is carried across a navigable river or canal, the company shall leave openings between the abutments or piers of their bridge or viaduct over the same, and shall make the same of such clear height above the surface of the water, or shall construct such draw-bridge or swing-bridge over the channel of the river, or over the whole width of the canal, and shall be subject to such regulations as to the opening of such swing-bridge or draw-bridge, as the Lieutenant-Governor in Council from time to time may determine. 58 V. c. 38, s. 128.

Plans to be submitted to the Lieutenant-Governor in Council.

122. It shall not be lawful for any such company to construct any wharf, bridge, pier or other work upon or over a navigable river, lake or canal, or upon the beach or bed or lands covered with the waters thereof, until they have first submitted the plan and proposed site of such work to the Lieutenant-Governor in Council, and the same has been by him approved; and no

deviation from such approved site and plan shall be made without his consent. 58 V. c. 38, s. 129.

123. Nothing contained in the three last preceding sections shall be construed to limit or affect any power expressly given to the company by its special Act of incorporation or any special Act amending the same. 58 V. c. 38, s. 130.

Exception where special powers given by the Special Act.

124. Conveyances of land to the said company, for the purposes of and powers given by this Act, made in the form set forth in Schedule B to this Act or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same ; and such conveyances shall be registered in the same manner, and upon such proof of execution as is required under the registry laws of Ontario ; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and the certificates indorsed on the duplicates thereof. 58 V. c. 38, s. 89.

Conveyances of land to company.

125. If the construction of the railway is not commenced and ten per cent. on the amount of the capital is not expended thereon, within three years after the passing of the special Act, or if the railway is not finished and put in operation in five years from the passing of such special Act, the corporate existence and powers of the company as to any part of the railway then uncompleted shall cease. 58 V. c. 38, s. 86 (5).

Ten per cent. of capital to be paid within 3 and railway to be running within 5 years from passing of Special Act.

126. After the opening of the railway or any part thereof to the public, and within the first fifteen days after the opening of each Session of the Legislature, an account shall be annually transmitted to the Provincial Secretary containing a detailed and particular account, attested upon oath of the president, or in his absence of the vice-president, of the moneys received and expended by the company, and a classified statement of the passengers and goods transported by them, with an attested copy of the last annual statement. 58 V. c. 38, s. 86 (6).

Account to be transmitted to the Provincial Secretary.

127. No further provisions which the Legislature may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the company. 58 V. c. 38. s. 86 (7).

Variation in form or details may be made.

128. The Legislature may at any time annul or dissolve any corporation formed under this Act, but such dissolution shall not take away or impair any remedy given against any such corporation, its shareholders, officers or servants, for any lia-

Corporations formed under this Act, may be dissolved.

bility which had been previously incurred. 58 V. c. 38, s. 86 (8).

Provision as to the carriage of Her Majesty's mail, etc.

129.—(1) Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables and others travelling on Her Majesty's service, shall at all times, when thereunto required by Her Majesty's Postmaster-General, the Commander of the Forces, or any person having the superintendence or command of any Police Force, and with the whole resources of the company if required, be carried on the railway, on such terms and conditions, and under such regulations as may be made by the Governor-General in Council or Lieutenant-Governor in Council, as the case requires.

Government to have exclusive use of telegraph.

(2) The Governor-General or Lieutenant-Governor as the case may be, or any person thereunto authorized by them, may require the company to place any electric telegraph, and the apparatus and operators they may have, at the exclusive use of the Government, receiving thereafter reasonable compensation for such service.

Further enactments may be made.

(3) Any further enactments which the Parliament of Canada or the Legislature of this Province may make for the carriage of the mail or Her Majesty's Forces, and other persons and articles as aforesaid, or the tolls therefor, or in any way respecting the use of any electric telegraph or other service to be rendered to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act or the special Act. 58 V. c. 38, s. 86 (1-3).

Powers of High Court as to controlling companies relieving against agreement.

130. If the company fails or neglects to keep, observe, perform or comply with any of the provisions of this Act, in the observance or enforcement of which any shareholder or the residents of the municipality are interested, then, in addition to all other remedies by law enforceable against the company, the council of any municipality through which any part of the railway passes may, in the name of the municipal corporation, bring an action in the High Court of Justice against the company, and all other necessary parties, to compel the keeping, observing, performing of, and complying with such provisions; and the Court shall have full power and jurisdiction in the premises, and to set aside or otherwise relieve against unreasonable agreements made in violation of all or any of the provisions of this Act, and to enforce, by injunction or otherwise, the due observance, performance and fulfilment by the company and its officers and other persons of all provisions of this Act, in the observance or enforcement of which any shareholder or the residents of the municipality are interested, and in particular those relating to tolls, to capital, to president and directors, to dividends, to returns, and to the agreements mentioned in sections 13, 14 and 15 of this Act. 58 V. c. 38, s. 88.

When a railway passes over a swing bridge, etc., train to stop for three minutes.

131. Where a railway passes a draw or swing bridge over a navigable river, canal or stream, which is subject to be opened for the purposes of navigation, the motor, car, carriage or train shall in every case be stopped at least three minutes, to ascertain from the bridge-tender that the bridge is closed and in perfect order for passing, and in default of so stopping during the full period of three minutes the said railway company shall be subject to a fine or penalty of four hundred dollars. 58 V. c. 38, s. 131.

Further precautions at level crossings.

132. The railway company shall station an officer at every point on their line crossed on a level by any other railway, and no motor, car or carriage shall proceed over such crossing until signal has been made to the conductor thereof that the way is clear. 58 V. c. 38, s. 132.

Further precautions when one railway crosses another on a level;

133. Every motor, car or carriage on the railway, shall, before it crosses the track of any other railway on a level, be stopped for at least the space of one minute. 58 V. c. 38, s. 133.

Or runs through a city, town, etc.

134. No motor, car or carriage shall pass in or through a thickly peopled portion of a city, town or village at a speed greater than ten miles per hour, unless the track is properly fenced or is not running along the public highway. 58 V. c. 38, s. 134.

Foot passengers to use foot-bridge, if provided for that purpose at level crossings.

135. If the Commissioner of Public Works orders a railway company to erect at or near or in lieu of any level crossing of a turnpike road, or other public highway, a foot-bridge or foot-bridges over their railway, for the purpose of enabling persons passing on foot along such turnpike road or public highway to cross the railway by means of such bridge or bridges, then, from and after the completion of such foot-bridge or foot-bridges so required to be erected, and while the company keeps the same in good and sufficient repair, such level crossing shall not be used by foot passengers on the said turnpike road or public highway, except during the time when the same is used for the passage of carriages, carts, horses or cattle along the said road. 58 V. c. 38, s. 135.

Running railway on Lord's Day.

136.—(1) It shall not be lawful for any company to which this Act applies to operate its railway on the Lord's Day.

Transporting milk.

(2) Provided that any company operating a railway extending from any city for a distance of more than one and a half miles, may run such cars or trains into the city before the hour of ten o'clock in the forenoon and such cars or trains out of the city after the hour of five o'clock in the afternoon on the Lord's Day as may be necessary for the transportation of milk exclusively, but no freight of any other kind and no passengers shall be carried upon such car or train, nor shall it be lawful for the company to collect any fare or tolls for the

transportation of any passengers, upon the Lord's Day nor for the transportation of any freight except for the transportation of milk as aforesaid. Provided that nothing in this section shall be construed to prevent the running of empty cars or trains either from the car sheds to any point on the line of railway for the purpose of receiving the milk for transportation as aforesaid or back to the car sheds after the delivery of the same.

Penalty.

(3) For every train or car run or operated in violation of this section the company shall forfeit and pay the sum of $400, to be recovered by action in any County Court by any person suing for the same, and such action may be brought before a County Court having jurisdiction in the place from which such train or car started, or through or at which it passed or stopped in the course of such unlawful employment.

Application of penalties.

(4) All moneys recovered under the provisions of this section shall be appropriated as follows: One moiety thereof to the plaintiff, and the other moiety to the local municipality from which the train or car started.

Liability of conductor.

(5) The conductor or other person in charge of any train or car run or operated in violation of the provisions of this section shall be liable to the penalties prescribed by section 9 of *The Act to prevent the Profanation of the Lord's Day*, and the said penalties shall be recoverable in the manner provided in the said section, and shall be applied as hereinbefore directed in the case of other penalties. 58 V. c. 38, s. 87.

Rev. Stat. c. 246.

Companies to make by-laws for regulation of conductors and other officers, etc.

137. The company shall make such by-laws, rules and regulations, to be observed by the conductors, motor men, and other officers and servants of the company, and by all other companies and persons using the railway of the company, and such regulations with regard to the construction of the motor cars, or carriages and other vehicles, to be used in the trains on the railway of the company, as are requisite for ensuring the perfect carrying into effect of the provisions of this Act and the orders and regulations of the Lieutenant-Governor in Council. 58 V. c. 38, s. 123.

Company may impose penalties for contravention of by-laws.

138. The company may, by a by-law, impose upon any officer, servant, or person, who, before the contravention of such by-law has had notice thereof, and is employed by the company, a forfeiture to the company of not more than thirty days' pay of such officer or servant, for any contravention of such by-law, and may retain any such forfeiture out of the salary or wages of the offender. 58 V. c. 38, s. 124.

How notice of by-laws or orders may be proved.

139. The notice of the by-law or of any order or notice of the Commissioner of Public Works may be proved by proving the delivery of a copy thereof to the officer, servant or person, or that he signed a copy thereof, or that a copy thereof was

posted in some place where his work or his duties, or some of them, were to be performed. 58 V. c. 38, s. 125.

When such proof, etc., to be a defence for the Company.

140. Such proof, with evidence of the contravention, shall be a defence to the company in any action for the recovery from it of the amount so retained. 58 V. c. 38, s. 126.

The company may pay penalty and deduct from wages.

141. The company may in all cases under this Act pay the amount of any penalty and costs imposed upon an officer, servant or person in the employ of the company, and recover the same from the offender or deduct it from his salary or pay. 58 V. c. 38, s. 136.

How penalties recovered and applied.

142. All penalties incurred under any of the sections of this Act may be recovered in the name of Her Majesty, by Her Majesty's Attorney General for Ontario, in any court having competent jurisdiction thereover; and shall, unless otherwise herein expressly provided, be paid to the Treasurer of the Province to the credit of "The Railway Inspection Fund." 58 V. c. 38, s. 137.

Saving of Her Majesty's rights, etc.

143. Nothing herein contained shall affect in any manner the rights of Her Majesty, or of any person, or of any body politic, corporate or collegiate, such only excepted as are herein mentioned. 58 V. c. 38, s. 86 (9).

Amending or altering Act.

144. No amendment or alteration in this Act shall be held to be an infringement of the rights of any company authorized to construct a railway by any Act with which this Act is or may be incorporated. 58 V. c. 38, s. 86 (10).

SCHEDULE A.

(*Section* 79.)

CHIEF ENGINEER'S CERTIFICATE. THE COMPANY'S OFFICE. ELECTRIC RAILWAY

No. A.D. 18 .

Engineer's Department.

Certificate to be attached to cheques drawn on The Electric Railway Company Munipal Trust Account given under section , of *The Electric Railway Act*.

I, *A.B.*, Chief Engineer of The Electric Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the By-law No of the township of (*or* under the agreement dated the day of 18 , between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled.*)

SCHEDULE B.

(*Section* 124.)

Know all men by these presents that I (*or* we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (*or* us) by The Electric Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or* we) (*insert the name or names of any other party or parties*) in consideration of dollars paid to me (*or* us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or* those certain parcels, *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railways, to hold with the appurtenances unto the said The Electric Railway Company, their successors and assigns forever (*here insert any other clauses, covenants and conditions required*), and I (*or* we the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the said lands.

As witness my (*or* our) hand and seal (*or* hands and seals), this day of one thousand eight hundred and

Signed, sealed and delivered,
In the presence of [L.S.]

58 V. c. 38, Sched. A.

SCHEDULE C

(*Section* 107.)

Form of yearly returns to the Commissioner of Public Works required from companies under "*The Electric Railway Act.*"

RETURNS made by the (*corporate name of the company*) in pursuance of "*The Electric Railway Act,*" for the period included between the (*insert the day to which the last returns extend, or the date of the commencement of operations, as the case may be*), to the last day of December, in the year 18 .

Statement containing copies of all contracts made by the Company for the construction of any part of the railway, or for the leasing or hiring of power or rolling stock or rails.

Returns of the capital account of the said railway, and the revenue, expenditure, etc.

No. 1.—Capital Account.

—	Authorized.	Subscribed and issued.	Actually paid up in cash.	*Rate of interest or dividend.
	$ cts.	$ cts.	$ cts.	$ cts.
Total amount of ordinary share capital.				
do of preference share capital.				
do do				
do do				
do do				
do of ordinary bonds.....				
do do				
do do				
do do				
do do				
do of municipal loans.....				
do do bonuses.....				
do do subscription to shares.....				
do do subscription to bonds.....				
do from other sources.....				
Total capital				

* State whether dividend is cumulative or not.

No. 2.—Surplus Tolls Account.

	$	cts.
Total amount at credit of above account on 1st January (*the year embraced in this return*)		
Total amount at debit of surplus tolls account..		
Interest received thereon for the year		
Total amount carried to credit of surplus tolls account for year		
Total		
Amount expended during year, giving particulars of nature of expenditure.....		
Total at credit of account on last day of the year.		

No. 3.—Loans or Bonuses from Municipalities.

From what source.	Amount of loan granted.	Am't. of bonus granted.	Amount of subscription to shares.	Amount of subscription to bonds.	Rate of interest	Date of repayment.
	$ cts.	$ cts	$ cts.	$ cts.	$ cts.	$ cts
Municipalities..						
Totals.....						

No. 4.—Bonds or other Securities Negotiated by the Company.

Amount.	Rate of interest.	Date of sale.	Prices realized.
$ cts.	$ cts.	$ cts.	$ cts.

No. 5.—Floating Debt.

Amount.	Rate of Interest.	Remarks.
$ cts.	$ cts.	

No. 6.—Actual Cost of Railway and Rolling Stock, etc.

	$ cts.
1. Cost of land and land damages	
2. Cost of grading, masonry and bridging, station buildings, etc	
3. Cost of rolling stock of all kinds, including workshops	
4. Cost of plant, power houses and other property of company, not included in above	
Total	

The above total to show the real cash cost of construction and rolling stock.

No. 7.—Earnings of the Company.

	$ cts.
1. From passenger traffic, including admission to company's pleasure parks	
2. From freight traffic	
3. From mails and express freight	
4. From sale of electricity or electric power, for lighting, heating, etc	
5. From other sources	
Total	

No. 8.—General Tariff of Tolls Established by the Company.

	$ cts.

No. 9.—Summary of Working Expenses.

	$ cts.
1. Maintenance of line, buildings, etc., of railway	
2. Cost of working and repairs to engines, motors, etc	
3. do do cars	
4. do general operating expenses of railway	
5. Other working expenses of the company in all other business carried on by it	
6. Interest on mortgage indebtedness	
7. Sinking fund	
8. Dividends	
Total cost of operating railway, etc	

The above statement to include the full cost of operating the railway, and the total to correspond with the published return of the company.

58 V. c. 38, *Sched.* C.

CHAPTER 210.

An Act Respecting Subsidies to Railways and to Encourage the Manufacture of Railway Steel and Iron in the Province.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation "Railway."

1—(1) The word "railway" in this Act shall mean a railway operated by steam or other motive power.

"Railway steel or iron."

(2) The expression "railway steel or iron" shall include rails, girders, bridges and all members or parts thereof, and such other manufactures of steel or iron as are requisite and suitable for the construction of the permanent way. 60 V. c. 41, s. 1 (2).

In lieu of bonus an equivalent in railway steel and iron may be given.

(3) Where the Legislature has hitherto authorized or hereafter authorizes the payment of money to any railway company by way of subsidy, there may be delivered to the company, at the discretion of the Lieutenant-Governor in Council, as an equivalent for and in lieu of the bonus (wholly where so provided by the terms of the subsidy or agreed to by the company, and in other cases in part not exceeding fifty per cent. of such subsidy), railway steel or iron manufactured in Ontario from ore of which at least two-thirds has been obtained from Ontario mines; and Provincial scrip or certificates in payment of the steel or iron so delivered may be issued payable to the manufacturer by whom the same has been delivered in lieu of the railway company. 60 V. c. 41, s. 1 (1).

Tenders to be invited.

2. Tenders shall be invited by public advertisement for supplies of railway steel or iron of such dimensions, weight and quality, and to be delivered at such times and places and upon such conditions as are specified and as have been determined on by the Lieutenant-Governor in Council. 60 V. c. 41, s. 2.

Where difference between company and manufacturer.

3. Where the tenders are unsatisfactory, or where there is but one tender and the price at which the steel or iron is to be delivered to the railway company is matter of difference between the railway company and the manufacturer, the Lieutenant-Governor in Council shall determine the same. 60 V. c. 41, s. 3.

Property in the steel or iron to remain in the Province until fixed as part of permanent way.

4. Unless and until properly applied and fixed as part of the permanent way, such steel or iron, though delivered to the railway company, shall remain the property of the Province, and if not so applied and fixed to the satisfaction of the Lieutenant-Governor in Council within the period limited by the Order in Council, the Province may at any time after the expiration of that period enter, and resume possession of such steel or iron, not then so applied and fixed, and may make other disposition of the same. 60 V. c. 41, s. 4.

[*As to the power of the Lieutenant-Governor in Council to retain a portion of a subsidy to secure the payment of claims for wages of persons employed in connection with a railway. See Cap. 155, s. 5*]

[*For Acts respecting the granting of Aid to Railways, see 52 V. c. 35; 53 V. c. 46; 54 V. c. 39; 55 V. c. 41; 56 V. c. 34; 57 V. c. 49; 58 V. c. 36; 58 V. c. 37; 59 V. c. 48; 60 V. c. 40.*]

6. *MISCELLANEOUS ASSOCIATIONS.*

CHAPTER 211.

An Act respecting Benevolent, Provident and other Societies.

INTERPRETATION, s. 1.
SOCIETIES WHICH MAY BE INCORPORATED, s. 2.
INCORPORATION, s. 3.
BRANCH SOCIETIES, s. 4.
OFFICERS, s. 5.
INCORPORATION OF EXISTING SOCIETIES, s. 6.
INCORPORATION OF BRANCH SOCIETIES, ss. 7, 8.
PROPERTY OF EXISTING SOCIETY OR BRANCH UPON INCORPORATION, s. 9.
UNION OF SOCIETIES, s. 10.
LIABILITY OF PERSONS UNDER AGE, s. 11.
FREEDOM FROM CLAIMS OF CREDITORS, s. 12.
POWERS AS TO LANDS, ss. 13-15.
COPY OF DECLARATION OF INCORPORATION TO BE EVIDENCE, s. 16.
DEFECTS OF FORM IN PROCEEDINGS TO OBTAIN INCORPORATION, s. 17.
CERTIFICATE TO FACILITATE PROOF OF INCORPORATION, s. 18.
RETURNS AS TO PROPERTY, s. 19.
CHANGE OF NAME, s. 20.
FORFEITURE OF POWERS BY NON-USER, s. 21.
SUSPENSION OR REVOCATION OF POWERS FOR UNLAWFUL USE, ss. 22-23.
FORMS, s. 24.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Interpretation. "Society."

1. Unless there is something in the context requiring a different construction, the word "society" in this Act shall mean a company, society, association or organization incorporated under this Act, or some former Act consolidated in this Act. R. S. O. 1887, c. 172, *passim.*

Power to form societies for certain purposes.

2. Any five or more persons, of full age, may become incorporated under this Act for any benevolent or provident purpose, or for any other purpose, not illegal, save and except the purpose of trade or business and any purpose provided for by any of the Acts mentioned in the Schedule to this Act.

Restrictions as to insurance.

Provided that no society, incorporated after the tenth day of March, 1890, shall have authority to undertake or effect for valuable consideration, or to agree or offer so to undertake or

effect any contract of insurance, indemnity or guarantee whatsoever, with the members of the corporation or with others, or any contract within the intent of *The Ontario Insurance Act.*

Rev. Stat. c. 203.

Proviso.

Provided also that no such society, incorporated on or before the said tenth day of March, 1890, and not authorized by its original certificate or declaration of incorporation to undertake such contracts as aforesaid, shall by virtue of section 20 of this Act or otherwise have authority to change the purposes of the corporation so as to include the undertaking of such contracts as aforesaid. R. S. O. 1887, c. 172, s. 1; 53 V. c. 39, s. 9. *See also Cap. 203, secs. 30-32.*

Mode of incorporation.

3. The proceedings to obtain incorporation shall be as follows:

1. Such persons shall make and sign a declaration in writing setting forth the intended corporate name of the society, the purpose of the society, the names of those who are to be the first trustees or managing officers, the mode in which their successors are to be appointed, and such other particulars and provisions as the society may think fit, provided that the said particulars and provisions are not contrary to law;

2. The declaration may be made and signed in duplicate, or in as many parts as may be required. R. S. O. 1887, c. 172, s. 2 (1-2).

3. The declaration may be produced to a Judge of the High Court or to a Judge or Junior or Deputy-Judge of a County Court or to a Stipendiary Magistrate, and if the same appears to him to be in conformity with this Act, and on the production of such evidence as shall establish to his satisfaction that the proposed name of the society is not the name of any other known incorporated or unincorporated company or society, or a name liable to be unfairly confounded therewith, or a name otherwise on public grounds objectionable, he shall indorse thereon a certificate to that effect. R. S. O. 1887, c. 172, s. 2 (3); 51 V. c. 26, s. 1.

4. One of the original parts of the declaration shall be filed in the office of either the Provincial Registrar, or the Clerk of the Peace for the county or union of counties in which the society is to hold its annual and general meetings;

5. When these directions have been complied with, the persons who signed the declaration shall thereby become, and they, their associates and successors, shall thenceforward be a body corporate and politic and shall have the powers, rights and immunities vested by law in such bodies. R. S. O. 1887, c. 172, s. 2 (4-5).

Societies may establish branches.

4. The society may from time to time have or establish and maintain any number of branches thereof, to promote the objects of the society. R. S. O. 1887, c. 172, s. 3.

Appointment of officers, etc.

5. The society may from time to time appoint trustees a treasurer, a secretary and other officers, for conducting its affairs, and for the discipline and management of the society; and may from time to time make by-laws, rules or regulations for the government and for conducting the affairs of the society, or of any branches thereof; and may from time to time alter or rescind such by-laws, rules or regulations. R. S. O. 1887, c. 172, s. 4.

How societies existing on 24th March, 1874, may become incorporated hereunder.

6. In case a society having been established before the 24th day of March, 1874 and having been in existence at the said date desires to be incorporated under this Act, such society may become incorporated in manner following:

1. The trustees or office bearers for the time being shall make, sign and file, in manner aforesaid, a declaration stating the desire of the society to become incorporated according to the provisions of this Act, and stating also the intended corporate name of the society, and the purpose of the society;

2. There shall be annexed to and filed with such declaration a copy of the constitution and by-laws of the society, or by which the society is governed; and

3. A certificate by the Judge as aforesaid, that the said documents appear to him to be in conformity with this section; and thereupon the society shall be a body corporate and politic as aforesaid. R. S. O. 1887, c. 172, s. 5.

How branches of incorporated societies may become incorporated.

7. Any branch of an unincorporated society of the character aforesaid may become incorporated in manner following:

1. The trustees or office bearers for the time being of the branch shall make, sign and file, in manner aforesaid, a declaration of the desire of the branch to become incorporated according to the provisions of this Act, stating in the declaration the name of the branch;

2. There shall be filed with the declaration a copy of the constitution and by-laws (if any) of the branch; and in case the branch has no constitution or by-laws, an affidavit of the fact, made by one or more of the said trustees or office-bearers shall be filed with the declaration; and

3. A certificate by the Judge as aforesaid shall also be filed that the said documents appear to him to be in conformity with this section of this Act; and thereupon the said branch shall become and be a body corporate and politic as aforesaid, R. S. O. 1887, c. 172, s. 6.

How branches of future incorporated societies become incorporated.

8. Any branch of a society may become incorporated in like manner and by like proceedings, with the consent of the society to which the branch belongs, such consent to be given at a general meeting of the society called in manner provided by the constitution and by-laws of the

society, and upon proof of such consent having been given in manner aforesaid being filed with the other documents aforesaid, before the Judge grants his certificate as provided by the preceding sections. R. S. O. 1887, c. 172, s. 7.

Property of existing society upon being incorporated under this Act.

9. In case of the incorporation of a society, or branch of a society, established before and in existence on the 24th day of March, 1874, all real estate and other property held at the time of such incorporation in trust for the said society or branch shall, on such incorporation going into effect, become and be invested in the incorporated society or branch, without any deed, conveyance or assurance, and shall be held by the incorporated society or branch for the uses and purposes, and upon the trusts, and subject to the conditions and incumbrances upon, for, and subject to which the same were theretofore held by the trustees. R. S. O. 1887, c. 172, s. 8.

Different societies or branches may unite.

10. Any two or more societies or branches of a society may unite and form one society or branch, for the purpose of erecting buildings for the use of the societies or branches, and, if they so desire, for other purposes, on such terms as may be agreed upon, by authority of a resolution assented to by a majority of the members of each of the said societies or branches proposed to be united: provided that every such resolution is passed at a general meeting of each of the societies or branches concerned in such union, to be specially called for that purpose. R. S. O. 1887, c. 172, s. 9.

Liability of persons under age.

11. A person under the age of 21 years, elected or admitted as a member of a society, or appointed to any office therein, shall be liable to the payment of fees and otherwise, under the rules of the society, as if he were of full age. R. S. O. 1887, c. 172, s. 10.

Freedom from claims of creditors.

12. When under the rules of a society money becomes payable to, or for the use or benefit of, a member thereof, such money shall be free from all claims by the creditors of such member; and when, on the death of a member of a society, any sum of money becomes payable under the rules of the society, the same shall be paid by the treasurer or other officer of the society to the person or persons entitled under the rules thereof, or shall be applied by the society as may be provided by such rules; and such money shall be, to the extent of $2,000, free from all claims by the personal representative or creditors of the deceased; and in case any sum is paid in good faith to the person who appears to the treasurer or other officer to be entitled to receive the same, or is applied in good faith for the purposes by the rules provided, no action shall be brought against the treasurer, or other officer or the society in respect thereof; but nevertheless if it subsequently appears that the money has been paid to the wrong person, the person entitled thereto may recover the amount with in-

Payment in good faith to wrong person.

terest from the person who has wrongfully received it. R. S. O. 1887, c. 172, s. 11.

Powers of societies as to holding lands.

13.—(1) No society or branch incorporated under this Act shall be entitled to acquire or hold, as purchasers or otherwise, lands or tenements, or any interests therein, exceeding in the whole at any one time the annual value of $5,000, nor shall the society or branch be entitled to purchase land except for the actual use and occupation of the society for the purposes of the society. R. S. O. 1887, c. 172, s. 12.

Powers of educational societies as to holding lands.

(2) In the case of a society or branch having for its chief object the establishing of a seminary or institution for educational purposes, the value of any building or buildings acquired or erected on such land and the income from such building or buildings shall not be considered in estimating such annual value. 58 V. c. 39, s. 1.

Powers as to taking and retaining lands by gift, devise or bequest.

14. A society or branch may from time to time take by gift, devise or bequest, lands or tenements, or any interests therein, provided such gift, devise or bequest is made at least six months before the death of the person making the same ; but the society or branch shall at no time take, by gift, devise or bequest, lands or tenements or any interests therein, the annual value of which, together with that of all other lands and tenements theretofore acquired by like means, and then held by the society or branch, exceeds in the whole $1,000 ; nor shall the society or branch at any time take, by gift, devise or bequest, lands, tenements or hereditaments the annual value of which, together with all the other real estate of the society or branch, exceeds $5,000 ; and no lands or tenements acquired by gift, devise or bequest, within the limits aforesaid, but not required for the actual use or occupation of the society or branch, shall be held by the society or branch for a longer period than seven years after the acquisition thereof, and within such period the same shall be absolutely disposed of by the society or branch ; and the society or branch shall have power within such period, in the name of the society or branch, to grant and convey the said lands or tenements to any purchaser, so that the society or branch no longer retains any interest therein ; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages on land, for the use of the society or branch : and any lands, tenements or interests therein, required by this Act to be sold and disposed of by the society or branch but which have not, within the said period, been so disposed of, shall revert to the person from whom the same were acquired, his heirs, executors, administrators or assigns. R. S. O. 1887, c. 172, s. 13.

Power to sell, mortgage, etc., lands.

15. A society may, in pursuance of a resolution assented to by a majority of the members present at a general meeting specially called for that purpose, of which public notice shall be given in the manner provided by the by-laws, mortgage, sell, exchange or lease any lands of the society. R. S. O. 1887, c. 172, s. 14.

Copy of declaration of incorporation to be evidence.

16. A copy of the declaration, under sections 3, 6 or 7 of this Act, certified by the Provincial Registrar, or his deputy, or by the Clerk of the Peace, as the case may be, to be a true copy, shall be *prima facie* evidence of the facts alleged in the declaration, and of the due making, signing and filing of the declaration, as mentioned in the certificate; and his certificate of the filing of the copy of the constitution and by-laws, under section 6 or 7, shall be like evidence of such filing; and a copy of the declaration, with a certificate of the Provincial Registrar, or his deputy, or Clerk of the Peace, shewing the particulars necessary for creating a corporation under this Act, shall be *prima facie* evidence that the society or branch is an incorporated society or branch under this Act. R. S. O. 1887, c. 172, s. 15.

Defects in form.

17. No defect of form in the certificate of the Judge, or in the proceedings to which the certificate of the Judge relates, shall affect the validity of the incorporation. R. S. O. 1887, c. 172, s. 16.

Certificate of incorporation its effect as evidence.

18.—(1) To facilitate the proof of a society or branch being an incorporated society or branch under this Act, and to prevent any future question as to the same, the society or branch, after the same has become incorporated as aforesaid, shall be entitled (if the society or branch thinks fit) to receive a certificate of such incorporation in manner hereinafter mentioned; and the certificate so obtained shall be final and conclusive evidence of the society or branch being an incorporation under this Act, unless the certificate, or the order or decision of the Court granting or authorizing the same, is reversed or set aside by some direct proceeding taken for the purpose; and the proceedings for the purpose of obtaining the certificate may be as follows:

Application for certificate

(*a*) The application for the certificate may be made by the society or branch to the High Court or a Judge thereof, or to the County Court of the county in which the declaration aforesaid is filed, or to a Judge thereof.

Evidence thereon.

(*b*) The application shall be supported by satisfactory evidence that the society or branch is a society or branch within the true intent and meaning of this Act; that the proceedings necessary for incorporation have been duly taken; that four weeks' notice of the intention to apply for a certificate has been given to the Attorney-General of Ontario; and that a like notice has been published for four weeks in the *Ontario Gazette*; and if

the Court or Judge is not satisfied with the evidence offered of these particulars in the first instance, the Court or Judge, instead of dismissing the application, may give an opportunity or opportunities for producing further evidence; and if there is any defect in the proceedings taken to obtain incorporation, the Court or Judge may permit the same to be supplied; and the Court or Judge may, in all cases, require from time to time any further publication to take place, and any other notice to be mailed, served or given, which the Court or Judge deems necessary.

Issue of certificate.

(*c*) When the Court or Judge is satisfied that the society or branch is entitled to the certificate, the certificate may be issued by the registrar or clerk in duplicate (under his hand and the seal of the Court) or in as many parts as may be required; and the same shall name the day from and at which the incorporation was complete and effectual; and any person shall thereafter be entitled to receive a certificate to the same effect, sealed and signed as aforesaid, or a counterpart of the certificate first issued, sealed and signed as aforesaid; which certificate or counterpart thereof shall be final and conclusive, as hereinbefore mentioned.

Costs and practice. Rev.Stat.c.51.

2. The Judges authorized to make rules under *The Judicature Act* shall have the same power of regulating the practice and costs in such cases as in other cases; and subject to this power, the costs and fees shall be the same, as nearly as may be, as in like cases within the jurisdiction of the said Courts respectively. R. S. O. 1887, c. 172, s. 17.

Rev. Stat. c. 203.

3. This section shall not apply to any friendly society which is within the intent of *The Ontario Insurance Act*, 55 V. c. 39, s. 63, *part*.

Society to furnish statement of real property to the Legislature.

19. It shall be the duty of the society, when thereunto required by the Lieutenant-Governor in Council, or by the Legislative Assembly, to furnish a statement of the real property, and of the estates therein held by the society, and to give such details thereof as the Lieutenant-Governor or the Legislative Assembly may from time to time require. R. S. O. 1887, c. 172, s. 18.

Change of name, etc., of society. Rev. Stat. c. 203.

20.—(1) Where a society, not being an insurance corporation within the meaning of *The Ontario Insurance Act*, is desirous of changing its name, or of changing any of the purposes contained in the original certificate or declaration of incorporation, a Judge of the High Court or a Judge or Junior or Deputy Judge of a County Court of the county, or a Stipendiary Magistrate of the district where the society holds its annual meetings, upon being satisfied that the change desired is not for an improper purpose and is not otherwise objectionable, may make an order reciting the certificate and declaration of incorporation and making the change desired. R. S. O. 1887, c. 172, s. 19 (1); 55 V. c. 39, s. 24 (3), *part*.

Order to be filed.

(2) Such order shall be filed in the office in which the certificate and declaration were filed, and a copy of the order, certified by the Provincial Registrar or his deputy, or by the Clerk of the Peace, as the case may be, to be a true copy of the order filed in the office of the Registrar or Clerk, shall be *prima facie* evidence of the change having been made as therein set forth.

Rights and obligations of society not affected.

(3) No change under the next preceding two sub-sections shall affect the rights or obligations of the society, and all actions or proceedings commenced by or against the society prior to the change of name may be proceeded with by or against the society under its former name. R. S. O. 1887, c. 172, s. 19 (2-3).

Forfeiture for non-user of corporate powers.

21. If a society does not go into actual operation within two years after incorporation, or, for two consecutive years, does not use its corporate powers for the purpose or for the chief purpose set forth in the declaration required by section 6 of this Act, such non-user shall *ipso facto* work a forfeiture of the corporate powers, except so far as is necessary for winding up the corporation; and, in any action or proceeding where such non-user is alleged, proof of user shall lie upon the corporation. 55 V. c. 39, s. 63, *part.*

Unlawful use of corporate powers.

22.—(1) If after a reasonable time has been given to a society to be heard, it appears to the Lieutenant-Governor in Council that the society is using its corporate powers for any fraudulent or other unlawful purpose, it shall be lawful for the Lieutenant-Governor in Council to suspend for a limited period, or to revoke the said corporate powers; and on any revocation

Suspension or revocation of powers.

the corporate powers shall *ipso facto* absolutely cease and determine, except for the sole purpose of winding up the affairs of the society; and the High Court upon the petition of the Attorney-General or of any person interested, may by judgment or order limit the time within which the society shall settle and close its accounts, and may for this specific purpose, or for the purpose of liquidation generally, appoint a receiver.

Public notice.

(2) Notice of any suspension or revocation of corporate powers as aforesaid shall be given in the *Ontario Gazette*, and in such public newspapers as the Lieutenant-Governor in Council shall determine. 53 V. c. 39, s. 10.

Who may take affidavits and depositions under Sec. 22.

23. For the purposes of the next preceding section affidavits and depositions may be taken and made before any Justice of the Peace, Notary Public, or Commissioner for taking affidavits. 53 V. c. 39, s. 12; 55 V. c. 39, s. 63, *part.*

Forms.

24. In case the Lieutenant-Governor in Council or the Board of County Judges adopt or approve of any forms for any of

the proceedings under this Act, and the order adopting or approving the same is, with the forms, printed in the *Ontario Gazette*, the same forms shall be as effectual for the purposes mentioned in this Act, or in the Order in Council or order of such Board of County Judges as if the said forms had been inserted in this Act. R. S. O. 1887, c. 172, s. 20.

SCHEDULE.

(*Section* 2.)

CHAPTERS OF THE REVISED STATUTES OF ONTARIO, BEING ACTS FOR PURPOSES NOT INTENDED BY THIS ACT.

1. Chapter 151, entitled *An Act respecting Limited Partnerships.* Rev. Stat. c. 151.

2. Chapter 190, entitled *An Act respecting the Incorporation of Joint Stock Companies by Letters Patent.* Rev. Stat. c. 190.

3. Chapter 191, entitled *An Act respecting the Incorporation and Regulation of Joint Stock Companies.* Rev. Stat. c. 191.

4. Chapter 192, entitled *An Act respecting Telegraph Companies.* Rev. Stat. c. 192.

5. Chapter 193, entitled, *An Act respecting Joint Stock Companies for the Construction or Purchase of Roads and other Works.* Rev. Stat. c. 193.

6. Chapter 194, entitled *An Act respecting Joint Stock Companies for the Construction of Works to facilitate the transmission of Timber down Rivers and Streams.* Rev. Stat. c. 194.

7. Chapter 195, entitled *An Act respecting Joint Stock Companies for the Construction of Piers, Wharfs, Dry Docks and Harbours.* Rev. Stat. c. 195.

8. Chapter 196, entitled *An Act respecting Joint Stock Companies for the Erection of Exhibition Buildings.* Rev. Stat. c. 196.

9. Chapter 197, entitled *An Act respecting the Incorporation and Regulation of Mining Companies.* Rev. Stat. c. 197.

10. Chapter 199, entitled *An Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.* Rev. Stat. c. 199.

11. Chapter 200, entitled *An Act respecting Companies for Supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power.* Rev. Stat. c. 200.

12. Chapter 201, entitled *An Act respecting Cheese and Butter Manufacturing Associations and Companies.* Rev. Stat. c. 201.

13. Chapter 202, entitled *An Act respecting Co-operative Associations.* Rev. Stat. c. 202.

Rev. Stat. c. 203. 14. Chapter 203, entitled *An Act respecting Insurance.*

Rev. Stat. c. 204. 15. Chapter 204, entitled *An Act respecting the Insurance of Live Stock.*

Rev. Stat. c. 205. 16. Chapter 205, entitled *An Act respecting Building Societies and other Loan Corporations.*

Rev. Stat. c. 206 17. Chapter 206, entitled *An Act respecting Trust Companies.*

Rev. Stat. c. 212. 18. Chapter 212, entitled *An Act respecting Immigration Aid Societies.*

Rev. Stat. c. 213. 19. Chapter 213, entitled *An Act respecting Cemetery Companies.*

Rev. Stat. c. 232. 20. Chapter 232, entitled *An Act respecting Public Free Libraries.*

Rev. Stat. c. 307. 21. Chapter 307, entitled *An Act respecting the Property of Religious Institutions.*

R. S. O. 1887, c. 172, Schedule; 60 V. c. 3, s. 3.

CHAPTER 212.

An Act respecting Immigration Aid Societies.

SHORT TITLE, s. 1.
INTERPRETATION, s. 2.
IMMIGRATION DISTRICTS AND AGENTS, s. 3.
FORMATION OF SOCIETIES, ss. 4-8.
POWERS AS TO LENDING AND BORROWING MONEY, s. 9.
MODE IN WHICH SOCIETY MAY PROCURE EMPLOYMENT FOR IMMIGRANTS, ss. 10-12.
ADVANCES TO IMMIGRANTS, s. 13.
Recovery of advances, ss. 14-15.
INSPECTOR OF SOCIETIES, s. 16.
EXAMINATION OF IMMIGRANTS AND WITNESSES, s. 17.
INSTRUMENTS AUTHORIZED BY THIS ACT MAY BE DRAWN IN ANY LANGUAGE, s. 18.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PRELIMINARY.

Short title.

1. This Act may be cited as "*The Ontario Immigration Aid Societies Act.*" R. S. O. 1887, c. 174, s. 1.

Interpretation.

2. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:

Minister of Agriculture.

1. "Minister of Agriculture" and "Minister" shall include any deputy or officer authorized to perform the duty, or exercise the power in question;

"Immigration." "Immigrant."

2. "Immigration" or "Immigrant," shall include "Emigration" or "Emigrant," when it refers to the act of leaving or to a person about to leave Europe or elsewhere for Ontario;

"Society."

3. "Society" shall mean the Ontario Immigration Aid Society which the context indicates or refers to. R. S. O. 1887, c. 174, s. 2.

Immigration Districts, agents and officer.

3. The Minister of Agriculture shall from time to time divide the Province of Ontario into immigration districts, either by counties, ridings or municipalities, as seems to him most expedient; and in each of such districts there shall be an immigration office and an immigration agent; and such division, and any future alteration thereof, shall be notified in the

Ontario Gazette as the immigration district of the place where the immigration office is kept. R. S. O. 1887, c. 174, s. 3.

Formation of such societies and their purpose.

4. In each of such districts an Immigration Aid Society or Societies may be formed and constituted under this Act, for the purpose of assisting immigrants to reach Ontario from Europe and elsewhere; and of obtaining employment for them on their arrival in the Province; and of enabling persons in Ontario in want of labourers, artizans or servants to obtain them by such immigration; every such society shall consist of not less than twenty-five persons whether resident or not in the immigration district, agreeing to form such society and to subscribe among them, as the capital of the society, not less than $500, in fifty shares of $10 each, one-fourth of which, at least, shall be paid on subscribing the declaration of membership hereinafter mentioned, into the hands of a person agreed upon as their secretary-treasurer, by the persons (not being less than twenty-five) present at the meeting at which it is agreed to form such society. R. S. O. 1887, c. 174, s. 4.

Subscription and capital.

Formalities to be complied with for the purpose of such formation.

5. The persons agreeing to form such society shall elect or agree upon a president, secretary-treasurer and board of management, composed of not less than five members, including the officers above mentioned; and shall adopt a constitution and by-laws; and shall respectively sign a declaration to the effect following:

Declaration.

"We, the undersigned, hereby associate ourselves together as 'The Immigration Aid Society, No.—, of the Ontario Immigration District of——,' and we hereby bind ourselves to observe and obey all the requirements of *The Ontario Immigration Aid Societies Act*, and to pay respectively into the hands of the secretary-treasurer the amount of stock set opposite our respective names, one-fourth on subscribing this declaration and the remaining three-fourths by the instalments and in the manner hereinafter provided; and we further bind ourselves to observe and to obey the constitution and by-laws of the Society, which are as follows:"

Constitution and rules of society.

Then shall follow the constitution and by-laws, which shall declare the objects of the society to be those mentioned in section 4, and such other special objects (if any) as it may be thought necessary to enumerate, and shall contain the names of the first president, secretary-treasurer and members of the board of management; the place where the society shall have its office and hold its meetings, the manner in which the remainder of the stock of the society shall be paid up; the annual subscription to be paid by members, if such subscription is deemed advisable; the admission of new members; the duties and powers of the board of management and officers; the period for which they shall retain office; the regular meetings of the society; the mode of calling and holding special meetings; the number required for a quorum, and mode of voting thereat; the manner of filling vacancies in the board of management, or of the performance of their duties, in their absence, by others; the period for which the society shall continue; the mode of dividing

its assets or profits from time to time during such period; and generally such provisions as may be advisable or expedient for the well working of the society, and the attainment of the objects for which it is formed; then shall follow the signatures of members, and in columns opposite thereto the amount of stock for which they respectively subscribe, and the amounts paid up; the declaration shall then be dated and attested by the signatures of the president and secretary-treasurer. R. S. O. 1887, c. 174, s. 5.

Signatures of members.

Attestation.

6. The declaration shall be made in duplicate, and the duplicates shall be delivered or sent by the secretary-treasurer, through the agent for the district, to the Minister of Agriculture, who shall cause them to be compared with this Act, and if the declaration is not found conformable thereto, the Minister shall return the duplicates to the secretary-treasurer, informing him of the fact and of the objection to which the declaration is liable; but if it is found to be so conformable, he shall certify the fact under his hand and seal on both duplicates, and shall retain and keep one of them in his office, and shall return the other to the secretary-treasurer. R. S. O. 1887, c. 174, s. 6.

Duplicates of declaration to be sent to the Minister for approval and certificate.

7. If there is no other immigration aid society in the district, the Minister shall treat the society as Number One, and shall fill the blank left in the declaration for that purpose with that number; but if there be another or others, he shall give each a number in the order in which he certifies the declarations, and shall fill the blank in each with its proper number, according to such order. R. S. O. 1887, c. 174, s. 7.

Minister to number societies in order.

8. As soon as the declaration is approved and certified as aforesaid, the society shall be a body politic and corporate, by the name taken in the declaration, including the number given by the Minister, and shall have all the powers, rights and immunities assigned to corporations by *The Ontario Companies Act*, including the right to have a corporate seal if the society thinks fit; but it shall not be necessary that the corporate seal (if the society has one) be affixed to any document in order to make it the act or deed of the corporation, but it shall be sufficient for that purpose that the document be signed by the secretary-treasurer and countersigned by the president of the society as such, or by the person or persons acting *pro tempore* in their stead, nor shall the authority or capacity of any person signing the same or his signature be called in question by any but the corporation, and if not so questioned it shall be admitted in evidence without proof; and any document purporting to be the duplicate copy of the declaration signed and sealed by the Minister, shall be admitted as evidence of the facts stated therein, without proof of his signature, unless it is called in question by himself or by his authority. R. S. O. 1887, c. 174, s. 8.

On approval, Society to become a corporation.

Rev. Stat. c. 191.

Seal.

Execution of documents.

Evidence: duplicate.

Powers of society to lend and borrow money.

9. The society shall have power to enter into agreements and contracts, either with members of their corporation or with others, for any purpose relating to immigration, and to lend and to borrow money, and to take or give security for the same and to become a party to any promissory note, bill of exchange or other negotiable instrument or security, in the manner provided as to other documents by section 8; and may receive assistance in money or otherwise from municipal or other corporations, or from any institution, society or person, towards enabling them to attain the objects of this Act, on such terms and conditions as may be agreed upon, not inconsistent with this Act or with law; but the total amount of the liabilities of the society shall never exceed the amount of its capital subscribed, but not paid up. R. S. O. 1887, c. 174, s. 9.

Proviso; total liability limited.

Society may receive applications for the employment of immigrants, and act upon them.

10. The society may receive applications from persons desiring to obtain artizans, workmen, servants or labourers from the United Kingdom, or from any part of Europe or elsewhere, and may enter into any lawful contracts with such persons, including the obligation on the part of such persons to employ the immigrants referred to on their arrival in Ontario, in any manner, at any rate of wages, and for any period, under such penalties as damages for non-performance as may be stipulated in such contract, and may receive in advance all or any part of the money to be expended by the society, or take security for the repayment of all or any part thereof to the society by instalments, or in one sum, as may be agreed upon. R. S. O. 1887, c. 174, s. 10.

Applications to be forwarded to district agent, with report of society's action thereon.

11. The secretary-treasurer shall forthwith transmit every such application, with the requisite information and details, to the immigration agent of the district, with the amount the society has undertaken to advance towards defraying the expenses to be incurred in complying with the application, in paying or partly paying the cost of the ocean passage and other travelling charges of the immigrants required, from their home in Europe to the place in Ontario where they are required. R. S. O. 1887, c. 174, s. 11.

Applications to be transmitted to agents in Europe with funds advanced; their duties.

12. The immigration agent shall forthwith transmit every such application, and the money received by reason thereof, to the emigration agent or commissioner of the Province of Ontario in the United Kingdom or elsewhere, who shall thereupon take the necessary measures for procuring and forwarding to the society such immigrant or immigrants as may be required by the application; and the immigration agent shall, from time to time, furnish the Minister of Agriculture with such information and details respecting such application as the said Minister may require. R. S. O. 1887, c. 174, s. 12.

Agents in Europe to take security from emigrants for repayment of advances.

13. If it is the intention of the society or of the applicant that the whole or part of the money advanced towards defraying the expenses of emigration shall be repaid by the immigrant, either in one sum or in instalments, it shall be the duty of the emigration agent or commissioner of the Province, in Europe, making the arrangements for the passage of the intending emigrant to Canada, to take from the emigrant an undertaking binding him to repay such money to the society in Ontario in one sum or by instalments, at certain periods, and with or without interest, according to the instructions given by the secretary-treasurer, and he shall witness the execution of such instrument; and if any sum of money has been advanced to the emigrant for like purposes by any society, or institution, or individual in the United Kingdom, such sum may, with the consent of such society, institution or individual, be included in the amount for which such instrument is given, and may be recovered by the Ontario society aforesaid, and being so recovered shall be paid over, without charge, to the society, institution or individual by whom it was advanced, to whom, as well as to the Ontario society, the agent or commissioner of emigration witnessing the execution of the instrument shall notify any such amount. R. S. O. 1887, c. 174, s. 13.

Sums advanced to emigrants in United Kingdom may be included.

Recovery of amount of advances.

14. Any sum due as an instalment upon such instrument shall be recoverable in any way in which a like sum is recoverable in the place where the action is brought, although the instrument includes a further sum not then due. R. S. O. 1887, c. 174, s. 14.

Emigrant may bind himself to serve nominee of the society for the amount of the advance.

Rev. Stat. c. 157.

15. Subject to the provisions of section 8 of *The Act respecting Master and Servant*, any emigrant who might make such instrument, as aforesaid, may, in like manner, execute an instrument witnessed as above provided, binding himself or herself, in consideration of the sum advanced by the society therein named, to accept employment of the kind to be therein stated from any named person in the immigration district in which the society is formed, or with any person in such district whom the society may designate to the immigrant on his or her arrival in such district, at a rate of wages to be named in the instrument, and for a term to be also therein named not exceeding six months, and to serve such person faithfully in such employment during such term, and to allow such person to deduct from his or her wages, at a period or periods to be designated in such instrument, such sum or sums as shall also be therein designated, and to pay the same to the society, on account of any money due by the immigrant to it; and such instrument may be enforced by the society accordingly, by civil action in any Court having jurisdiction to the amount then due against the immigrant; and any refusal or neglect on the part of the immigrant to perform any of the other obligations undertaken by him in such instrument shall be an offence cognizable before any one Justice of the Peace, and

How such agreement may be enforced.

punishable by a fine not exceeding $20, and costs, and the fine, if paid, shall belong to the society, and be paid over to it by the Justice of the Peace; but the payment of such fine shall not prevent or affect any civil remedy of the society under such instrument. R. S. O. 1887, c. 174, s. 15.

Appointment of Inspector of Immigration Societies.

16. The Minister of Agriculture shall, in his discretion, appoint, instead of district agents hitherto mentioned in the preceding sections of this Act, an Inspector of Immigration Societies, whose duties shall be to generally superintend the working of such societies and to act in the place of the said district agents; or he may appoint the immigration agents of the Dominion Government to act as Provincial district agents for their respective agency districts. R. S. O. 1887, c. 174, s. 16.

Minister, etc., may examine immigrants regarding assistance extended by this Act.

17. The said Minister of Agriculture and the inspector, district agents, or other person or persons who may be appointed by the Minister, shall have power to examine under oath any person or immigrant touching any of the provisions relative to assisted emigration contained in this Act; and shall have the same power to enforce the attendance of such persons or immigrants, and to compel them to give evidence, as is vested in the High Court in civil cases. R. S. O. 1887, c. 174, s. 17.

Foreign language: money

18. Any negotiable or other instrument authorized by this Act may be drawn in any foreign language understood by the person executing it; and sums of money mentioned therein may be expressed in any currency used in the country where it is executed, and shall be held to mean equivalent sums of currency in Canada. R. S. O. 1887, c. 174, s. 18

CHAPTER 213.

An Act respecting Cemetery Companies.

INCORPORATION, s. 1 (1).
APPLICATION OF ACT, s. 1 (2).
PURCHASE OF LAND MAY BE BY GIVING SHARES, s. 3.
CEMETERIES TO BE FENCED, s. 4.
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PLACE AND MANNER OF BURIAL, ss. 10-11.
OPENING GRAVES AND REMOVING BODIES, s. 12.
GRAVES FOR STRANGERS AND POOR, s. 13.
EXEMPTION FROM TAXATION, s. 14.
SALE OF LOTS, ss. 15-17.
Application of proceeds of sales, s. 18.
SHAREHOLDERS, ss. 19-24.
BEQUESTS, ETC., TO COMPANY, s. 21.
APPLICATION OF S. 21 TO ALL CEMETERY COMPANIES, s. 22.
BORROWING POWERS, s. 25.
BY-LAWS, ss. 26-27.
DEFACING TOMBSTONES, ETC., s. 28.
ACQUIRING ADDITIONAL LAND, s. 29.
WINDING UP OF COMPANIES, s. 30.
CONVEYANCE TO MUNICIPAL CORPORATIONS, s. 31.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation of companies.

1.—(1) Every company hereafter incorporated for the purpose of establishing one or more public cemeteries, shall be incorporated under *The Ontario Companies Act.*

Companies to be subject to this Act and to the Ontario Companies Act.

Rev. Stat. c. 191.

(2) Every such company and every company incorporated for the purpose aforesaid before the 1st day of July, 1897, under chapter 175 or chapter 176 of *The Revised Statutes of Ontario, 1887*, or any former Act consolidated therein, shall be subject to the provisions of this Act, and shall also be subject to the provisions of *The Ontario Companies Act* so far as the provisions of the latter Act are applicable and consistent with those of this Act. Provided always that the Lieutenant-Governor in Council may relieve any company incorporated before the said 1st day of July, 1897, from compliance with any of the provisions of the said *Ontario Companies Act* as may be deemed expedient. 60 V. c. 42, s. 1, *part*, 3.

Restrictions.

2.—(1) No such company shall be incorporated

(*a*) Until stock has been subscribed to an amount deemed sufficient for the purchase of the ground for such cemetery or cemeteries;

(*b*) Nor until 25 per cent. of the proposed capital has been paid.

(2) No such cemetery shall be established within the limits of any city, or, except as hereinafter provided, within the limits of any incorporated village or town.

(3) In the case of an incorporated village or town, a cemetery within the village or town may be established by the company where it appears to the satisfaction of the Lieutenant-Governor in Council that from the extent of territory included in the village or town a cemetery may safely be established therein, and that the municipal council and local board of health of the village or town approve thereof, and that in the opinion of the Provincial Board of Health the proposed cemetery may under all the circumstances be safely permitted.

(4) The expenses of the Provincial Board of Health in the case mentioned in the preceding sub-section, shall be paid by or on behalf of the applicants. R. S. O. 1887, c. 175, s. 1 *part*; c. 176, s. 1 (2), (3); 60 V. c. 42, s. 1; c. 43, ss. 1, 2.

Owner of land may be a member of company and take stock in payment.

3. The owner of any land from whom the persons applying for incorporation as a company purchase, or from whom the company purchases land for the purposes of the company, may be a member of the company, and may subscribe for stock in the company to an amount equal to the purchase money of the land or to a portion thereof, and may take and hold the said stock in payment for the land or part payment therefor; and the stock so given for or on account of the purchase of the land, shall, for all purposes of this Act, be deemed and treated as paid up stock in the company. R. S. O. 1887, c. 176, s. 4.

Cemetery to be enclosed.

4. The company shall, by walls or other sufficient fences of such height as the municipality may by by-law direct, enclose every part of the cemetery held by them. R. S. O. 1887, c. 175, s. 4.

Cemetery to be kept in good repair.

5. The company shall also, out of the moneys received by virtue of this Act, keep the cemetery, and the buildings and fences thereof, in complete repair, and in good order and condition. R. S. O. 1887, c. 175, s. 5.

Company to make all necessary sewers, etc.

6. The company shall make all proper and necessary sewers and drains in and about the cemetery for draining it and keeping it dry; and they may from time to time as occasion requires, cause any such sewer or drain to open into an existing sewer, with the consent in writing of the persons having the management of the street or road, and with the like consent of the owner or occupier of the land through which or part of which the opening is intended to be made, doing as little damage as possible to the street, road or land wherein the same is made, and restoring it to the same or as good condition as it was in before being disturbed. R. S. O. 1887, c 175, s. 6.

7. If the company at any time causes or suffers to be brought to or to flow into any river, spring, well, stream, canal, reservoir, aqueduct, pond or watering place, any offensive matter from the cemetery, whereby the water is fouled, the company shall forfeit for every such offence $50. R. S. O. 1887, c. 175, s. 7. Penalties on Company contaminating any river, etc.

8. The said penalty, with full costs of suit, may be recovered in any Court of competent jurisdiction, by any person having a right to use the water; but the penalty and costs shall not be recoverable unless sued for during the continuance of the offence, or within six months after it has ceased. R. S. O. 1887, c. 175, s. 8. Recovery and application of penalties.

9. In addition to the penalty of $50 (and whether the same has been recovered or not) any person having a right to use the water may sue the company for any damage specially sustained by him by reason of the water being fouled; or if no special damage is alleged, then, for the sum of $10 for every day during which the offensive matter has continued to be brought or to flow after the expiration of twenty-four hours from the time when notice of the offence was, by such person, served upon the company. R. S. O. 1887, c. 175, s. 9. Damages may be recovered in addition to penalties.

10. No body shall be buried in a vault or otherwise under any chapel or other building in the cemetery, nor within fifteen feet of the outer wall of any such chapel or building. R. S. O. 1887, c. 175, s. 10. Where bodies may be buried.

11. The company shall make regulations to ensure all burials within the cemetery being conducted in a decent and solemn manner. R. S. O. 1887, c. 175, s. 11. Funerals to be decently performed.

12. No grave in a cemetery shall be reopened for the purpose of removing a body therefrom, nor any monument or other permanent improvement placed on a lot be removed from such lot, without the consent of the directors of the company, or an order of the County Court Judge in that behalf, but, saving, nevertheless, the right of the Crown to order the removal of a body for the purposes of legal inquiry. 58 V. c. 40, s. 2. Opening graves and removing bodies.

13. The company shall furnish graves for strangers, and for the poor of all denominations, free of charge, on the certificate, in the latter case, of a minister or clergyman of the denomination to which the deceased belonged, that the relatives of the deceased are poor and cannot afford to purchase a lot in the cemetery. R. S. O. 1887, c. 175, s. 12. Graves to be furnished gratis for strangers and poor.

14. The real estate of the company and the lots or plots when conveyed by the company to individual proprietors for Real estate of company exempt from taxation.

burial sites, shall be exempt from taxation of any kind, and shall not be liable to be seized or sold on execution. R. S. O. 1887, c. 175, s. 13.

Lots conveyed need not be registered.

15. When a lot has been sold by the company, for a burial site, the conveyance shall not require to be registered for any purpose whatever, and shall not be affected by any Registry Act, nor shall any judgment, mortgage or incumbrance subsist on any lot so conveyed. R. S. O. 1887, c. 175, s. 14.

Form of deed.

16. The deeds from the company may be in the following form:

"Know all men by these presents, that the Cemetery Company, in consideration of dollars paid to them by , of , the receipt whereof is hereby acknowledged, do grant unto the said his heirs and assigns, Lot of Land in the Cemetery of the said Company, called , and situate in the County of , which Lot is delineated and laid down on the map of the said Cemetery, and is therein designated by the name of , containing by admeasurement superficial feet; to have and to hold the above named premises," etc.

R. S. O. 1887, c. 175, s. 15.

Lots to be indivisible, but may be held in undivided shares.

17. All lots or plots of ground in the cemetery, when numbered and conveyed by the company, as burial sites or lots, shall be indivisible, but may afterwards be held and owned in undivided shares. R. S. O. 1887, c. 175, s. 16.

Repurchasing and re-selling lots in cemetery.

18. The company may, out of any moneys received by virtue of this Act, repurchase any lot or lots previously sold or conveyed by the company, and take conveyances of the same from the owners thereof, and may also, from time to time, resell the same in the manner and form provided respecting other lands in the cemetery held by the company. 58 V. c. 40, s. 1.

Shareholders may receive interest on stock not represented by land.

19.—(1) From and out of the proceeds of the sales of burial sites made by the company, the company may pay to its shareholders who may not desire to take land in the cemetery to the full extent of the stock subscribed for and paid by them, interest on their paid up stock, not represented by land in the cemetery, at such rate as may be agreed on, not exceeding eight per centum per annum, and may also repay to such shareholders the amount of paid-up stock held by them not represented by land in the cemetery.

Rights of shareholders with stock not represented by land.

(2) Every such shareholder of the said company shall be taken to be a shareholder, and shall be entitled to all the rights of shareholders in respect of the shares of the capital stock of the company held by him and fully paid up, and which are not represented by land in the cemetery, until such shares are repaid to him by the company; and upon their repayment to him of any share he shall cease to be a shareholder in respect of such share.

(3) Except as aforesaid, no dividend or profit of any kind shall be paid by the company to any member thereof. R. S. O. 1887, c. 175, s. 17. No dividend allowed.

20. Subject to the provisions in the preceding section contained, one-half of the proceeds of all sales of burial sites, made by the company, shall be first applied to the payment of the purchase money of the land acquired by the company, and the residue to preserving, improving and embellishing the land as a cemetery or burial ground, and to the incidental expenses of the company; and after payment of the purchase money, the proceeds of all future sales shall be applied to the preservation, improvement and embellishment of the cemetery, and to the incidental expenses thereof, and to no other purpose whatever. R. S. O. 1887, c. 175, s. 18. Application of proceeds of sales.

21.—(1) The company may take and hold by gift, assignment, devise, bequest or otherwise, any moneys or securities, and apply the same in the same manner as any other moneys of the company in preserving, improving and embellishing the cemetery of such company, upon the condition and in consideration of the company's assuming and undertaking the duty and obligation of preserving and maintaining in a proper manner forever, any particular lot, tomb, monument or enclosure in such cemetery or in any other cemetery or burying ground in the same, or in any other municipality in the same county, and any person or persons may make such gift, assignment, devise or bequest, to such company upon such conditions and for such considerations. R. S. O. 1887, c. 175, s. 19 (1). Company may accept devises, gifts, etc.

(2) Every such company may also take and hold by gift, assignment or devise from owners thereof any lot or lots in the cemetery of such company, for the purpose of maintaining the same in perpetuity or otherwise, in the manner and subject to the provisions mentioned in the instrument of such gift, assignment or devise. 58 V. c. 40, s. 3. Taking lots in cemetery by gift or devise.

(3) Every such company is hereby empowered to enter into agreements binding the company to preserve and maintain in a proper manner for all time to come, the particular lot, tomb, monument or enclosure in any such cemetery or burying ground designated in such gift, assignment, devise, bequest or agreement. May agree to keep lots, etc., in good condition.

(4) Executors, administrators or trustees, may pay over and transfer to such company moneys or securities in their hands, which they are by the will of their testator, or other instrument, directed to apply for or toward the purposes in this section specified. R. S. O. 1887, c. 175, s. 19 (2, 3). Executors may pay over bequest.

22.—(1) Section 21 shall apply to any incorporated cemetery company, whether incorporated by public or private Act. 54 V. c. 41, s. 1. Section 21 to apply to all cemetery companies.

Powers of such companies.

(2) Any such company shall have all the powers set forth in said section, and for the purpose of securing the due performance of any agreement binding upon them, the company may invest the money received under said agreement in the same manner as trustees or executors are authorized to invest trust money, and by and out of the interest and dividends of such investment do and perform all obligations under said agreement. 54 V. c. 41, s. 2.

Lots to contain not less than 100 superficial feet.

23. Every proprietor of a lot in the cemetery containing not less than one hundred superficial feet, who has paid twenty-five per cent. or more of the price of the lot, shall be deemed a shareholder in the company, and every such lot shall be deemed a share in the company. R. S. O. 1887, c. 175, s. 20.

No proprietor of less than 100 superficial feet shall be a member or entitled to vote.

24. The company may sell a lot of any size, but no proprietor of a lot containing less than one hundred superficial feet shall thereby become a member of the company or have any vote in the management of the affairs thereof. R. S. O. 1887, c. 175, s. 21.

Power to borrow.

25. The company may borrow money for the purpose of making roads over the land, and for improving and laying out the same, and may repay the amount so borrowed, with interest thereon, at any lawful rate not to exceed eight per centum per annum, out of the first proceeds of the sale of lots in the cemetery, and as security for such loan the company may mortgage all its estate, right, and interest in the premises, and in such mortgage may insert all necessary and usual powers of sale, covenants and conditions, but nothing herein contained shall authorize such mortgagee, or any one claiming under him, to use or deal with the premises so mortgaged in a manner inconsistent with the continued use of the premises as a cemetery, or inconsistent with any provision in this Act for the preservation and protection of the same for cemetery purposes. R. S. O. 1887, c. 176, s. 7.

Proviso.

Powers of company as to passing by-laws.

26. The directors may pass by-laws for the laying out, selling, and managing of the ground, for the regulating of burials, to be made therein, the removal of bodies therefrom, the erection or removal of tombs, monuments, grave-stones, vaults, copings, fences, hedges or other permanent improvements therein, the planting, placing and removal of trees, shrubs and plants in the grounds and otherwise generally respecting the use of the grounds by the shareholders and the public; and for empowering the president and secretary to execute conveyances of plots in the cemetery. 58 V. c. 40, s. 4.

Register to be kept.

27. The directors shall record in a book kept for the purpose, all their by-laws and proceedings, and every person shall have access to such book for the purpose of searching and making extracts therefrom without payment of any fee. R. S. O. 1887, c. 175, s. 28.

Penalty on persons defacing tombstones, etc.

28.—(1) Any person who

1. Wilfully destroys, mutilates, defaces, injures or removes any tomb, monument, grave-stone or other structure placed in a cemetery, or any fence, railing or other work for the protection or ornament of a cemetery, or of any tomb, monument, gravestone, or other structure aforesaid or of any cemetery lot within a cemetery; or,
2. Wilfully destroys, cuts, breaks or injures any tree, shrub or plant in a cemetery; or,
3. Plays at any game or sport in a cemetery; or,
4. Discharges fire-arms (save at a military funeral) in a cemetery; or who,
5. Wilfully and unlawfully disturbs persons assembled for the purpose of burying a body therein; or who
6. Commits a nuisance in a cemetery;

shall upon conviction thereof before a Justice of the Peace or other Court of competent jurisdiction, be punished by a fine of not less than $4 nor more than $40, according to the nature of the offence.

(2) Such person shall also be liable in an action in the name of the company, to pay all damages occasioned by his unlawful act; and the money, when recovered, shall be applied under the direction of the directors for the reparation and reconstruction of the property destroyed. R. S. O. 1887, c. 175, s. 31.

Power of Company to acquire additional land, etc.

29.—(1) In case additional land is required by a cemetery company for the enlargement of a burial ground, if the council of the municipality in which the land is situated, by by-law, declares that in the opinion of the council, the company should, for the purpose aforesaid, have power to expropriate the adjacent land in the by-law set forth, and if the Judge of the County Court of the county certifies that in his opinion the proposed enlargement is for the public advantage and convenience, the company aforesaid, upon registering the by-law and certificate in the proper registry office, shall, in respect of the land in the by-law set forth, possess the powers conferred upon the councils of cities, towns, townships and incorporated villages by section 577 and subsection 1 of section 547 of *The Municipal Act*. Rev. Stat. c. 223.

(2) Where the company desires to take proceedings under this section, the proceedings may be initiated by resolution instead of by by-law as required in the case of municipalities. R. S. O. 1887, c. 175, s. 32.

Winding up of cemetery companies.

30.—(1) In case a company incorporated under this Act, should, either on account of the burial of bodies in the locality being prohibited by the municipal authorities, or

for any other reason, desire to be wound up, then, if no lot has been sold for the purpose of burial, or if such lots have been sold, then with the written consent of all the persons to whom lots have been sold, or of their heirs, or in case any such heir is a minor or insane, then with the assent of the heirs who are of full age and who are of sound mind, the company may be wound up, under *The Joint Stock Companies Winding-up Act.*

Rev. Stat. c. 222.

(2) All the real and personal property of the company may thereupon be sold by the officers of the company, or by the liquidators, and the proceeds, after payment of all claims against the company, distributed amongst the shareholders.

(3) The property so sold shall be freed and discharged from all trusts arising on account of its having been held for the purposes of a cemetery or cemetery company, but nothing herein contained shall be construed to authorize a distribution amongst shareholders of the proceeds of lands devised or conveyed by way of gift to the company, in trust for the purposes of a cemetery, but the proceeds of such lands shall be applied to such municipal or charitable purposes as the donor of the lands, if he is then living, or if he is dead as the Lieutenant-Governor in Council or the High Court may direct. R. S. O. 1887, c. 175, s. 33.

Power to convey property to municipal corporations.

31. Any company incorporated under this Act may convey its property to any municipal corporation, under and subject to the conditions contained in section 577 of *The Municipal Act.* 51 V. c. 27, s. 1.

CHAPTER 214.

An Act respecting Conveyances to Trustees for Burial Grounds.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

When lands for burying grounds may be vested in trustees.

1. Whenever any of the inhabitants of a township or locality in Ontario, to the number of ten or more, desire to take a conveyance of land for a burying ground not to belong exclusively to any particular denomination of Christians, such persons may appoint trustees, to whom and their successors to be appointed in such manner as may be specified in the deed of conveyance, the land may be conveyed; and such trustees and their successors in perpetual succession, by the name expressed in the deed, may take, hold and possess the land, in trust for the uses and purposes limited in the deed, and may maintain and defend actions for the protection thereof and of their property therein; but there shall not be held in trust under any such conveyance for the purposes aforesaid, more than ten acres of land for the inhabitants of any one township or locality. R. S. O. 1887, c. 177, s. 1.

Powers of expropriation. Rev. Stat. c. 213.

2. Section 29 of *The Act respecting Cemetery Companies*, shall apply to trustees of cemeteries or burying grounds. R. S. O. 1887, c. 177, s. 2.

Procedure where trust deed does not provide for fencing and repairs.

3.—(1) In any case where land has been conveyed to trustees for a burial ground as provided in section 1 of this Act, and where in the deed of trust no provision has been made or directions given for providing funds for the proper fencing and keeping in repair of such burial ground, and when the funds accruing from the sale of burial plots or from subscriptions are insufficient to provide the funds necessary for said fencing and keeping in repair,

(2) The council of the municipality within which such burial ground is situate, may upon the application of the trustees of such burial ground, make a grant of money to said trustees out of the general funds of the municipality, to enable the trustees to carry on and complete the work mentioned in subsection 1 of this section.

(3) In the case of any burial ground, where there are no trustees for the same, and in which no or very few interments are being made, and when such burial ground is in need of fencing, the council of the municipality within which such burial ground is situate, shall have power to make an appropriation out of the general funds of the municipality for the fencing thereof, and may appoint a person to see to the proper expenditure of any sum or sums appropriated for the aforesaid purpose. 53 V. c. 48, s. 1.

7. GENERAL PROVISIONS RELATING TO COMPANIES.

CHAPTER 215.

An Act respecting the Changing of the Names of Incorporated Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Applications to Lieutenant-Governor to change names of companies.

1. Where an incorporated company within the legislative authority of the Legislature of this Province, whether incorporated under a special or general Act, is desirous of changing its name, the Lieutenant-Governor, upon being satisfied that the company is in a solvent condition, that the change desired is not for any improper purpose, and is not otherwise objectionable, may, by Order in Council, change the name of the company to some other name set forth in the said Order. 60 V. c. 44, s. 1.

Regulations as to notice.

2. The Lieutenant-Governor-in-Council may make regulations respecting the notice (if any) to be given of the application for change of name under this Act. 60 V. c. 44, s. 2.

In case proposed name is objectionable.

3. In case the proposed new name is considered objectionable, the Lieutenant-Governor in Council may, if he thinks fit, change the name of the company to some other unobjectionable name without requiring any further notice to be given. 60 V. c. 44, s. 3.

Change to be published in *Gazette*.

4. The change of name shall be conclusively established by the insertion in *The Ontario Gazette* of a notice thereof by the Provincial Secretary. 60 V. c. 44, s. 4.

Change not to affect actions or contracts.

5. No contract or engagement entered into by or with the company, and no liability incurred by it shall be affected by the change of name; and all actions commenced by or against the company prior to the change of name may be proceeded with against or by the company under its former name. 60 V. c. 44, s. 5.

[*See as to Insurance Companies, Cap. 203, s. 40.*]

CHAPTER 216.

An Act respecting the Liability of Directors.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Act may be cited as "*The Directors' Liability Act.*" 54 V. c. 34, s. 1.

Interpretation.

2. In this Act, unless the context otherwise requires :—

"Untrue statement."

1. "Untrue statement" shall include a concealment or intentional non-disclosure of a material fact known to the director or promoter which might reasonably influence a person in determining whether to apply or not to apply for shares, debenture stock, annuities on lives, or other securities of the company for which application is invited;

"Securities."

2. "Securities" shall include bonds, debentures, investment bonds; also policies, certificate, or other instruments of insurance, suretyship, or guarantee, or instruments evidencing contracts in the nature thereof;

"Company."

3. "Company" shall include any joint stock or other private corporation which issues or is authorized to issue shares, debenture stock, annuities on lives, or other securities as hereinbefore defined;

"Directors."

4. "Directors" shall include the officers, by whatever name known, appointed to manage the affairs of the company;

"Promoter."

5. "Promoter" shall mean a promoter who was a party to the preparation of the prospectus or notice, or of the portion thereof containing such untrue statement, but shall not include any person by reason of his acting in a professional capacity for persons engaged in procuring the formation of the company;

"Expert."

6. "Expert" shall include any person whose profession gives authority to a statement made by him. 54 V. c. 34, s. 2; 60 V. c. 28, s. 95 (5).

Application of Act.

3. This Act shall apply to all companies where or by what authority soever incorporated, and in respect of Provincial companies shall be construed as one with the several Acts of Ontario incorporating or providing for the incorporation of companies by letters patent or otherwise. 54 V. c. 34, s. 3.

Liability for statements in prospectus.

4.—(1) Where a prospectus advertisement, or any printed or written document answering the purpose of a prospectus advertisement or notice invites persons to subscribe or apply for shares, debenture stock, annuities on lives or other securities, by whatever name known or mentioned, of a company, every person who is a director of the company at the time of the issue of the prospectus advertisement or notice, and every person who, with his authority, is named in the prospectus, advertisement or notice as a director of the company or as having agreed to become a director of the company either immediately, or after an interval of time, and every promoter of the company, and every person who has authorized the issue of the prospectus, advertisement or notice, shall be liable to pay, to all persons so subscribing or applying on the faith of such prospectus, advertisement or notice, compensation for the loss or damage they may have sustained by reason of any untrue statement in the prospectus, advertisement or notice, or in any report or memorandum appearing on the face thereof, or by reference incorporated therein or issued therewith, unless it is proved—

(*a*) With respect to every such untrue statement not purporting to be made on the authority of an expert, or of a public official document or statement, that he had reasonable ground to believe, and up to the time of the allotment or issue of the shares, debenture-stock, annuities on lives, or other securities, as the case may be, did believe that the statement was true; and

(*b*) With respect to every such untrue statement purporting to be a statement by or contained in what purports to be a copy of or extract from a report or valuation of an engineer, valuer, accountant, or other expert, that it fairly represented the statement made by such engineer, valuer, accountant, or other expert, or was a correct and fair copy of or extract from the report or valuation. Provided always that notwithstanding that such untrue statement fairly represented the statement made by such engineer, valuer, accountant, or other expert, or was a correct and fair copy of or extract from the report or valuation, such director, person named, promoter, or other person, who authorized the issue of the prospectus, advertisement or notice as aforesaid, shall be liable to pay compensation as aforesaid if it be proved that he had no reasonable ground to believe that the person making the statement, report or valuation was competent to make it; and

(*c*) With respect to every such untrue statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, that it was

a correct and fair representation of such statement or copy of or extract from such document,

or unless it is proved that, having consented to become a director of the company, he withdrew his consent before the issue of the prospectus, advertisement or notice, and that the prospectus, advertisement or notice was issued without his authority or consent; or that the prospectus, advertisement or notice was issued without his knowledge or consent, and that on becoming aware of its issue he forthwith gave reasonable public notice that it was so issued without his knowledge or consent; or that after the issue of such prospectus, advertisement or notice and before allotment or issue of the shares, debenture stock, annuities on lives or other securities thereunder, he, on becoming aware of any untrue statement therein, withdrew his consent thereto, and caused reasonable public notice of such withdrawal and of the reason therefor, to be given.

Statements in prospectus for raising further capital.

(2) Where any company is desirous of obtaining further capital by subscriptions for shares, bonds, debentures, debenture-stock or other securities, and for that purpose issues a prospectus, advertisement or notice, no director of such company shall be liable in respect of any statement therein, unless he authorized the issue of such prospectus, advertisement or notice, or adopted or ratified the same. 54 V. c. 34, s. 4; 60 V. c. 3, s. 3; c. 28, s. 95 (1), (2); c. 29, s. 12.

Indemnity where name of person has been improperly inserted.

5. Where any such prospectus, advertisement or notice as aforesaid contains the name of a person as a director of a company, or as having agreed to become a director thereof, and such person has not consented to become a director, or has withdrawn his consent before the issue of such prospectus or notice, and has not authorized or consented to the issue thereof, the directors of the company, (except any without whose knowledge or consent the prospectus, advertisement or notice was issued,) and any other person who authorized the issue of such prospectus, advertisement or notice shall be liable to indemnify the person named as a director of the company, or as having agreed to become a director thereof as aforesaid, against all damages, costs, charges, and expenses to which he may be made liable by reason of his name having been inserted in the prospectus, advertisement or notice, or in defending himself against any action or legal proceedings brought against him in respect thereof. 54 V. c. 34, s. 5. 60 V. c. 3, s. 3; c. 28, s. 95 (3).

Contribution from co-directors, etc.

6. Every person who by reason of his being a director, or named as a director or as having agreed to become a director, or of his having authorized the issue of the prospectus, advertisement or notice, has become liable to make any payment under the provisions of this Act, shall be entitled to recover contribution, as in cases of contract from any other person who, if sued separately, would have been liable to make the same payment. 54 V. c. 34, s. 6; 60 V. c. 3, s. 3; c. 28, s. 95 (4).

CHAPTER 217.

An Act to prevent Fraudulent Statements by Companies and others.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Penalty for false statements as to capital of companies.

1.—(1) Where any advertisement, letter-head, postal-card, account or document issued, published or circulated by any corporation, association or company or any officer, agent or employee of any such corporation, association or company, purports to state the subscribed capital of the corporation, association or company, then the capital actually and in good faith subscribed and no more shall be so stated; and any such corporation, association, company, officer, agent or employee who causes to be inserted an advertisement in any newspaper or who publishes, issues or circulates, or causes to be published, issued or circulated any advertisement, letter-head, postal-card, account or document which states, as the capital of such company, any larger sum than the amount of such subscribed capital so actually and in good faith subscribed as aforesaid, or which contains any untrue or false statement as to the incorporation, control, supervision, management or financial standing of such corporation, association or company, and which statement is intended or calculated or likely to mislead or deceive any person dealing or having any business or transaction with said corporation, association or company, or with any officer, agent or employee of the same, shall, upon summary conviction thereof, before any Police Magistrate or Justice of the Peace having jurisdiction where the offence was committed, be liable to a penalty not exceeding $200 and costs and not less than $50 and costs, and in default of payment the offender, being any officer, agent or employee as aforesaid, shall be imprisoned with or without hard labour for a term not exceeding six months and not less than one month, and on a second or any subsequent conviction he may be imprisoned with hard labour for a term not exceeding twelve months and not less than three months.

(2) Any one may be prosecutor or complainant under this Act, and one-half of any fine imposed by virtue of this Act shall, when received, belong to Her Majesty for the use of the Province and the other half shall belong to the prosecutor or complainant. 56 V. c. 33, s. 1; 60 V. c. 3, s. 3; c. 28, s. 96.

CHAPTER 218.

An Act respecting Fees payable by Incorporated Companies and other Bodies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lieutenant-Governor in Council may prescribe Fees.

1. The Lieutenant-Governor in Council may from time to time prescribe the fees to be paid on applications to the Government for the incorporation of companies, or with respect to changes in the names, constitution or powers of companies, or other incorporated bodies whose incorporation is within the authority of the Legislature of Ontario. R. S. O. 1887, c. 179, s. 1.

CHAPTER 219.

An Act respecting Returns required from Incorporated Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

"Return"—meaning of.

1. The word "Return" where used in this Act shall include any list, statement or other information required to be furnished to the Government of Ontario, or to any officer or department thereof, by any incorporated company. R. S. O. 1887, c. 180, s. 1.

No action for default in making return to be brought after receipt of return by proper officer.

Rev. Stat. c. 191.

2. No action brought against any incorporated company which is required, or whose directors or officers are required, to make a return to the Government of Ontario, or to any officer or department thereof, or brought against any director or officer of such company, either under the provisions of *The Ontario Companies Act*, or under any other Act, for not duly making a return in accordance with the requirements of any such Act, or for any default in respect to the mode of dealing with such return, shall be maintained if the action is or was commenced subsequent to the receipt by the proper officer or department of the Government of the return, for the non-making of which, or with reference to which the action is brought, or subsequent to the receipt by such officer or department of a return for a later year: Provided the return made is, except in respect of the time at which the same is made, in substantial compliance with the requirements of the Act under which it is or was made as aforesaid, and is duly verified in accordance with the provisions of such Act, unless the action is brought by the Crown, or by the Attorney-General of Ontario suing on behalf of the Crown. R. S. O. 1887, c. 180, s. 2.

Proviso.

Limitation of amount of penalty.

Rev. Stat. c. 191, s. 79.

3. The entire amount of the penalty or penalties to be recovered against a company, or the directors or officers thereof, in respect of any default or defaults in complying with any of the requirements of section 79 of the said *Ontario Companies Act*, or in complying with the requirements, in respect of the making of returns, of any other Act up to the time at which the action is brought shall not in the whole exceed $1,000; and in case several actions are brought, either against the company or against its directors or officers, the Court or a Judge thereof may give such directions as may

appear just, either for consolidating the actions or staying the later actions, or any of the actions, upon such terms as may be deemed fitting. R. S. O. 1887, c. 180, s. 3.

Returns by companies warehousing crude petroleum.

4.—(1) Every incorporated company carrying on a business of warehousing crude petroleum in this Province shall, on or before the first day of February of each year, make out a summary in duplicate which shall contain the following particulars:—

(*a*) The total quantity of crude petroleum actually held by the company for the purpose of answering transportation and warehouse receipts, accepted orders, and certificates of crude petroleum.

(*b*) The total quantity of crude petroleum in respect of which the company as warehousemen or carriers are liable to make delivery to other persons.

[*As to these Returns, see also Cap. 191, s. 79 (4).*]

Rev. Stat. c. 191.

(2) The said summary shall be in accordance with subsections 5, 6 and 7 of section 79 of *The Ontario Companies Act*, and subsections 8 and 9 of the said section shall apply to every such company and to the officers thereof therein named. R. S. O. 1887, c. 122, s. 21, *part.*

CHAPTER 220.

An Act respecting the Acceptance of certain Incorporated Companies as Sureties.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Interpretation.

1. In this Act the expression "guarantee company" shall mean an incorporated company empowered to grant guarantees, bonds or policies, for the integrity and faithful accounting of public officers, servants or persons occupying positions of trust, or for other like purposes. *See* R. S. O. 1887, c. 181, ss. 1, 3, 4.

Societies and corporations may accept security of guarantee companies for their officers.

2. Notwithstanding the provisions of any Act of the Legislature of Ontario the bonds or policies of any guarantee company may be accepted instead of or in addition to, the bond or security of any officer or servant of any society or corporation, in all cases where, by the provisions of such Act, or of any by-law or rule of such society or corporation, such officer or servant is required to give security, either by himself, or by himself and a surety or sureties, and where the parties directed or authorized to take such security see fit to accept the bond or policy of a guarantee company, and approve of the terms and conditions thereof; and all the provisions in any such Act relating to such security to be given by any officer or servant, or his sureties, shall apply to the bonds or policies of guarantee of such guarantee company. R. S. O. 1887, c. 181, s. 1.

Bonds of guarantee companies may be taken as security in other cases.

3. Notwithstanding the provisions of any Act of the Legislature of Ontario, the bonds or policies of guarantee of any guarantee company approved for this purpose by the Lieutenant-Governor in Council, may be accepted by a Judge or other person authorized or required to take security for the due performance of any duty, instead of, or in addition to, the bond or security of a surety or sureties, if the Judge or other person sees fit to accept such bond or policy as aforesaid, and approves of the conditions and terms thereof; and all the provisions in any such Act relating to the security to be given by any person to whom any duty is committed, or his surety or sureties, shall apply to the bonds or policies of guarantee of such guarantee company. R. S. O. 1887, c. 181, s. 3.

Such security may be taken instead of existing securities.

4. The bonds or policies of guarantee of any guarantee company may be taken instead of or in substitution for any existing securities, if the persons directed or authorized as aforesaid see fit, whereupon the existing securities shall be delivered up to be cancelled. R. S. O. 1887, c. 181, s. 2.

Securities of guarantee companies in Surrogate Court.

Rev. Stat. cc. 59, 168.

5.—(1) The Lieutenant-Governor in Council may, by Order in Council, direct that the bond or policy of guarantee of any guarantee company named in such Order in Council, may, at the discretion of the Judge, be accepted, in whole or in part, in lieu of the security required by section 69 of *The Surrogate Courts Act* and section 13 of *The Act respecting Infants* and the provisions of law therein contained with reference to the legal effect of such securities when given by individuals, and to the mode of proceeding thereon, shall apply to the security given by every such company.

(2) The interim receipt of the company may be accepted in lieu of the formal security, but the formal security shall be completed within one month. 56 V. c. 14, s. 1.

Publication of Orders in Council.

6. Every Order in Council under the provisions of this Act shall, immediately after the making thereof, be published in the *Ontario Gazette*, and shall be laid before the Legislative Assembly within fifteen days after its first meeting thereafter. 56 V. c. 14, s. 2.

CHAPTER 221.

An Act respecting Investments by Corporations.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Investments by corporations.

1.—(1) All corporations having money in their hands which it is their duty, or is in their discretion, to invest, may invest the same, if they see fit, in securities, which are a first charge on land held in fee simple: provided that such investments are in other respects reasonable and proper.

(2) This section shall apply to investments made before the 25th day of March, 1886, whether such investments were or were not authorized by any Statute then in force applying to such corporations. R. S. O. 1887, c. 182, s. 1.

Application of Act.

2. This Act shall not apply to investments by municipal corporations. R. S. O. 1887, c. 182, s. 2.

8. *WINDING UP OF COMPANIES.*

CHAPTER 222.

An Act respecting the winding up of Joint Stock Companies.

SHORT TITLE, s. 1.
APPLICATION OF ACT, s. 2.
INTERPRETATION, s. 3.
WHEN COMPANY MAY BE WOUND UP, ss. 4-6.
REGISTRATION OF WINDING UP ORDER OR RESOLUTION, s. 7.
CONSEQUENCES OF COMMENCING TO WIND UP, s. 8.
LIQUIDATORS, ss. 9-13, 19.
LIABILITY OF CONTRIBUTORIES, ss. 14-18.
EXPENSES, ss. 20, 21.
MEETINGS, s. 22.
APPLICATIONS TO COURT, ss. 23-30.
Matters of practice, ss. 31-39.
DISSOLUTION OF COMPANIES, ss. 40-44
RULES, s. 45.
APPLICATION OF SECS. 47-56, s. 46.
RESOLUTIONS FOR DISTRIBUTION OF ASSETS OR REDUCTION OF CAPITAL, ss. 47-50.
Liability of officers for payments made under resolution, s. 51.
Liability of shareholders for money received, s. 52.
Restriction as to insurance companies, s. 53.
Resolution for reduction of shares not to affect amount remaining unpaid thereon, s. 54.
Notice of reduction of shares, ss. 55, 56.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Joint Stock Companies Winding-up Act.*" R. S. O. 1887, c. 183, s. 1.

Application of Act.

Rev. Stat. c. 203.

2. This Act shall apply to all incorporated companies or associations (including insurance corporations as defined by section 2 of *The Ontario Insurance Act* but subject to the provisions of that Act), incorporated by the Legislature of this Province, or under the authority of any Act of this Province, and to all companies and associations which were incorporated by the Parliament of the Province of Upper Canada, or of the Province of Canada, or under the authority of any Act of the Province of Canada, whose incorporation and the affairs thereof, in the particulars hereinafter mentioned, are subject to the legislative authority of this Province. R. S. O. 1887, c. 183, s. 2; 60 V. c. 3, s. 3.

INTERPRETATION.

3. Where the words following occur in this Act they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:

"Court." Power of County Court Judge.

1. "Court" shall mean any County Court; and any Judge of a County Court may at any time exercise all the powers conferred by this Act upon the Court;

"Contributory."

2. "Contributory" shall mean every person liable to contribute to the assets of a company under this Act, in the event of the same being wound up: and shall, also, in all proceedings prior to the final determination of such persons, include any person alleged to be a contributory;

Case of death of contributory.

3. If a contributory dies either before or after he has been placed on the list of contributories hereinafter mentioned, his personal representatives, heirs and devisees shall be liable in due course of administration to contribute to the assets of the company in discharge of the liability of such deceased contributory, and such personal representatives, heirs, and devisees shall be deemed to be contributories accordingly;

"Extraordinary resolution."

4. "Extraordinary resolution" shall mean a resolution passed by a majority of not less than three-fourths of such members of the company, for the time being entitled to vote, as may be present in person, or by proxy (in cases where by the Act or charter or instrument of incorporation or the regulations of the company proxies are allowed), at any general meeting of which notice specifying the intention to propose such resolution has been duly given;

"Special resolution."

5. "Special resolution" shall mean a resolution passed in the manner necessary for an extraordinary resolution, where the resolution after having been so passed as aforesaid has been confirmed by a majority of such members (entitled according to the Act, charter or instrument of incorporation or the regulations of the company to vote) as may be present, in person or by proxy, at a subsequent general meeting of which notice has been duly given, and held at an interval of not less than fourteen days, or more than one month from the date of the meeting at which the resolution was first passed. R. S. O. 1887, c. 183, s. 3.

"Members of the company."

6. Those persons only who for the time being are entitled to vote at general meetings of the company for the purposes of this Act shall be deemed to be members of the company. 53 V. c. 49, s. 4.

WHEN COMPANIES MAY BE WOUND UP.

4. A company may be wound up under this Act:

When companies may be wound up voluntarily.

1. Where the period, if any, fixed for the duration of the company by the Act, charter or instrument of incorporation

has expired; or where the event (if any) has occurred, upon the occurrence of which it is provided by the Act or charter or instrument of incorporation that the company is to be dissolved, and the company in general meeting has passed a resolution requiring the company to be wound up;

On special resolution.

2. Where the company has passed a special resolution (as hereinbefore defined) requiring the company to be wound up;

On extraordinary resolution.

3. Where the company (though it may be solvent as respects creditors) has passed an extraordinary resolution (as hereinbefore defined) to the effect that it has been proved to their satisfaction that the company cannot by reason of its liabilities continue its business, and that it is advisable to wind up the same. R. S. O. 1887, c. 183, s. 4.

When by order of the court.

5. Where no such resolution has been passed as mentioned in the next preceding section, the Court may, on the application of a contributory, make an order for winding up, in case the Court is of opinion that it is just and equitable that the company should be wound up. R. S. O. 1887, c. 183, s. 5.

Commencement of winding up.

6. A winding up shall be deemed to commence at the time of the passing of the resolution authorizing the winding up, or of making the order directing the winding up. R. S. O. 1887, c. 183, s. 6.

REGISTRATION.

Registration of winding up order.

7. A copy of the resolution or order for winding up, certified by the liquidator, may be registered in the registry office of any registry division wherein the company has any real estate; the resolution or order shall be accompanied by a description of the real estate belonging to the company in the registry division, and certified by the liquidator to be a correct description; and the Registrar shall register the order and description upon payment to him of a fee of $1. R. S. O. 1887, c. 183, s. 7.

CONSEQUENCES OF COMMENCING TO WIND UP.

Consequences of commencing to wind up.

8. The following consequences shall ensue upon the commencement of the winding up of a company under the authority of this Act:

Extent to which company to exist after commencement of winding up.

1. The company shall, from the date of the commencement of the winding up, cease to carry on its business, except in so far as may be required for the beneficial winding up thereof; and any transfers of shares, except transfers made to or with the sanction of the liquidators, or any alteration in the status of the members of the company, after the commencement of the winding up, shall be void, but the corporate state and all the

corporate powers of the company shall, notwithstanding it may be otherwise provided by the Act, charter, or instrument of incorporation, continue until the affairs of the company are wound up. Transfer of shares.

2. The property of the company shall be applied in satisfaction of its liabilities, and subject thereto, and to the charges incurred in winding up its affairs, shall (unless it is otherwise provided by the Act, charter, or instrument of incorporation) be distributed amongst the members according to their rights and interests in the company. Property of company.

3. Liquidators shall be appointed for the purpose of winding up the affairs of the company and distributing the property. Liquidators.

4. The company, in general meeting, shall appoint such persons or person as the company thinks fit to be liquidators or a liquidator, and may fix the remuneration to be paid to them or to him, and they shall give such security as the contributories or the Court may determine. Appointment of liquidators. Remuneration Security.

5. If one person only is appointed, all the provisions herein contained in reference to several liquidators shall apply to him. One liquidator.

6. Upon the appointment of liquidators, all the powers of the directors shall cease, except in so far as the company in general meeting, or the liquidators, may sanction the continuance of such powers. Cesser of powers of liquidators.

7. Where several liquidators are appointed, every power hereby given may be exercised by such one or more of them as may be determined at the time of the appointment, or at a subsequent meeting, or, in default of such determination, by any number not less than two. R. S. O. 1887, c. 183, s. 8 (1-7). Powers of several liquidators.

8. The members of the company may at any meeting appoint one or more inspector or inspectors, to superintend and direct the proceedings of the liquidator in the management and winding up of the estate; and in case of an inspector being appointed, all the powers of the liquidator shall be exercised subject to the advice and direction of the inspectors; and the members of the company may also at any subsequent meeting held for that purpose, revoke any such appointment; and upon such revocation, or in case of death, resignation or absence from the Province of an inspector, may appoint another in his stead; and such inspector may be paid such remuneration as the members of the company may determine; and where anything is allowed or directed to be done by the inspectors, it may or shall be done by the sole inspector, if only one has been appointed. Appointment of Inspectors. Revocations. Remuneration.

9. The members of the company may, at any meeting, pass any resolution or order, directing the liquidator how to dispose of the property, real or personal, of the company; and in default of their doing so, the liquidator shall be subject to the directions, Directions as to disposal of property of the company by liquidation.

orders and instructions which he from time to time receives from the inspectors, if any, with regard to the mode, terms and conditions on which he may dispose of the whole or any part of the property of the company. R. S. O 1887, c. 183, s. 8 (8-9); 53 V. c. 49, s. 1.

GENERAL POWERS OF LIQUIDATORS.

Description and general power of liquidator.

9. The liquidator may be described in all proceedings by the style of "A.B., the liquidator of" *(the particular company in respect of which he is appointed)*, and shall have power to do the following things:

Bring actions.

1. To bring or defend any action, or other legal proceeding in the name, and on behalf of the company;

Carry on business.

2. To carry on the business of the company so far as may be necessary for the beneficial winding up of the same;

Sell property.

3. To sell the real and personal property of the company by public auction or private contract, according to the ordinary mode in which such sales are made, with power to transfer the whole property to any person or company, or to sell the same in parcels, and on such terms as shall seem most advantageous; but no sale of the assets *en bloc* shall be made without the previous sanction of the contributories given at a meeting called for that purpose; R. S. O. 1887, c. 183, s. 9 (1-3).

Sale of debts.

4. And in case, after having acted with due diligence in the collection of the debts, the liquidator finds that there remain debts due, the attempt to collect which would be more onerous than beneficial to the estate, he shall report the same to the members of the company or inspectors (if any); and with their sanction, he may sell the same by public auction after such advertisement thereof as they may order; and pending such advertisements, the liquidator shall keep a list of the debts to be sold, open to inspection at his office, and shall also give free access to all documents and vouchers explanatory of such debts; but all debts amounting to more than $100 shall be sold separately, except as herein otherwise provided; R. S. O. 1887, c. 183, s. 9 (4); 53 V. c. 49, s. 1.

Draw, etc., bills and notes.

5. To draw, accept, make and indorse any bill of exchange or promissory note in the name and on behalf of the company; and to raise upon the security of the assets of the company, from time to time, any requisite sum or sums of money; and the drawing, accepting, making or indorsing of such bill of exchange or promissory note on behalf of the company, shall have the same effect, with respect to the liability of the company, as if such bill or note had been drawn, accepted, made or indorsed by or on behalf of the company in the course of carrying on the business thereof;

Take out letters of administration to

6. To take out, if necessary, in his official name, letters of administration to any deceased contributory; and to do in his

official name any other act which may be necessary for obtaining payment of any money due from a contributory or from his estate, and which act cannot be conveniently done in the name of the company; and in all cases where he takes out letters of administration, or otherwise uses his official name, for obtaining payment of any money due from a contributory, such money shall, for the purpose of enabling him to take out such letters or recover such money, be deemed to be due to the liquidator himself; deceased contributories and collect debts.

7. To execute in the name of the company all deeds, receipts and other documents; Execute deeds.

8. And to do and exercise all other acts and things that may be necessary for the winding up of the affairs of the company and the distribution of its assets; and for such purposes to use when necessary the company's seal. R. S. O. 1887, c. 183, s. 9 (5—8). Other things. Company's seal.

10.—(1) The liquidator may fix a certain day or certain days on or within which creditors of the company and others having claims thereon are to send in their claims. Time for creditors to send in claims may be fixed.

(2) Where a liquidator has given such or the like notices of the said day, as in administration proceedings, would be given by the High Court, for creditors and others to send in to an executor or administrator their claims against the estate of a testator or intestate, the liquidator shall, at the expiration of the time named in the said notices, or the last of the said notices, for sending in such claims, be at liberty to distribute the assets of the company, or any part thereof, amongst the parties entitled thereto, having regard to the claims of which the liquidator has then notice; and the liquidator shall not be liable for the assets, or any part thereof, so distributed to any person of whose claim such liquidator had not notice at the time of distributing the said assets, or a part thereof, as the case may be; but nothing in this Act contained, shall prejudice the right of any creditor or claimant to follow assets into the hands of the person who may have received the same. R. S. O. 1887, c. 183, s. 10. Liquidators may distribute assets after expiration of time fixed.

[*As to Priority of Wages or Salary, see Cap. 156, sec. 3.*]

11. The liquidators may, with the sanction of an extraordinary resolution of the company, make such compromise or other arrangement as the liquidators deem expedient, with any creditors, or persons claiming to be creditors, or persons having or alleging to have any claim, present or future, certain or contingent, ascertained or sounding only in damages, against the company, or whereby the company may be rendered liable. R. S. O. 1887, c. 183, s. 11. Arrangements may be authorized with creditors.

12. The liquidators may, with the sanction of an extraordinary resolution of the company, compromise all calls and Power to compromise with debtors and contributories.

liabilities to calls, debts, and liabilities capable of resulting in debts, and all claims, whether present or future, certain or contingent, ascertained or sounding only in damages, subsisting or supposed to subsist between the company and any contributory or other debtor or person apprehending liability to the company, and all questions in any way relating to or affecting the assets of the company or the winding up of the company, upon the receipt of such sums, payable at such times, and generally upon such terms, as may be agreed upon ; with power for the liquidators to take any security for the discharge of such debts or liabilites, and to give a complete discharge in respect of all or any such calls, debts or liabilities. R. S. O. 1887, c. 183, s. 12.

Take security.

Power to accept shares, etc., as a consideration for sale of property to another company.

13.—(1) Where a company is proposed to be or is in the course of being wound up, and the whole or a portion of its business or property is proposed to be transferred or sold to another company, the liquidators of the first mentioned company, with the sanction of a special resolution of the company by whom they were appointed conferring either a general authority on the liquidators, or an authority in respect of any particular arrangement, may receive, in compensation or in part compensation for such transfer or sale, shares or other like interest in such other company, for the purpose of distribution amongst the members of the company which is being wound up, or may, in lieu of receiving cash, shares, or other like interests, or in addition thereto, participate in the profits of or receive any other benefit from the purchasing company.

Sale or arrangement by liquidators binding unless a member objects.

(2) Any sale made or arrangement entered into by the liquidators in pursuance of this section shall be binding on the members of the company which is being wound up, subject to the proviso, that if any member of the company which is being wound up, who has not voted in favour of the special resolution passed by the company of which he is a member, at either of the meetings held for passing the same, expresses his dissent from any such special resolution, in writing, addressed to the liquidators or one of them, and left at the head office of the company not later than seven days after the date of the meeting at which such special resolution was passed, such dissentient member may require the liquidators to do one of the following things as the liquidators may prefer, that is to say, either (*a*) to abstain from carrying such resolution into effect, or (*b*) to purchase the interest held by such dissentient member, at a price to be determined in manner hereinafter mentioned, such purchase-money to be paid before the company is dissolved, and to be raised by the liquidators in such manner as may be determined by special resolution.

Proceedings on objection.

Special resolution not invalid because prior to resolution to wind up.

(3) No special resolution shall be deemed invalid for the purposes of this section by reason that it is passed antecedently to or concurrently with any resolution for winding up the company, or for appointing liquidators.

(4) The price to be paid for the purchase of the interest of any dissentient member may be determined by agreement; but if the parties dispute about the same such dispute shall be settled by arbitration. Price payable to objecting member.

(5) For the purposes of the arbitration the liquidator shall appoint one arbitrator, and the dissentient member shall appoint another, and the two arbitrators thus chosen (or in case they disagree, the County Judge) shall appoint a third arbitrator. Mode of determining price. Arbitration.

(6) The arbitrators thus chosen or any two of them, or the arbitrator of one party and an arbitrator appointed by the County Judge (in case of the refusal or neglect of either party to appoint an arbitrator) shall finally determine the matter in dispute. Majority to determine disputes.

(7) In case of the disagreement of two arbitrators, where two only are acting, they may appoint an umpire, whose award shall be conclusive. R. S. O. 1887, c. 183, s. 15. Umpire.

LIABILITY OF CONTRIBUTORIES.

14.—(1) As soon as may be after the commencement of the winding up of a company, the liquidator shall settle a list of contributories. Liquidators to settle list of contributories.

(2) Every shareholder or member of the company or his representative is liable to contribute the amount unpaid on his shares of the capital, or on his liability to the company or to its members or creditors, as the case may be, under the Act, charter, or instrument of incorporation of the company; and the amount which he is liable to contribute shall be deemed assets of the company, and to be a debt due to the company payable as may be directed or appointed under this Act. Shareholders' liability to contribute.

(3) Where a shareholder has transferred his shares under circumstances which do not by law free him from liability in respect thereof, or where he is by law liable to the company or its contributories or any of them, to an amount beyond the amount unpaid on his shares, he shall be deemed a member of the company for the purposes of this Act, and shall be liable to contribute as aforesaid to the extent of his liabilities to the company or the contributories independently of this Act, and the amount which he is so liable to contribute shall be deemed assets and a debt as aforesaid. Case of transfer of shares by shareholder.

(4) The list of contributories shall distinguish between persons who are contributories as being representatives of or liable for others. Contributories liable in a representative character to be distinguished in list.

(5) It shall not be necessary where the personal representative of a deceased contributory is placed on the list to add the heirs or devisees of such contributory; nevertheless such heirs or devisees may be added at any time afterwards. When real representatives need not be inserted.

List to be evidence of liability.

(6) Any list so settled shall be *prima facie* evidence of the liability of the persons named therein to be contributories. R. S. O. 1887, c. 183, s. 14.

Settlement of list by the court.

15.—(1) The list of contributories may be settled by the Court in which case the liquidator shall make out and leave at the chambers of the Judge a list of the contributories of the company; and such list shall be verified by the affidavit of the liquidator, and shall, so far as is practicable, state the respective addresses of, and the number of shares or extent of interest to be attributed to each such contributory, and distinguish the several classes of contributories; and the list may from time to time, by leave of the Judge, be varied or added to by the liquidator.

Procedure on settling list by the court.

(2) Upon the list of contributories being left at the chambers of the Judge, the liquidator shall obtain an appointment for the Judge to settle the same, and shall give notice in writing of the appointment to every person included in the list, and stating in what character, and for what number of shares, or interest, such person is included in the list; and in case any variation in or addition to the list is at any time made by the liquidator, a similar notice in writing shall be given to every person to whom the variation or addition applies. All such notices shall be served four clear days before the day appointed to settle such list, or such variation or addition.

Certificate of result of settlement.

(3) The result of the settlement of the list of contributories shall be stated in a certificate by the clerk of the Court; and certificates may be made from time to time for the purpose of stating the result of the settlement down to any particular time, or to any particular person, or stating any variation of the list. R. S. O. 1887, c. 183, s. 15.

Provision for administration if personal representative fails to pay.

16. If a person made a contributory as personal representative of a deceased contributory makes default in paying any sum to be paid by him, proceedings may be taken for administering the estate of the deceased contributory, and for compelling payment thereout of the money due. R. S. O. 1887, c. 183, s. 16.

Calls on contributories.

17. The liquidators may, at any time and before they have ascertained the sufficiency of the assets of the company, call on all or any of the contributories, for the time being settled on the list of contributories, to pay, to the extent of their liability, all or any sums the liquidators deem necessary to satisfy the debts and liabilities of the company, and the costs, charges and expenses of winding it up, and for the adjustment of the rights of the contributories amongst themselves; and the liquidators may, in making a call, take into consideration the probability that some of the contributories upon whom the call is made, may partly or wholly fail to pay their respective portions of the same. R. S. O. 1887, c. 183, s. 17.

Contributories liable to arrest like debtors under Rev. Stat. c. 80.

18. Where a person's name is on the list of contributories or is liable to be placed thereon, he shall be subject in respect of his liability, and on the application of the liquidator, to arrest and imprisonment, like any other debtor; and he shall for that purpose be deemed a debtor to the company, and a debtor to the liquidator, and his arrest may be by an order of the County Court Judge, whether the amount of his liability exceeds or not the ordinary jurisdiction of the said Court; and his being placed on the list of contributories under this Act shall be deemed a judgment, and the liquidator shall be deemed a creditor, within the meaning of *The Act respecting Arrest and Imprisonment for Debt;* and the said persons shall respectively have the same remedies, and the County Court and Judges and the officers of justice shall in such cases have the same powers and duties (as nearly as may be), as in corresponding cases under the said Act. R. S. O. 1887, c. 183, s. 18.

LIQUIDATOR'S DUTIES.

Employment of counsel.

19.—(1) No liquidator shall employ any counsel, or solicitor, without the consent of the inspectors, or of the members of the company. R. S. O. 1887, c. 183, s. 19 (1); 53 V. c. 49, s. 1.

Liquidators or inspectors not to purchase assets of company.

(2) No liquidator or inspector shall purchase, directly or indirectly, any part of the stock in trade, debts or assets of any description of the estate.

Deposit in bank by liquidators.

(3) The liquidator shall deposit at interest in some chartered bank to be indicated by the inspectors or by the Court, all sums of money which he may have in his hands, belonging to the company, whenever such sums amount to $100.

Separate deposit account to be kept; withdrawal from account.

(4) Such deposit shall not be made in the name of the liquidator generally, on pain of dismissal; but a separate deposit account shall be kept for the company of the moneys belonging to the company, in the name of the liquidator as such, and of the inspectors (if any); and such moneys shall be withdrawn only on the joint cheque of the liquidator and one of the inspectors, if there be any. R. S. O. 1887, c. 183, s. 19 (2-4).

Liquidator to produce bank pass book at meetings, etc

(5) At every meeting of the members of the company, the liquidators shall produce a bank pass-book, shewing the amount of deposits made for the company, the dates at which the deposits were made, the amounts withdrawn and dates of such withdrawal; of which production mention shall be made in the minutes of the meeting, and the absence of such mention shall be *prima facie* evidence that the pass-book was not produced at the meetings. R. S. O. 1887, c. 183, s. 19 (5); 53 V. c. 49, s 1.

Liquidator to produce bank pass book when ordered.

(6) The liquidator shall also produce the pass-book whenever so ordered by the Court at the request of the inspectors or a member of the company, and on his refusal to do so, he shall be treated as being in contempt of Court. R. S. O. 1887, c. 183, s. 19 (6); 53 V. c. 49, s 2.

Liquidator and inspector to be subject to summary jurisdiction of court.

(7) Every liquidator or inspector shall be subject to the summary jurisdiction of the Court in the same manner and to the same extent as the ordinary officers of the Court are subject to its jurisdiction; and the performance of his duties may be compelled, and all remedies sought or demanded for enforcing any claim for a debt, privilege, mortgage, lien or right of property upon, in, or to any effects or property in the hands, possession or custody of a liquidator, may be obtained by an order of the Court on summary petition, and not by any action, attachment, seizure or other proceeding of any kind whatever; and

Obedience how enforced.

obedience by the liquidator to such order may be enforced by the Court under the penalty of imprisonment, as for contempt of Court or disobedience thereto; or he may be removed in the discretion of the Court. R. S. O. 1887, c. 183, s. 19 (7).

EXPENSES.

Costs and expenses.

20. All costs, charges and expenses properly incurred in the voluntary winding-up of a company, including the remuneration of the liquidators, shall be payable out of the assets of the company in priority to all other claims. R. S. O. 1887, c. 183, s. 20.

Remuneration of liquidators in case no other fixed.

21. In case of there being no agreement or provision fixing the remuneration of a liquidator, he shall be entitled to a commission on the net proceeds of the estate of the company of every kind, after deducting expenses and disbursements, such commission to be of five per cent. on the amount realized, not exceeding $1,000, the further sum of two and a half per cent. on the amount realized in excess of $1,000, and not exceeding $5,000, and a further sum of one and a quarter per cent. on the amount realized in excess of $5,000; which said commission shall be in lieu of all fees and charges for his services. R. S. O. 1887, c. 183, s. 21.

MEETINGS.

Filling vacancies in office of liquidator.

22.—(1) If a vacancy in the office of liquidators appointed by the company, occurs by death, resignation or otherwise, a general meeting for the purpose of filling up the vacancy may be convened by the continuing liquidators, if any, or if none, then by any member of the company. R. S. O. 1887, c 183, s. 22 (1); 53 V. c. 49, s. 3.

General meetings during winding up.

(2) The liquidators may from time to time, during the continuance of the winding up, summon general meetings of the company for the purpose of obtaining the sanction of the company by special resolution or extraordinary resolution, or for any other purposes they think fit.

Annual meetings.

(3) In the event of the winding up continuing for more than one year, the liquidators shall summon a general meeting of the company at the end of the first year, and of each succeeding

year from the commencement of the winding up, or as soon thereafter as may be convenient; and shall lay before the meeting an account, shewing their acts and dealings, and the manner in which the winding up has been conducted during the preceding year. R. S. O. 1887, c. 183, s. 22 (2-3).

Liquidators to call meetings of members of company.

(4) The liquidator shall also call meetings of the members of the company whenever required in writing so to do, by the inspector or five members of the company or by the Court, and he shall state succinctly in the notice calling any meeting the purpose thereof.

Subsequent meetings. Where meetings to be held.

(5) The members of the company may, from time to time, at any meeting, determine where subsequent meetings shall be held; and in the absence of such a resolution all meetings of the members of the company shall be held at the office of the liquidator or of the company, unless otherwise ordered by the Court. R. S. O. 1887, c. 183, s. 22 (4-5); 53 V. c. 49, s. 1.

One mode of giving notice of meeting.

(6) Notice of any meeting shall for the purposes of this Act be deemed to be duly given, and the meeting to be duly held, whenever the notice is given and meeting held in manner prescribed by the Act, charter or instrument of incorporation or by the regulations of the company, or by the Court; or

Another mode of notice of meeting.

(7) Notice of the meeting may be given by publication thereof for at least two weeks in the *Ontario Gazette*, or by such other or additional notice as the Court, or the inspector or the company may direct, and by also, except where the Court otherwise directs, addressing notices of the meeting to the contributories within the Province, and to the representatives, within the Province, of contributories who reside out of the Province; and the notices shall be posted at least ten days before the day on which the meeting is to take place, the postage being prepaid by the liquidator.

Voting to be in person or by proxy.

(8) No member of the company shall vote at any meeting unless present personally, or represented by some person having a written authority (to be filed with the liquidator) to act on his behalf at the meeting, or generally; and when a poll is taken reference shall be had to the number of votes to which each member is entitled by the Act, charter or instrument of incorporation or the regulations of the company. R. S. O. 1887, c. 183, s. 22 (6-8); 53 V. c. 49, s. 2.

Scale of votes.

ASSISTANCE OF THE COURT.

Applications to the court.

23.—(1) The liquidators or any member of the company may apply to the Court to determine any question arising in the matter of the winding up; or to exercise all or any of the powers following; and the Court, if satisfied that the determination of the question, or the required exercise of power, will be just and beneficial, may accede wholly or partially to the application, on such terms and subject to such conditions

as the Court thinks fit; or it may make such other order on the application as the Court thinks just. R. S. O 1887, c. 183, s. 23 (1); 53 V. c. 49, s. 3.

Stay of action against company before order to wind up.

(2) The Court, at any time after the presentation of a petition for winding up a company and before making an order for winding up the company, may restrain further proceedings in any action or proceeding against the company (other than under the Insolvent Acts in force at the time, or any other authority over which this Legislature has no jurisdiction) in and upon such terms as the Court thinks fit.

Stay of action after commencement of winding up.

(3) The Court may make an order that no action or other proceeding shall be proceeded with or commenced against the company except with the leave of the Court, and subject to such terms as the Court may impose; but this sub-section shall not apply to proceedings under any Act of the Parliament of Canada under its jurisdiction in matters of bankruptcy and insolvency or otherwise; a copy of such order shall forthwith be advertised as the Court may direct.

Settlement of list of contributories.

(4) The Court may settle the list of contributories. R. S. O. 1887, c. 183, s. 23 (2-4).

Meetings of members of company may be ordered.

Chairman.

(5) The Court may direct meetings of the members of the company to be summoned, held and conducted in such manner as the Court thinks fit, for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting, and to report the result of such meeting to the Court. R. S. O. 1887, c. 183, s. 23 (5); 53 V. c. 49, s. 1.

Order for delivery by contributories and others of property, etc.

(6) The Court may require any contributory for the time being settled on the list of contributories, or any trustee, receiver, banker, or agent or officer of the company, to pay, deliver, convey, surrender or transfer forthwith, or within such time as the Court directs, to or into the hands of the liquidator, any sum or balance, books, papers, estate, or effects which happen to be in his hands for the time being, and to which the company is *prima facie* entitled.

Order for payment by contributories.

(7) The Court may make an order on any contributory for the time being settled on the list of contributories, directing payment to be made, in manner in the order mentioned, of moneys due from him or from the estate of the person whom he represents, to the company, exclusive of moneys which he or the estate of the person whom he represents may be liable to contribute by virtue of any call made or to be made by the Court in pursuance of this Act.

Power to order payment into a bank to account of official liquidator.

(8) The Court may order any contributory, purchaser or other person from whom money is due to the company to pay the same into any bank appointed for this purpose in any general order made under this Act, or in default of such bank into a bank named in the order, or into a branch of such bank, to the account of the official liquidator instead of to the official liquidator, and the order may be enforced in the same manner as if it had directed payment to the official liquidator.

(9) An order made by the Court in pursuance of this Act upon any contributory shall, subject to the provisions herein contained for appealing against such order, be conclusive evidence that the moneys, if any, thereby appearing to be due, or ordered to be paid, are due; and all other pertinent matters stated in the order are to be taken to be truly stated, as against all persons, and in all proceedings whatsoever, with the exception of proceedings taken against the real estate of any deceased contributory, in which case the order shall only be *prima facie* evidence for the purpose of charging his real estate, unless his heirs or devisees were on the list of contributories at the time the order was made. Order on contributory to be conclusive evidence, except as to real estate of deceased.

(10) The Court may make such order for the inspection by the creditors and contributories of the company of its books and papers as the Court thinks just: and any books and papers in the possession of the company may be inspected in conformity with the order of the Court, but not further or otherwise. Inspection of books.

(11) The Court may, at any time after the commencement of the winding up of the company, summon to appear before the Court or liquidator any officer of the company, or any other person known or suspected to have in his possession any of the estate or effects of the company, or supposed to be indebted to the company, or any person whom the Court may deem capable of giving information concerning the trade, dealings, estate or effects of the company; and in case of refusal to appear or answer the questions submitted, he may be committed and punished by the Judge as for a contempt. Examination of persons before court or liquidator.

(12) The Court may require any such officer or person to produce any books, papers, deeds, writings, or other documents in his custody or power relating to the company. Production of books, etc.

(13) If any person so summoned, after being tendered the fees to which a witness is entitled in the County Courts, refuses to come before the Court or liquidator at the time appointed, having no lawful impediment, the Court may cause such person to be apprehended, and brought before the Court or liquidator for examination. Penalty on person summoned not attending.

(14) The Court or liquidator may examine, upon oath, any person appearing, or brought before them in the manner aforesaid, concerning the affairs, dealings, estate or effects of the company, and may reduce into writing the answers of every such person, and require him to subscribe the same. Mode of examination.

(15) In any proceeding under this Act, the Court may order a writ of *subpœna ad testificandum*, or of *subpœna duces tecum* to issue, commanding the attendance as a witness of any person within the limits of Ontario. Subpœnas.

(16) Where any person claims a lien on papers, deeds, or writings or documents produced by him, such production shall Liens.

be without prejudice to the lien; and the Court shall have jurisdiction in the winding up to determine all questions relating to such lien.

Power of court to assess damages against delinquent directors, etc.

(17) Where in the course of winding up a company under this Act, it appears that any past or present director, manager, official or other liquidator, or any officer of the company has misapplied, or retained in his own hands, or become liable or accountable for, moneys of the company, or been guilty of any misfeasance or breach of trust in relation to the company, the Court may, on the application of a liquidator, or of any contributory of the company, notwithstanding that the offence is one for which the offender is criminally responsible, examine into the conduct of such director, manager, or other officer, and compel him to repay the moneys so misapplied or retained, or for which he has become liable or accountable, together with interest after such rate as the Court thinks just, or to contribute such sums of money to the assets of the company by way of compensation in respect of such misapplication, retainer, misfeasance, or breach of trust, as the Court thinks just. R. S. O. 1887, c. 183, s. 23 (6-17).

Proceedings by contributories, at their own expense and for their own benefit only.

24 If at any time a member of the company desires to cause any proceeding to be taken which, in his opinion, would be for the benefit of the company, and the liquidator, under the authority of the members of the company or of the inspectors, refuses or neglects to take such proceeding, after being duly required so to do, the member of the company shall have the right to obtain an order of the Court authorizing him to take such proceeding in the name of the liquidator or company, but at his own expense and risk, upon such terms and conditions as to indemnity to the liquidator, as the Court may prescribe; and thereupon any benefit derived from such proceeding shall belong exclusively to the member of the company instituting the same, for his benefit and that of any other member of the company who may have joined him in causing the institution of such proceeding; but if, before such order is granted, the liquidator signifies to the Court his readiness to institute such proceeding for the benefit of the company, an order shall be made prescribing the time within which he shall do so and in that case the advantage derived from such proceeding, shall appertain to the company. R. S. O. 1887, c. 183, s. 24; 53 V. c. 49, ss. 1, 2.

Filling vacancies in office of liquidator.

25.—(1) If a vacancy in the office of liquidator appointed by the company occurs by death, resignation or otherwise the company in general meeting may fill up such vacancy. R. S. O. 1887, c. 183, s. 25 (1).

Appointment by court.

(2) If from any cause there is no liquidator acting, either provisionally or otherwise, the Court may on the application of a member of the company, appoint a liquidator or liquidators. R. S. O. 1887, c. 183, s. 25 (2); 53 V. c. 49, s. 2.

(3) The Court may also on due cause shewn, remove a liquidator, and appoint another liquidator. Removal of liquidator.

(4) When there is no liquidator the estate shall be under the control of the Court until the appointment of a new liquidator. R. S. O. 1887, c. 183, s. 25 (3-4). The case of no liquidator.

26.—(1) Any one or more members of the company whose claims in the aggregate exceed $500, who may be dissatisfied with the resolutions adopted or orders made by the members of the company or the inspectors, or with any action of the liquidator for the disposal of the property of the company, or any part thereof, or for postponing the disposal of the same, or with reference to any matter connected with the management or winding-up of the estate, may, within four clear days after the meeting of the members of the company in case the subject of dissatisfaction is a resolution or order of the members of the company, or within four clear days after becoming aware or having notice of the resolution of the inspectors or action of the liquidator where such resolution or action is the subject of dissatisfaction, give to the liquidator notice that he or they will apply to the Court, on the day and at the hour fixed by such notice, (and not being later than four clear days after such notice has been given), or as soon thereafter as the parties may be heard before the Court, to rescind such resolutions or orders. Rescinding of resolution, etc., by the court.

(2) The Court, after hearing the inspectors, the liquidators and members of the company present at the time and place so fixed, may approve, rescind or modify the said resolutions or orders. R. S. O. 1887, c. 183, s. 26 (1-2); 53 V. c. 49, s. 1. Confirmation or variation of resolutions, etc.

(3) In case of the application being refused the party applying shall pay all costs occasioned thereby, and in other cases the costs and expenses shall be in the discretion of the Court. R. S. O. 1887, c. 183, s. 26 (3). Costs.

27.—(1) Any party who is dissatisfied with any order or decision of the Court in any proceeding under this Act, may appeal therefrom to the Court of Appeal, or to any one of the Judges of the said Court; but any appeal to a single Judge may, in his discretion, be referred, on a special case to be settled, to the full Court, and on such terms in the meantime as he may think necessary and just. Appeals.

(2) No such appeal shall be entertained unless the appellant has, within eight days from the rendering of such final order or judgment, taken proceedings on the said appeal, nor unless within the said time he has made a deposit or given security, to the satisfaction of a Judge, that he will duly prosecute the said appeal and pay such damages and costs as may be awarded to the respondent. Security for damages and costs.

(3) If the party appellant does not proceed with his appeal, as the case may be, according to the law or the rules of practice, Dismissal of appeal.

the Court, on the application of the respondent, may dismiss the appeal, and condemn the appellant to pay the respondent the costs by him incurred.

Judgment final.

(4) The judgment of the Court of Appeal shall be final. R. S. O. 1887, c. 183, s. 27.

Powers of court to be in addition to other powers.

28. Any powers by this Act conferred on the Court shall be deemed to be in addition to any other power, of instituting proceedings against any contributory, or against any debtor of the company for the recovery of any call or other sums due from such contributory, or against any debtor of the company, for the recovery of any call or other sum due from such contributory or debtor, or his estate, and such proceedings may be instituted accordingly. R. S. O. 1887, c. 183, s. 28.

Enforcing of orders.

29. All orders made by the Court may be enforced in the same manner as orders of such Court made in any action pending therein, or as orders of the Court under the Insolvent Acts in force at the time may be enforced; and for the purposes of this Act, the County Courts and the Judges thereof shall, in addition to their ordinary powers, have the same power of enforcing any orders made by them as the High Court has in relation to matters within the jurisdiction of that Court; and for the last-mentioned purposes the jurisdiction of the County Court Judge shall be deemed to be co-extensive in local limits with the jurisdiction of the High Court. R. S. O. 1887, c. 183, s. 29.

Powers of County Courts.

County Courts to be auxiliary.

Transfer from one Court to another.

30. The various County Courts of the Province, and the Judges of the said Courts respectively shall be auxiliary to one another for the purposes of this Act; and the winding up of a company, or any matter or proceeding relating thereto, may be transferred from one County Court to another with the concurrence, or by the order or orders, of the two Courts, or by an order of a Judge of the Court of Appeal. R. S. O. 1887, c. 183, s. 30.

MATTERS OF PRACTICE.

Enforcement of order of one Court by another.

31. Where an order made by one Court is required to be enforced by another Court, an office copy of the order so made, certified by the clerk of the Court which made the same, and under the seal of such Court, shall be produced to the proper officer of the Court required to enforce the same, and the production of such copy shall be sufficient evidence of the order having been made; and thereupon such last mentioned Court shall take such steps in the matter as may be requisite for enforcing such order in the same manner as if it were the order of the Court enforcing the same. R. S. O. 1887, c. 183, s. 31.

Petition on winding up.

32.—(1) Any application to the Court for winding up of a company under this Act shall be by petition; and the petition may be presented by the company, or by any contributory or contributories of the company.

Course of Court on hearing of petition.

(2) Upon hearing the petition the Court may dismiss the same, with or without costs, or may adjourn the hearing conditionally or unconditionally, and may make an interim order, or any other order that it deems just. R. S. O. 1887. c. 183, s. 32.

Stay of proceedings.

33. The Court at any time after an order has been made for winding up a company, may, upon the application by motion of any contributory, and upon proof to the satisfaction of the Court that all proceedings in relation to the winding up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as the Court deems fit. R. S. O. 1887, c. 183, s. 33.

Rules of procedure in ordinary cases, etc., to apply.

34. The rules of procedure for the time being as to amendments of pleadings and proceedings in the County Court, shall, as far as practicable, apply to all pleadings and proceedings under this Act; and any Court or liquidator before whom such proceedings are being carried on shall have full power and authority to apply the appropriate rules as to amendments to the proceedings so pending before him; and no pleading or proceeding shall be void by reason of any irregularity or default which can or may be amended or disregarded under the rules and practice of the Court. R. S. O. 1887, c. 183, s. 34.

Amendments.

Language of proceedings, etc.

35. In every petition, application, motion, or other pleading or proceeding under this Act, the parties may state the facts upon which they rely, in plain and concise language; and to the interpretation thereof, the rules of construction applicable to such language in the ordinary transactions of life shall apply. R. S. O. 1887, c. 183, s. 35.

Books, etc., to be *prima facie* evidence.

36. All books, accounts, and documents of the company and of the liquidator, shall, as between the contributories of the company, be *prima facie* evidence of the truth of all matters purporting to be therein recorded. R. S. O. 1887, c. 183, s. 36.

Service of subpœnas, etc.

37. All rules, writs of subpœna, orders and warrants issued by any Court in any matter or proceeding under this Act, may be validly served in any part of Ontario upon the party affected or to be affected thereby, and the service of them may be validly made in such manner as is now prescribed for similar services, and the person charged with such service shall make his return thereof under oath. R. S. O. 1887, c. 183, s. 37.

Length of notice of pro-

38. Except where otherwise provided, four clear juridical days' notice of any petition, motion, order or rule shall be suffi-

ceedings. Service of notice.

cient; and service of such notice shall be made in such manner as a similar service in an action. R. S. O. 1887, c. 183, s. 38.

Affidavits, before whom sworn.

39.—(1) Any affidavit, affirmation or declaration required to be sworn or made under the provisions or for the purposes of this Act, may be sworn or made in Ontario, before the liquidator, or before any liquidator, Judge, notary public, commissioner for taking affidavits, or Justice of the Peace; and out of Ontario, before any Judge of a Court of Record, any commissioner for taking affidavits to be used in any Court in Canada, any notary public, the chief municipal officer for any town or city, any British consul or vice-consul, or any person authorized by or under any Statute of the Dominion or of this Province to take affidavits.

Courts, etc., to take judicial notice of seals signatures, etc.

(2) All Courts, Judges, Justices, commissioners and persons acting judicially, shall take judicial notice of the seal, or stamp or signature (as the case may be) of such Court, Judge, notary public, commissioner, justice, chief municipal officer, consul, vice-consul, liquidator or other person, attached, appended or subscribed to such affidavit, affirmation or declaration, or to any other document to be used for the purposes of this Act. R. S. O. 1887, c. 183, s. 39.

DISSOLUTION OF COMPANY.

Account of winding up to be made by liquidator to a general meeting.

40.—(1) As soon as the affairs of the company are fully wound up, the liquidators shall make up an account shewing the manner in which the winding up has been conducted, and the property of the company disposed of; and thereupon they shall call a general meeting of the company for the purpose of having the account laid before them, and hearing any explanation that may be given by the liquidators; the meeting shall be called by advertisement, specifying the time, place and object of such meeting; and the advertisement shall be published one month at least previously thereto.

Return of holding of meeting to be sent to Provincial Secretary.

(2) The liquidator shall make a return to the Provincial Secretary of such meeting having been held, and of the date at which the same was held; which return shall be filed in the office of the Provincial Secretary; and on the expiration of three months from the date of the filing of such return, the company shall be deemed to be dissolved. R. S. O. 1887, c. 183, s. 40.

Dissolution of company.

Order for dissolution. Report to Provincial Secretary.

41. Or whenever the affairs of the company have been completely wound up, the Court may make an order that the company be dissolved from the date of such order, and the company shall be dissolved accordingly: which order shall be reported by the liquidator to the Provincial Secretary. R. S. O. 1887, c. 183, s. 41.

Penalty on default in reporting by liquidator or in making return.

42. If the liquidator makes default in transmitting to the Provincial Secretary the return mentioned in section 40, or in reporting the order (if any) declaring the company dissolved, he shall be liable to a penalty not exceeding $20 for every day during which he is in default. R. S. O. 1887, c. 183, s. 42.

Disposition of unclaimed dividends.

43. All dividends deposited in a bank and remaining unclaimed at the time of the dissolution of the company, shall be left for three years in the bank where they are deposited, and if still unclaimed, shall then be paid over by such bank, with interest accrued thereon, to the Treasurer of Ontario, and, if afterwards duly claimed, shall be paid over to the persons entitled thereto. R. S. O. 1887, c. 183, s. 43.

Deposit by liquidator after dissolution of moneys with sworn statement.

44.—(1) Every liquidator shall, within thirty days after the date of the dissolution of the company, deposit in the bank appointed or named as hereinbefore provided for, any other money belonging to the estate then in his hands not required for any other purpose authorized by this Act, with a sworn statement and account of such money, and that the same is all he has in his hands; and he shall be subject to a penalty of not exceeding $10 for every day on which he neglects or delays such payment; and he shall be a debtor to Her Majesty for such money and may be compelled as such to account for and pay over the same.

Penalty on omission.

Money to remain on deposit for three years.

(2) The money so deposited shall be left for three years in the bank, and shall be then paid over, with interest, to the Treasurer of the Province, and if afterwards claimed shall be paid over, to the person entitled thereto.

Disposal of books, etc., after winding up.

(3) Where a company has been wound up under this Act and is about to be dissolved, the books, accounts and documents of the company and of the liquidators may be disposed of in such a way as the company by an extraordinary resolution directs.

After five years responsibility as to custody of books, etc., to cease.

(4) After the lapse of five years from the date of such dissolution no responsibility shall rest on the company or the liquidators, or any one to whom the custody of such books, accounts and documents has been committed, by reason that the same or any of them are not forthcoming to any party claiming to be interested therein. R. S. O. 1887, c. 183, s. 44.

RULES TO CARRY OUT ACT.

Board of county judges to make rules and forms as to proceedings and costs, etc.

45.—(1) The Board of County Judges from time to time shall make and frame and settle the forms, rules and regulations to be followed and observed in proceedings under this Act, and shall make rules as to the costs, fees and charges which shall or may be had, taken or paid in all such cases by or to solicitors or counsel, and by or to officers of Courts, whether for the officers or for the Crown, and by or to sheriffs, or other

persons whom it may be necessary to provide for, or for any service performed or work done under this Act.

Allowance or disallowance by court of appeal.

(2) The Board of County Judges or any three of them, shall under their hands certify to the Chief Justice of the Court of Appeal, all rules and forms made under this Act, and the Judges of the said Court (of whom the said Chief Justice shall be one) may approve of, disallow, or amend any such rules or forms; and the rules and forms so approved of (with or without amendment, as the case may be) shall have the same force and effect as if they had been made and included in this Act.

Practice till allowance of rules, etc.

(3) Until such forms, rules and regulations are so approved and subject to any which may be approved, the practice under this Act shall in cases not hereinbefore provided for, be the same (as nearly as may be), as under the Insolvent Acts for the time being in force in this Province. R. S. O. 1887, c. 183, s. 45.

DISTRIBUTION OF ASSETS OR REDUCTION OF CAPITAL.

Application of following sections.

46. The following sections of this Act shall apply to every company whose incorporation is under the authority of the Legislature of Ontario, where the shareholders or members of the company are entitled to the profits of the business of such company. R. S. O. 1887, c. 183, s. 46.

Authority given by special resolution.

47. Where a company has passed a special resolution authorizing any of the acts hereinafter allowed, the directors and officers may act in accordance with the terms of such resolution, subject to the following provisions of this Act. R. S. O. 1887, c. 183, s. 47.

Resolution for distribution of assets or reduction of capital.

48.—(1) The company may by such resolution direct that proceedings be taken to distribute the proceeds of all the assets of the company amongst the shareholders after payment of the debts of the company,

(2) Or may, by such resolution, direct that proceedings be taken to reduce the capital:

(*a*) Either by paying off the shares of such persons as may elect to be paid off at a rate fixed by the resolution, or to be determined in accordance with a plan therein specified;

(*b*) Or by paying off a certain fixed proportion of all the shares.

(3) This section shall not apply to a company the capital of which is not divided into shares. R. S. O. 1837, c. 183, s. 48.

Notice of resolution.

49.—(1) The company shall thereupon give notice (Form A) of the resolution in the *Ontario Gazette*, and in some newspaper published in the city of Toronto, and in some other newspaper published where the chief place of business of the company in Ontario is situate, if any newspaper is published in such place.

(2) The notice shall also state that after some day to be therein named, and which shall not be earlier than three months from the first publication of the notice in the *Gazette*, the company will act upon the resolution.

(3) The notice shall also call upon all creditors of the company to file their claims against the company forthwith, whether such claims are or are not then due.

(4) Where the company has no place of business in Ontario, or its chief place of business is in Toronto, it will be sufficient if the notice is published in the *Gazette* and in one Toronto newspaper.

(5) The notice shall be published in the *Gazette* and in each of the said newspapers (where publication in more than one is required) at least six times during the said period of three months, and in computing such six times no two publications which occur in the same week shall be counted. R. S. O. 1887, c. 183, s. 49.

When resolution may be carried into effect.

50. Upon the arrival of the day appointed, or so soon thereafter as conveniently may be, the officers of the company may act in accordance with the terms of the resolution: provided (1) either that the company has no creditors, and a statement (Form B) upon the oath or solemn affirmation of the chief executive officer and of the treasurer of the company stating their belief of this fact, is filed with the clerk of the County or District Court of the county or district where the chief office of the company is situated; (2) or the consent of the company's creditors to the resolution being acted upon has been procured in writing, and a statement under oath or solemn affirmation of the said officers, containing the particulars set forth in Form C, is filed with the clerk. R. S. O. 1887, c. 183, s. 50.

Liability of officers for payments improperly made under resolution.

51. No officer of such company shall make or authorize any payment by virtue of such resolution until one or other of the said statements has been filed as aforesaid, or without the consent of every creditor of the company, so long as to his knowledge any debt, whether the same is due or not, or any accrued liability of the company, remains unsatisfied; and any officer who violates the provisions of this section shall, besides being subject to such criminal punishment as is authorized for his offence, be liable personally for the amount of such unsatisfied claim or accrued liability to the creditor or other person entitled to claim from the company. R. S. O. 1887, c. 183, s. 51.

Liability of shareholders for moneys received under resolution.

52. Every shareholder receiving moneys under such resolution, shall, to the extent of the moneys so received, remain liable for any debts or liabilities of the company then in fact existing, and upon the winding up of the company by judicial process, every such person, his executors or administrators, may be required to contribute to that extent towards

the payment of such debts or liabilities after the other assets of the company have been exhausted; but no executor or administrator shall be held so liable unless at the time he receives notice of the assessment he has in his hands assets applicable thereto or subsequently receives such assets. R. S. O. 1887, c. 183, s. 52.

Restriction on insurance companies, etc.

53. No insurance or guarantee company, or other company carrying on business of a like nature, shall pay off any part of its capital stock under this Act until every policy, and every instrument having the effect of a policy, given by the company has expired, or been terminated, and, in the case of such a company, this fact shall be stated in the statement (Form B or C) filed as aforesaid. R. S. O. 1887, c. 183, s. 53.

Resolution to reduce par value of shares not to affect amount payable on such shares.

54. Where the capital of a company has become impaired, and the shareholders pass a special resolution to reduce the par value of the shares of the company, the shares shall thereupon be reduced in accordance with the terms of the resolution, provided that the resolution shall not in any wise affect the amount still remaining payable upon the shares, but the same amount shall, except as to a double or other additional liability, continue to be payable in respect of every share as if such resolution had not been passed; and in case by virtue of the charter or Act of incorporation of the company or of any general or other Act affecting the same, a double or other additional liability is cast upon the shareholders, the same proportionate liability shall continue, that is to say, if the liability was a double liability, the shareholders shall, as to new creditors, be liable for double the amount of the stock at its reduced value, and in like manner for any other proportion, but in respect of persons who are creditors at the time of the reduction, the liability of the shareholders shall continue as if such reduction had not taken place. R. S. O. 1887, c. 183, s. 54.

Notice of reduction of par value of shares.

55. Where a reduction is had under the preceding section, a notice thereof (Form D) shall be published at least once a week for six weeks in the manner hereinbefore provided in section 49. R. S. O. 1887, c. 183, s. 55.

Where capital reduced advertisements of company to state same as reduced

56. Where a company, acting under the provisions of this Act, has reduced its capital, every advertisement, circular or other document thereafter issued by the company, or any of its officers, containing a statement of the capital of the company shall state such capital at the amount to which it has been reduced. R. S. O. 1887. c. 183, s. 56.

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SCHEDULE.

FORM A.

[*Section* 49.]

Notice is hereby given that the [*insert name of Company*] has, by a special resolution passed by the shareholders of the said company, resolved to [*set out the substance of the resolution*].

The company will act upon the said resolution upon the day of next.

All creditors of the company are hereby required to file their claims against the company forthwith, whether or not such claims are now due.

A. B.
Secretary.

Date &c.

R. S. O. 1887, c. 183, Form A.

FORM B.

[*Sections* 50 *and* 53, *First Method.*]

I, *A. B.*, of the in the County of make oath and say [*or* solemnly affirm, *as the case may require*],

1. I am the [*here insert title of office*] of the [*name of company,*] and I am the Chief Executive Officer of the said company, and, as such officer, have the supervision and management of the business of the said company.

2. I verily believe the said company is not indebted to any person or persons, or to any company, association or corporation whatsoever, and I verily believe that no person, company, association or corporation has any right of action whatever against the said [*name of company*].

[*In the case of insurance or guarantee companies, or other company carrying on business of a like nature, the following paragraph is to be added:*]

3. Every policy, and every instrument having the effect of a policy given by the said company has expired or been terminated.

Sworn, &c.

N. B.—The statement by the Treasurer of the company is to be identical with the above, except as to the paragraph setting forth the office held.

R. S. O. 1887, c. 183, Form B.

FORM C.

[*Sections* 50 *and* 53, *Second Method*].

I, *C. D.*, of the in the County of make oath and say [*or* solemnly affirm, *as the case may require*],

1. I am the [*here insert title of office*] of the [*name of company*], and I am the Chief Executive Officer of the said company, and, as such officer, have the management and supervision of the business of the said company.

2. I verily believe that the said company is not indebted to any person or persons, or to any company, association or corporation whatsoever, except those whose names appear in the schedule which is hereto annexed, and every such person, company and association has consented, in writing, to the following resolution being acted upon, that is to say [*here set out the resolution*].

3. I verily believe that no person, company, association or corporation, except such as are named in the said schedule, has any right of action whatever against the said company.

[*In the case of insurance or guarantee companies, or other company carrying on business of a like nature, the following paragraph is to be added:*]

4. Every policy, and every instrument having the effect of a policy, given by the said company, has expired or been terminated.

Sworn, &c.

N. B.—The statement by the Treasurer of the company is to be identical with the above, except as to the paragraph setting forth the office held.

R. S. O. 1887, c. 183, Form C.

FORM D.

[*Section* 55.]

Notice is hereby given that the [*name of company*], has by a special resolution passed by the shareholders of the said company, reduced the capital of the company from $ to $, and has reduced the par value of each share of the said company from $ to $.

A. B.,
Secretary.

Date &c.

R. S. O. 1887, c. 183, Form D.

SECTION XIV.

MUNICIPAL MATTERS.

I. MUNICIPAL INSTITUTIONS GENERALLY.

CHAPTER 223.

An Act respecting Municipal Institutions.

PRELIMINARY ss. 1-3.

PART I.—MUNICIPAL ORGANIZATION.

Title I. *Incorporation*, ss. 5-10.

II. *Formation and alteration of Corporations.*

Division I. Villages, Towns and Cities, ss. 11-28.
" II. Townships, ss. 29-37.
" III. Counties, ss. 38-40.
" IV. Provisional County Corporations, ss. 41-54.
" V. Matters consequent upon the formation or alteration of corporations, ss. 55-65.

PART II.—MUNICIPAL COUNCILS, HOW COMPOSED.

Title I. *The Members.*

Division I. In Counties, ss. 66-69.
" II. In Cities, s. 70.
" III. In Towns, s. 71.
" IV. In Villages, s. 72.
" V. In Townships, ss. 73, 74.
" VI. In Provisional Counties, s. 75.

Title II. *Qualification, Disqualification and Exemptions.*

Division I. Qualification, ss. 76-79.
" II. Disqualification, ss. 80-83.
" III. Exemptions, s. 84.

PART III.—MUNICIPAL ELECTIONS.

Title I. *Electors.*

Division I. Qualification, ss. 85-93.

Title II. *Elections.*

Division I. Time and place of holding, ss. 94-105.
" II. Returning Officers and Deputy Returning Officers, ss. 106-111.
" III. Oaths, ss. 112-117.
" IV. Proceedings Preliminary to the Poll, ss. 118-163.
" V. The Poll, ss. 164-187.
" VI. Miscellaneous Provisions, ss. 188-206.
" VII. Vacancies in Council, ss. 207-218.
" VIII. Controverted Elections, ss. 219-244.
" IX. Prevention of Corrupt practices, ss. 245-258.

PART IV.—MEETINGS OF MUNICIPAL COUNCILS.

Division I. When and where held, ss. 259-266.
" II. Conduct of business, ss. 267-275.
" III. Boards of Control in certain cities, ss. 276, 277.

PART V.—OFFICERS OF MUNICIPAL CORPORATIONS.

Division I. The Head, ss. 278-281.
" II. The Clerk, ss. 282-287.
" III. The Treasurer, ss. 288-294.
" IV. Assessors and Collectors, ss. 295-298.
" V. Auditors and Audit, ss. 299-309.
" VI. Valuators, s. 310.
" VII. Duties of Officers as to Oaths, etc., ss. 311-319.
" VIII. Salaries, Tenure of Office, and Security, 320-323.
" IX. Judicial Investigation of Municipal Management, s. 324.

PART VI.—GENERAL PROVISIONS APPLICABLE TO ALL MUNICIPALITIES.

Title I. *General Jurisdiction of Councils.*

Division I. Nature and extent, ss. 325-332.

Title II. *Respecting By-Laws.*

Division I. Authentication of, ss. 333-335.
" II. Objections by Ratepayers, ss. 336, 337.
" III. Voting on by Electors, ss. 338-374.
" IV. Confirmation of, ss. 375-377.
" V. Quashing, ss. 378-383.
" VI. By-laws creating Debts, ss. 384-395.
" VII. Registration thereof and notice, ss. 396-401.
" VIII. By-laws respecting Yearly Rates, ss. 402-413.
" IX. Anticipatory appropriations, ss. 414-416.

Title III. *Respecting Finance.*

Division I. Accounts and Investments, ss. 417-427.
" II. Commission of Inquiry into Finances, s. 428.

Title IV. *Debentures and other instruments*, ss. 429-436.

Title V. *Arbitrations.*

Division I. Lands taken or injuriously affected, ss. 437-447.
" II. Appointment of Arbitrators, ss. 448-457.
" III. Procedure, ss. 458-467.

Title VI. *Actions against Municipal Corporations*, ss. 468-471.

Title VII. *Witnesses*, s. 472.

Title VIII. *Administration of Justice.*

Division I. Justices of the Peace, ss. 473-478.
" II. Police Office in Cities and Towns, 479, 480.
" III. Board of Commissioners of Police and Police Force in Cities and Towns, ss. 481-499.
" IV. Court-houses, Gaols, Reformatories and Places of Correction or Imprisonment, ss. 500-529.
" V. Board of Audit—Criminal Justice, ss. 530.

PART VII.—POWERS OF MUNICIPAL COUNCILS.

Title I. *Powers in General.*

Division I. As to the Municipality itself, ss. 531-534.
" II. As to Municipal Elections, ss. 535, 536.
" III. As to Municipal Officers, s. 537.
" IV. As to Payment of Members of the Council, s. 538.
" V. As to Finance, s. 539.
" VI. As to the Protection of Life and Property, ss. 540-548.

Sub-Division I. *Prevention of Accidents, etc.*, s. 540.
" II. *Erection of Buildings and Elevators*, s. 541.
" III. *Prevention of Fires*, ss. 542-544.
" IV. *Fences*, s. 545.
" V. *Pounds*, s. 546.
" VI. *Miscellaneous*, s. 547.
" VII. *Police and Night Watchmen*, s. 548.

Division VII. Public Morals, s. 549.
" VIII. Public Health, ss. 550-556.

Sub-Division I. *Food and Drink*, s. 550.
" II. *Sanitary Measures*, ss. 551-553.
" III. *Sewers and Drains*, ss. 554, 555.
" IV. *Purchasing Wet Lands*, 556.

Division IX. Highways and Bridges, ss. 557-560.
" X. Statute Labour, s. 561.
" XI. Wharfs, Harbours, Rivers and Streams, etc., ss. 562, 563.
" XII. Water, Light and Heat, ss. 564-568.
" XIII. Street Railways, Telephone Service, etc., ss. 569-573.
" XIV. Trees, Planting, Protection and Removal of, ss. 574, 575.
" XV. Public Parks and Industrial Farms, s. 576.
" XVI. Cemeteries, s. 577.
" XVII. Fairs and Markets, ss. 578-582.

Division XVIII. Regulation of Trade, ss. 583-585.
" XIX. Nuisances, s. 586.
" XX. Education, s. 587.
" XXI. Charities, ss. 588-590.
" XXII. Aids, Bonuses and Loans, s. 591.
" XXIII. Bounties and Rewards, 592-595.
" XXIV. Entertaining Guests, Travelling Expenses, Diffusing Information, ss. 596, 597.

Title II. *Powers and Duties of Councils as to Highways and Bridges.*

Division I. General Provisions, ss 598-636.
" II. Counties, Townships, Cities, Towns and Villages, ss. 637-646.
" III. Townships, Cities, Towns and Villages, ss. 647-656.
" IV. County and Township Councils, ss. 657.
" V. County Councils ss. 658, 659.
" VI. Township Councils, ss. 660-663.

Title III. *Powers of Municipal Councils as to Improvements to be paid for by Local Rate.*

Division I. Townships, Cities, Towns and Villages, ss. 664-686.
" II. Townships and Villages, s. 687.
" III. Townships, ss. 688-690.
" IV. Counties, ss. 691-693.

Title IV. *Powers of Municipal Councils as to Railway and Street Railway Companies*, ss. 694-699.

Title V. *Powers of Municipal Councils in Certain Districts as to Aiding Iron Smelting Works*, s. 700.

Title VI. *Powers of Municipal Councils as to Aiding the Establishment of Grain Elevators*, s 701.

Title VII. *Powers as to enforcement of By-Laws.*

Division I. By-Laws for imposing Penalties, s. 702.
" II. Summary remedy if by-Laws not obeyed, s. 703.

PART VIII.—RECOVERY OF FINES AND PENALTIES.

Division I. Prosecutions for Penalties, ss. 704-710.
" II. Witnesses, ss. 711, 712.

PART IX.—POLICE VILLAGES.

Division I. Formation, ss. 713-714.
" II. Trustees and their election, ss. 715-735.
" III. Duties of Police Trustees, ss. 736-750.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PRELIMINARY.

Short title. Application of Act.

1. This Act may be cited as "*The Municipal Act*," and shall not affect the provisions of any special Act relating to any particular municipality. 55 V. c. 42, s. 1, s. 674 *part.*

Interpretation of words.

2. Where the words following occur in this Act or in the schedules thereto, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:—

"Council."

1. "Council," shall mean a municipal council or provisional municipal council, as the case may be. 55 V. c. 42, s. 2 (3).

"Councillor."

2. "Councillor" or "Municipal Councillor" shall not include a county councillor unless so expressed. 60 V. c. 15, *Sched.* C (1).

"County."

3. "County," shall mean county, union of counties, or united counties, or provisional county, as the case may be. 55 V. c. 42, s. 2 (4).

"County town."

4. "County Town," shall mean the city, town, or village in which the assizes for the county are held. 55 V. c. 42, s. 2 (6).

"Electors."

5. "Electors," shall mean the persons entitled for the time being to vote at any municipal election, or in respect of any by-law, (as the case may be) in the municipality, ward, polling sub-division, or police village, as the case may be. 55 V. c. 42, s. 2 (9); 60 V. c. 15, *Sched.* C (1).

"Highway." "Road." "Bridge."

6. "Highway," "Road," or "Bridge," shall mean a public highway, road, or bridge, respectively. 55 V. c. 42, s. 2 (8).

"Householder."

7. "Householder" shall mean a resident of the municipality whose name appears as a tenant on the last revised assessment roll thereof. 60 V. c. 15, *Sched.* C (1).

"Land." "Real estate." "Real property."

8. "Land," "Lands," "Real Estate," "Real Property," shall include lands, tenements and hereditaments, and any interest or estate therein, or right or easement affecting the same. 55 V. c. 42, s. 2 (7); c. 43, s. 1.

"Local municipality."

9. "Local Municipality," shall mean a city, town, township or incorporated village. 55 V. c. 42, s. 2 (2).

"Municipality."

10. "Municipality," shall mean any locality the inhabitants of which are incorporated or are continued, or become so under this Act. 55 V. c. 42, s. 2 (1).

"Next day."

11. The words "next day" shall not apply to, or include Sunday or statutory holidays. 55 V. c. 42, s. 2 (11).

"Reeve." 12. "Reeve," shall include the deputy-reeve or deputy-reeves, where there is a deputy-reeve for the municipality, except in so far as respects the office of a Justice of the Peace. 55 V. c. 42, s. 2 (10).

"Separated town." 13. "Separated town" shall mean a town separated for municipal purposes from the county in which it is situated. 60 V. c. 15, *Sched.* C (1).

"Township." 14. "Township," shall mean township, union of townships or united townships, as the case may be. 55 V. c. 42, s. 2 (5),

"Village." 15. "Village" shall mean an incorporated village, unless otherwise expressed. 60 V. c. 15, *Sched.* C (1).

Finally revised Assessment Roll. **3**. For the purposes of this Act an assessment roll shall be understood to be finally revised when it has been so revised by the Court of Revision for the municipality, or by the Judge of the County Court in case of an appeal as provided in *The Assessment Act*, or when the time within which the appeal may be made has elapsed. 60 V. c. 15 *Sched.* C. (1).

Rev. Stat. c. 224.

Ascertainment of population of cities referred to by having a certain population. **4**. Wherever any power is conferred upon, or any provision of law relates to cities having a specified population, such population shall, for the purposes aforesaid, be ascertained (unless otherwise provided) by the census of the city last taken, whether under an Act of the Parliament of Canada or under a municipal by-law. *See* 60 V. c. 45, s. 59; c. 3, s. 3.

PART I.

MUNICIPAL ORGANIZATION.

TITLE I.—INCORPORATION.
TITLE II.—FORMATION AND ALTERATION OF CORPORATIONS.

TITLE I.—INCORPORATION.—*Secs.* 5-10.

Existing municipal corporations continued. **5**. The inhabitants of every county, city, town, village, township, union of counties, and union of townships incorporated at the time this Act takes effect, shall continue to be a body corporate, with the municipal boundaries of every such corporation respectively then established. 55 V. c. 42, s. 3.

Heads, officers, by-laws, contracts, etc. continued. **6**. The head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of every municipal corporation, when this Act takes effect, shall be deemed the head and members of the council, and the officers,

by-laws, contracts, property, assets and liabilities of the corporation, as continued under and subject to the provisions of this Act. 55 V. c. 42, s. 4.

Names of municipal corporations.

7. The name of every body corporate (not being a provisional corporation), continued, or erected under this Act, shall be "*The Corporation of the County, City, Town, Village, Township, or United Counties, or United Townships,* (as the case may be), *of* " (naming the same). 55 V. c. 42, s. 5

Names of provisional corporations.

8. The inhabitants of every junior county, upon a provisional council being or having been appointed for the county, shall be a body corporate under the name of "*The Provisional Corporation of the County of* " (naming it). 55 V. c. 42, s. 6. [*See sec. 41 (1)*].

Inhabitants of counties, townships, etc., and of cities, towns, etc., to be corporations.

9. The inhabitants of every county, or union of counties erected by proclamation into an independent county or union of counties, and of every township or union of townships, erected into an independent township or union of townships and of every locality erected into a city, town, or village, and of every county or township separated from any incorporated union of counties or townships, and of every county or township, or of the counties or townships, (if more than one), remaining of the union after the separation, being so erected or separated after this Act takes effect, shall be a body corporate under this Act. 55 V. c. 42, s. 7.

Corporate powers to be exercised by council.

10. The powers of every body corporate under this Act shall be exercised by the council thereof. 55 V. c. 42, s. 8.

TITLE II.—FORMATION AND ALTERATION OF CORPORATIONS.

Div. I.—Villages, Towns and Cities.
Div. II.—Townships.
Div. III.—Counties.
Div. IV.—Provisional County Corporations.
Div. V.—Matters consequent upon the formation or alteration of Corporations.

Division I.—Villages, Towns and Cities.

When a village may be incorporated. *Sec.* 11.
Restrictions as to area of towns and villages. *Sec.* 12.
Arrangements with respect to assets and debts upon the formation of a village from a township. *Sec.* 13.

Case of a village partly in two counties provided for. Sec. 14.
Arrangements as to debts when village transferred from one county to another. Sec. 15.
Additions to area of village. Sec. 16.
Reductions of area of city, town or village. Sec. 17, 18.
Annexation of village to adjoining municipality. Sec. 19.
Census of town or village. Sec. 20.
Villages and towns how erected into towns and cities. Secs. 21, 22.
Additions to area thereof. Secs. 23-25.
Annexation of villages or towns to adjacent villages, towns or cities. Sec. 26.
Towns, how separated from and how re-united to Counties. Secs. 27, 28.

When population 750, county council may incorporate as a village, and name the place and returning officer for first election.

11.—(1) When the census returns of an unincorporated village, with its immediate neighbourhood, taken under the direction of the council or councils of the county or counties in which the village and its neighbourhood are situate, shew that the same contain over 750 inhabitants, and when the residences of the said inhabitants are sufficiently near to form an incorporated village, then, on petition by not less than 100 resident freeholders and tenants of the village and neighbourhood of the age of twenty-one years and over, of whom not fewer than one-half shall be freeholders, the council or councils of the county or counties in which the village and neighbourhood are situate shall, by by-law, erect the village and neighbourhood into an incorporated village, apart from the township or townships in which the same are situate, by a name, and with boundaries to be respectively declared in the by-law; and shall name in the by-law the place for holding the first election, and the returning officer who is to hold the same. 55 V. c. 42, s. 9 (1); 60 V. c. 15, *Sched.* C. (2).

Incorporation of village within one mile of city of 100,000 population or or over.

(2) In case the territory sought to be incorporated, or any part thereof lies within one mile of the limits of a city having a population of 100,000 or more, the petition shall be signed by not less than two-thirds of the freeholders and resident tenants within the district sought to be incorporated, of the age of twenty-one years and over, whose names appear on the last revised assessment roll, and who have been resident within the territory sought to be incorporated for at least four months immediately prior to the signing of said petition, and of whom not fewer than one-half shall be freeholders. 55 V. c. 42, s. 9 (2); 60 V. c. 15, *Sched.* C (3); c. 45, s. 59.

Form of petition.

(3) If the district sought to be incorporated or any part thereof has been laid out in lots on a registered plan, each petitioner shall state the number of the lot on said plan owned or occupied by him, and shall further set out whether he is a freeholder or a resident tenant. 55 V. c. 42, s. 9 (3); 60 V. c. 15, *Sched.* C (4).

By-law and notice of petition.

(4) No by-law shall be passed under this section unless the petition therefor has been lodged with the clerk of the county at least one month before the meeting of the council at which the same is to be considered, nor unless public notice has, within two months previous to the meeting of the council at which the same is to be considered, been published at least once a week for two successive weeks in some newspaper at or nearest to the locality sought to be incorporated; and such notice shall set forth a description of the area intended to be embraced in the village. 55 V. c. 42, s. 9 (4).

Area of town or village limited.

12.—(1) No town or village incorporated after the passing of this Act, the population of which does not exceed 1,000 souls, shall extend over or occupy within the limits of the incorporation an area of more than 500 acres of land.

Regulations as to addition to area.

(2) No town or village already or hereafter incorporated, and containing a population exceeding 1,000 souls, shall make any further addition to its limits or area, except in the proportion of not more than 200 acres for each additional 1,000 souls, subsequent to the first 1,000.

Existing towns or villages, area of which exceeds proportionate limit, not to be enlarged.

(3) In the case of towns or villages now incorporated, wherever the area thereof exceeds the proportionate limit above prescribed, to wit, in all cases where the area exceeds the proportion of 500 acres for the first 1,000 souls, and 200 acres for every subsequent additional 1,000, the said towns or villages shall not be permitted to make any further addition to their limits until their population has reached such a proportion to their present area.

How population and area may be reckoned.

(4) But in all cases, the persons then actually inhabiting the land about to be included within the limits of the town or village, may, for the purpose of such extension, be held and reckoned as among the inhabitants of such town or village; and the land occupied by streets or public squares may be excluded in estimating the area of the town or village. 55 V. c. 42, s. 10.

Disposition of property and payment of debts when a village is separated from township.

13. In cases where a village is separated from the township or townships in which it is situate, or where the area of a village is reduced under section 18, the provisions of this Act for the disposition of the property, and the payment of debts, upon the dissolution of a union of townships, shall be applicable as if the localities separated had been two townships; and the councils of the village and of the township or townships shall respectively perform the like duties as by such provisions devolve upon the councils of separated townships, the said village being considered as the junior township. 55 V. c. 42, s. 11; 60 V. c. 15, *Sched.* C (5).

Where the village lies within two or more counties, it

14.—(1) Where the newly incorporated village lies within two or more counties, the councils of the counties shall, by by-law, annex the village to one of the counties; and if within

shall be annexed to one of them by the county councils or, in case of difference, by the Lieut.-Governor.

six months after the petitions for the incorporation of the village are presented, the councils do not agree to which county the village shall be annexed, the wardens of the counties shall memorialize the Lieutenant-Governor in Council, setting forth the grounds of difference between the councils; and thereupon the Lieutenant-Governor may, by proclamation, annex the village to one of the counties.

In case of failure of councils to act, freeholders, etc., may petition Lieutenant-Governor.

(2) In case the wardens do not, within one month next after the expiration of the six months, memorialize the Lieutenant-Governor in Council as aforesaid, then 100 of the freeholders and resident tenants on the census list may petition the Lieutenant-Governor in Council to settle the matter, and thereupon the Lieutenant-Governor may, by proclamation, annex the incorporated village to one of the counties. 55 V. c. 42, s. 12; 60 V. c. 15, *Sched.* C (6); c. 3, s. 3.

Liability of territory detached from one county and annexed to another.

15.—(1) In case a locality is, under section 14 of this Act, detached from one county and annexed to another, the council of the county to which the locality is annexed and the council of the village shall agree with the council of the county from which the locality is detached, as to the amount (if any) of the county liabilities which should be borne by the locality so detached and the times of payment thereof.

In case councils do not agree.

(2) If the councils do not, within three months of the separation, agree in respect of the said matter, the same shall be determined by arbitration under this Act; and the amount (if any) so agreed or determined shall become a debt of the county to which the locality is attached, and the said locality shall continue subject to all rates which had been, prior to the separation, imposed for the payment of county debts or for the payment of bonuses or aids granted by sections of the county to railways, or for the payment of local improvement debts, until the amount thereof has been paid by the proceeds of such rates.

Rates for old debts.

(3) The council of the county or of the village, as the case may require, shall pass such by-laws and take such proceedings as are necessary for levying the said rates; and shall, unless the said council has previously paid the amount to the municipality so liable, pay over the same when collected, to the municipality which is liable for the debt on account of which the rates were imposed.

Annulment of incorporation.

(4) Where the councils do not agree as aforesaid, the Lieutenant-Governor in Council may, before proclamation has been made, upon a petition of a majority of the resident freeholders and resident tenants of the village, and with the assent of at least two of the councils of the townships in which the village is situate, annul the incorporation of the village and restore the same to its former position as an unincorporated village; and the same shall thereupon be reinstated in its

former position to the same extent as if no proceedings for incorporation had ever been taken. 55 V. c. 42, s. 13; 60 V. c. 15, *Sched.* C (7).

Addition to villages by Lieutenant-Governor.

16. In case the council of any village petitions the Lieutenant-Governor to add to the boundaries thereof, the Lieutenant-Governor may, subject to the provisions of section 12 of this Act, by proclamation, add to the village any part of the localities adjacent, which from the proximity of the streets or buildings therein, or the probable future exigencies of the village, it seems desirable to add thereto; and, in case the territory so added belonged to another county, it shall thenceforward, for all purposes, cease to belong to such other county, and shall belong to the same county as the rest of the village. 55 V. c. 42, s. 14.

Separation of farm lands from cities, towns or villages.

17. Upon the application of the council of any city, town or village and of the owners of any lands therein wholly used for farming purposes, the Lieutenant-Governor in Council may by proclamation, exclude and detach such lands from the said city, town or village and annex the same to some adjoining municipality, upon such terms as have been agreed upon between the council of such adjoining municipality and that of the said city, town or village and the owners of the said lands, or upon such terms as may have been determined by arbitration in case they cannot agree upon the terms. 57 V. c. 50, s. 1.

Reducing the area of villages or towns.

18.—(1) The county council of any county or union of counties, upon the application, by petition, of the corporation of any village or of any town not withdrawn from the county, having a population, as ascertained by the last municipal enumeration, not exceeding 2000, and whose outstanding obligations and debts do not exceed double the net amount of the yearly rate then last levied and collected therein, may, in their discretion, by by-law in that behalf, reduce the area of the village or town by excluding from it lands used wholly for farming purposes, and the lands so excluded shall form part of such township or townships as may be designated in the by-law. 55 V. c. 42, s. 15; 60 V. c. 15, *Sched.* C. (8).

New limits to be defined.

(2) The by-law shall define, by metes and bounds, the new limits intended for the village or town.

Population not to be reduced below 750.

(3) No village or town shall, by such change of boundaries, be reduced in population below the number of 750 souls.

Municipal rights of the village or town not to be interfered with.

(4) The municipal privileges and rights of the village or town shall not be thereby diminished, or otherwise interfered with as respects the remaining area thereof. 55 V. c. 42 s. 15 (2-4).

A village may become an incorpor-

19.—(1) In case the council of a village by a two-thirds vote of the members thereof, passe a resolution

ated and may be annexed to an adjoining municipality.

declaring that it is expedient that the village should become unincorporated, and the resolution is approved by the electors in the manner required for by-laws creating debts; and in case the council of an adjoining municipality passes, or the councils of two or more of the adjoining municipalities pass a resolution or resolutions approving of the territory comprised in the village being annexed to such municipality or municipalities, the Lieutenant-Governor in Council may issue a proclamation annulling the incorporation of the village, and annexing the territory included therein to such municipality or municipalities.

"Electors" meaning of.

(*a*) The term "electors" in the preceding subsection shall include all freeholders and all lease-holders whose leases extend over a period of not less than five years from the date when the said vote is taken, provided the names of such freeholders and lease-holders are entered in the last revised assessment roll of the said municipality.

Adjustment of assets and debts.

(2) If the said territory is annexed to one municipality, such municipality shall be liable for the debts of the village, and shall be entitled to its assets, but, if the territory is annexed to two or more municipalities, the councils of such municipalities shall, before the proclamation issues, agree between themselves, or determine by arbitration, as to the proportion of the debt of the village to be borne by them respectively, and as to the assets, or proportion of the assets, of the said village which the municipalities shall respectively receive; and the municipalities shall respectively be liable each for its proportion of such indebtedness as determined by the agreement or award.

May be by a proportion.

(3) If the agreement or award instead of stating the proportion of the debt to be borne as aforesaid, states the shares so to be borne in sums of money, then the fraction which is formed by taking the sum named as the amount to be borne by any municipality as the numerator, and the aggregate of the sums named as the amounts to be borne by the said municipalities as the denominator, shall be the proportion of the entire debt to be borne by such municipality, whether or not the debt is accurately stated in the agreement or award.

Special rate may be imposed.

(4) It may be part of the arrangement between the village and the municipality or municipalities that the village shall, for a time, be charged with a special rate, or that it shall be relieved of any rate, or part of a rate, imposed upon the rest of the municipality with which the village, or part of it, is to be united.

If municipalities are in different counties.

(5) In case the municipalities proposing to receive parts of the territory comprised in the village are in different counties, the provisions of this section may be acted upon with the assent (declared by resolution) of the councils of such counties,

and unless such councils have previously agreed, or within three months from the issue of a proclamation under this section agree, as to the proportions in which the share of the county debt, which is referable to such village, is to be borne by the several counties, the same shall be determined by arbitration under this Act.

If one of them a city or town.

(6) Where part of the village is to be attached to a city or separated town, the city or separated town shall be deemed a county within the meaning of the next preceding subsection. 55 V. c. 42, s. 16; 60 V. c. 3, s. 3.

Census of towns and villages.

20. A census of any town or village may at any time be taken under the authority of a by-law of the council thereof. 55 V. c. 42, s. 18.

Town containing over 15,000 inhabitants may be erected into a city; and village containing over 2,000 into a town.

21. In case it appears by the census return taken under such by-law, or under any statute, that a town contains over 15,000 inhabitants, the town may be erected into a city; and in case it appears by such return that a village contains over 2,000 inhabitants, the village may be erected into a town; but the change shall be made by means of and subject to the following proceedings and conditions:

Notice to be given.

1. The council of the town or village shall, for three months after the census return, insert a notice in some newspaper published in the town or village—or, if no newspaper is published therein, then the council shall, for three months, post up a notice in four of the most public places in the town or village, and insert the same in a newspaper published in the county town of the county in which the town or village is situate, or if there is no such newspaper, then in the newspaper published nearest to the said town or village—setting forth in the notice the intention of the council to apply for the erection of the town into a city, or of the village into a town, and stating the limits intended to be included therein;

Census returns to be certified, and publication of notice proved.

2. The council of the town or village shall cause the census return to be certified to the Lieutenant-Governor in Council, under the signature of the head of the corporation, and under the corporate seal, and shall also cause the publication aforesaid to be proved to the Lieutenant-Governor in Council;

Village may be made a town by proclamation.

then, in the case of a village, the Lieutenant-Governor may, by proclamation, erect the village into a town by a name to be given thereto in the proclamation;

Existing debts to be adjusted in case of a town to be made a city.

3. In case the application is for the erection of a town into a city, the town shall also pay to the county of which it forms part, such portion, if any, of the debts of the county as is just; or the council of the town shall agree with the council of the county as to the amount to be so paid, with interest from the time of the erection of the new city, and as to the periods of payment; or, in case of disagreement, the same

Town may be made a city by proclamation.

shall be determined by arbitration under this Act; and upon the council proving to the Lieutenant-Governor in Council the payment, agreement or arbitration, the Lieutenant-Governor may, by proclamation, erect the town into a city, by a name to be given thereto in the proclamation. 55 V. c. 42, s. 19.

Limits of such new town or city.

22. The Lieutenant-Governor may include in the new town or city such portions of any township or townships adjacent thereto, and within the limits mentioned in the aforesaid notice, as, from the proximity of streets or buildings, or the probable future exigencies of the new town or city, the Lieutenant-Governor may consider it desirable to attach thereto. 55 V. c. 42, s. 20.

Wards, number of population of.

23. The Lieutenant-Governor may divide the new town or city into wards, with appropriate names and boundaries, but no town shall have less than three wards, and no ward in such town or city less than 500 inhabitants. 55 V. c. 42, s. 21.

Extension of city or town.

24.—(1) In case two-thirds of the members of the council of a city or town do, in council, before the 15th day of July in any year, pass a resolution affirming the expediency of any addition being made to the limits of the city or town, the Lieutenant-Governor may, by proclamation, and on such terms and conditions, as to taxation, assessment, improvements or otherwise, as the Lieutenant-Governor in Council sees fit and the council of the city or town may consent to, add to the city or town any part of the adjacent township or townships which the Lieutenant-Governor in Council, on the grounds aforesaid, considers it desirable to attach thereto. And the Lieutenant-Governor in Council may also by such proclamation provide that the territory so added or to be added to the city or town shall, for the purposes of elections to the Legislative Assembly continue for a period of time to be mentioned in the proclamation, to form part of the electoral district of which it had theretofore formed a part. 55 V. c. 42, s. 22 (1); 59 V. c. 51, s. 1.

Where land attached to city or town, etc., belonged to another county.

25. In case any tract of land so attached to the city or town belonged to another county, the same shall thenceforward, for all purposes, cease to belong to such other county, and shall belong to the same county as the rest of the city or town. 55 V. c. 42, s. 23.

Annexation of villages or towns to adjacent villages, towns or cities.

26.—(1) In case the council of any village or town pass a resolution affirming the expediency of the annexation of the village or town to an adjacent village, town or city, and the municipal council of such last mentioned village, town or city, pass a similar resolution, and in case a majority of the electors of the first-mentioned village or town as defined by clause (*a*) of subsection 1 of section 19 of this Act, by vote approve of the resolution affirming the expediency of such annexation, the Lieutenant-Governor in Council may, by

proclamation, annex the one municipality to the other, upon such terms as have been agreed upon by the councils, or as have been determined by arbitration, in case the councils resolve to have the terms settled by arbitration, and the Lieutenant-Governor in Council may also by such proclamation provide that the said first mentioned village or town so annexed or to be annexed shall, for the purpose of elections to the Legislative Assembly, continue, for such period of time as may be mentioned in the proclamation, to form part of the electoral district of which it had theretofore formed a part. 55 V. c. 42, s. 24 (1); 60 V. c. 15, *Sched.* C. (10); 60 V. c. 45, s. 26.

Secs. 16, 24 and 25 to apply.

(2) Subject to any variations made by the terms agreed upon or settled in manner aforesaid, the municipality annexed to the other shall be subject to the provisions of this Act having regard to the annexation of territory to a village, town or city. 55 V. c. 42, s. 24 (2).

Village or town may be erected into a town or city and re-divided into wards.

(3) In case the population admits thereof, the Lieutenant-Governor may, by the same proclamation, erect the village or town to which the addition is made, into a town or city, by a name to be given thereto in the proclamation, and may divide or re-divide the city, town or village into wards. 55 V. c. 42, s. 24 (3).

By-law to be submitted in case of a petition therefor.

(4) In case a petition signed by one hundred and fifty qualified municipal electors of any town or village, is presented to the council of such town or village asking that a by-law be submitted for the annexation of such town or village to an adjacent village, town or city, either unconditionally or upon such terms as may be set out in said petition, it shall be the duty of such council to submit to the vote of the municipal electors of the said town or village, a by-law for the annexation of the said village or town and the said council shall forthwith prepare a by-law in accordance with the prayer of the petition and shall submit the same to the said municipal electors for approval or otherwise within four weeks after the receipt of the petition by the said council. 55 V. c. 42, s. 24 (4); 60 V. c. 3, s. 3.

Council to pass by-law within one month.

(5) A by-law which is duly carried, under the provisions of the last preceding subsection, by the vote of the municipal electors of said town or village shall, within a reasonable time, but not exceeding one month thereafter, be adopted by said council. 55 V. c. 42, s. 24 (5).

Assent of adjacent municipality.

(6) Thereupon the council of such adjacent village, town or city may, by resolution, assent to the annexation of such town or village aforesaid. 55 V. c. 42, s. 24 (6).

Proclamation.

(7) In the event of the annexation of any such town or village as aforesaid having been approved of and assented to in manner hereinbefore provided, the same may be carried into effect by proclamation of the Lieutenant-Governor

in Council on a day to be named in the said proclamation, or in any subsequent proclamation. 55 V. c. 42, s. 24, (7).

[*As to date of first election under proclamation, see Sec. 96.*]

Town may be withdrawn from jurisdiction of county by by-law on certain conditions.

27. The council of any town may pass a by-law to withdraw the town from the jurisdiction of the council of the county within which the town is situated, upon obtaining the assent of the electors of the town to the by-law in manner provided by this Act, subject to the following provisions and conditions:

Amount to be paid by town to county to be settled by agreement or arbitration.

1. After the final passing of the by-law, the amount which the town is to pay to the county for the expenses of the administration of justice, the use of the gaol, and the erection and repairs of the registry office, and for providing books for the same, and for services for which the county is liable, under the provisions of any Act respecting the registration of instruments relating to lands, as well as for the then existing debt of the county, if not mutually agreed upon, shall be ascertained by arbitration under this Act; and the agreement or award shall distinguish the amount to be annually paid for the said expenses, and for the then debt of the county, and the number of years during which the payments for the debt are to be continued.

Matters to be considered by arbitrators.

2. In adjusting their award, the arbitrators shall take into consideration, among other things, the amount previously paid by the town, or which the town is then liable to pay, for the construction of roads or bridges by the county without the limits of the town; and also what the county has paid, or is liable to pay, for the construction of roads or bridges within the town; and they shall also ascertain, and allow to the town, the value of its interest in all county property, except roads and bridges within the town.

Copy of agreement or award to be sent to the Lieutenant-Governor. Proclamation.

3. When the agreement or award has been made, a copy of the same and of the by-law, duly verified by affidavit, shall be transmitted to the Lieutenant-Governor, who may thereupon issue his proclamation, withdrawing the town from the jurisdiction of the council of the county.

Effect of proclamation.

4. After the proclamation has been issued, the offices of reeve and deputy reeve or deputy reeves of the town shall cease; and no by-law of the council of the county thereafter made shall have any force in the town, except so far as relates to the care of the court house and gaol, and other county property in the town; and the town shall not thereafter be liable to the county for, or be obliged to pay to the county, any money for county debts or other purposes, except the sums agreed upon or awarded as aforesaid.

New agreement or award after five years, etc.

5. After the lapse of five years from the time of the agreement or award, or of such shorter time as may be stated in the agree-

ment or award, a new agreement or a new award may be made, to ascertain the amount to be paid by the town to the county for expenses of the administration of justice, use of the gaol, erection and repairs of the registry office or offices, providing books for the same, and for services for which the county is liable, as required by and under the provisions of any Act respecting the registration of instruments relating to lands.

Property after withdrawal.

6. After the withdrawal of a town from the county, all property theretofore owned by the county, except roads and bridges within the town, shall remain the property of the county. 55 V. c. 42, s. 25; 60 V. c. 3, s. 3.

Town may after five years from withdrawal pass by-law for re-union with county.

28.—(1) The council of a town which has withdrawn from a county may, after the expiration of five years from the withdrawal, pass a by-law (to be assented to by the electors in manner provided for by this Act in respect of by-laws for creating debts) to re-unite with such county.

By-law to have no effect until ratified by council of county, etc.

(2) The by-law shall have no effect unless ratified and confirmed within six months after the passing thereof by the council of the county or union of counties from which the said town had previously withdrawn, and unless the terms and conditions which the town is to pay, perform, or be subject to, have been previously agreed upon or settled in manner following, that is to say:

Before by-law ratified, the accounts of the debts of town and county respectively to be determined.

(3) Before the by-law is confirmed by the council of the county, the councils of the town and county shall determine by agreement the amounts of the debts of the town and county respectively which are to be paid or borne by the county after the re-union, or what amount is to be payable by a special rate to be imposed upon the ratepayers of the town, over and above all other county rates, and all other matters relating to property, assets, or advantages consequent upon the reunion, and affecting the county or town respectively, and such other terms or conditions as appear just shall be settled by such agreement; and in default of such agreement being come to within three months after the passing of the by-law by the council of the town, the said matters shall be settled by arbitration, as provided by this Act. 55 V. c. 42, s. 26.

[*As to registration of by-laws, proclamations, etc., incorporating or changing the limits of municipalities, see The Registry Act, Cap. 136, Sec. 86 (3).*]

Division II.—Townships.

Townships, how attached to other municipalities. *Secs.* 29, 33, 34.

When junior Township may become a separate corporation. *Secs.* 30, 31.

Arrangement of joint assets and debts. *Sec.* 32.

Seniority of Townships. Sec. 35.
Effect of dissolution of union of counties on united townships in different counties. Sec. 36.
Setting apart hamlets—Powers of township councils in respect thereof. Sec. 37.

[*As to formation of new Townships, see Cap. 3, Sec. 13.*]

New township in territory not part of incorporated county may be attached to a county by proclamation.

29. In case a township is laid out by the Crown in territory forming no part of an incorporated county, the Lieutenant-Governor may, by proclamation, annex the township, or two or more of such townships lying adjacent to one another, to any adjacent incorporated county, and may erect the same into an incorporated union of townships with some other township of such county. 55 V. c. 42, s. 27.

[*As to annexation of gores, etc., to Townships, see Cap. 3, Sec. 15*].

Junior township containing 100 freeholders, etc., may be separated from union.

30. When a junior township of an incorporated union of townships has 100 resident freeholders and tenants on the assessment roll as last finally revised and passed, such township shall, upon the 1st day of January next after the passing by the county council of the proper by-law in that behalf become separated from the union. 55 V. c. 42, s. 28; 60 V. c. 15, *Sched.* C. (11). *See sec. 98.*

In what cases junior township containing 50 freeholders, etc., but less than 100, may be separated from union,

31.—(1) In case a junior township has at least 50, but less than 100 resident freeholders and tenants on the last revised assessment roll, and two-thirds of the resident freeholders and tenants of the township petition the council of the county to separate the township from the union to which it belongs; and in case the council considers the township to be so situated, with reference to streams or other natural obstructions, that its inhabitants cannot conveniently be united with the inhabitants of an adjoining township for municipal purposes, the council may, by by-law, separate the same from the union; and the by-law shall name the returning officer who is to hold, and the place for holding, the first election.

and attached to an adjoining municipality.

(2) In case two-thirds of the resident freeholders and tenants of one or more junior townships petition the council of the county to be separated from the union to which they belong, and to be attached to some other adjoining municipality, and in case the council consider that the interest and convenience of the inhabitants of the township or townships would be promoted thereby, they may, by by-law, separate the township or townships from the union, and attach the same to some other adjoining municipality. 55 V. c. 42, s. 29; 60 V. c. 15, *Sched.* C. (11).

Disposition of property upon dissolution of union.

32. After the dissolution of a union of townships, the following shall be the disposition of the property of the union:

1. The real property of the union situate in the junior township, shall become the property of the junior township; Real property.

2. The real property of the union situate in the remaining township or townships of the union shall be the property of the remaining township or townships;

3. The two corporations shall be jointly interested in the other assets of the union, and the same shall be retained by the one, or shall be divided between both, or shall be otherwise disposed of, as they may agree; Other assets.

4. The one shall pay or allow to the other, in respect of the said disposition of the real and personal property of the union, and in respect to the debts of the union, such sum or sums of money as may be just; Arrangement as to property and debts.

5. In case the councils of the townships do not, within three months after the first meeting of the council of the junior township, agree as to the disposition of the personal property of the union, or as to the sum to be paid by the one to the other, or as to the times of payment thereof, the matters in dispute shall be settled by arbitration under this Act; How to be determined in case of disagreement.

6. The amount so agreed upon or settled shall bear interest from the day on which the union was dissolved; and shall be provided for by the council of the indebted township like other debts. 55 V. c. 42, s. 30. Amount settled to bear interest.

33. In case a township is laid out by the Crown in an incorporated county or union of counties, or in case there is any township therein not incorporated and not belonging to an incorporated union of townships, the council of the county or united counties shall, by by-law, unite such township, for municipal purposes, to some adjacent incorporated township or union of townships in the same county or union of counties. 55 V. c. 42, s. 31. New townships, etc., to be united to adjacent townships, and how.

34. In case of there being at any time in an incorporated county or union of counties two or more adjacent townships not incorporated, and not belonging to an incorporated union of townships, and in case such adjacent townships have together not less than 100 resident freeholders and tenants within the same, the council of the county or union of counties may, by by-law, form such townships into an independent union of townships. 55 V. c. 42, s. 32; 60 V. c. 15, *Sched.* C. (11). Townships not incorporated or united may be formed into unions.

35. Every proclamation or by-law forming a union of townships shall designate the order of seniority of the townships so united; and the townships of the union shall be classed in the by-law according to the relative number of freeholders and tenants on the last revised assessment roll; or if there is no such revised assessment roll for any of such townships, then the order of seniority shall be determined by Seniority of united townships, how regulated.

the proclamation or by-law, as the Lieutenant-Governor or the county council may think fit. 55 V. c. 42, s. 33; 60 V. c. 15, *Sched.* C. (11).

Effect of dissolution of union of counties on united townships in different counties.

36. In case the united townships are in different counties the by-law shall cease to be in force whenever the union of the counties is dissolved. 55 V. c. 42, s. 34.

Setting apart Hamlets.

Setting apart unincorporated village and neighbourhood as a hamlet.

37.—(1) When any unincorporated village or settlement and its immediate neighbourhood lie wholly within the limits of a township, and when the residences of the inhabitants are, in the opinion of the council of the township, sufficiently near to each other to render the same desirable, the council of the township may, by by-law, upon the petition of a majority of the ratepayers within the area to be set off, one-half of whom shall be resident freeholders, set the unincorporated village or settlement and neighbourhood apart from the remaining portion of the township in which the same are situate, as a hamlet, and with boundaries to be respectively defined and declared in the by-law, for the purposes hereinafter mentioned. 55 V. c. 42, s. 17 (1); 60 V. c. 15, *Sched.* C. (9).

Jurisdiction of township council continued.

(2) Except so far as may be inconsistent with the enactments of this section, all the powers given by this Act to the council of every township shall remain in force as respects the hamlet so set apart, and are hereby continued and extended to the council of the township wherein the hamlet so set apart is situate. 55 V. c. 42, s. 17 (2).

Additional powers of township councils.

(3) In addition to the powers given to the council of every township by this Act, the council of every township wherein a hamlet has been set apart under the provisions of this Act, shall, as respects such hamlet, have all the rights and powers conferred by this Act upon the councils of cities, towns and villages (including the power to pass by-laws, which shall apply exclusively and only to the hamlet so set apart), for the following purposes:

(*a*) To compel all persons (resident or non-resident) liable to statute labour within such hamlet, to compound for such labour at any sum not exceeding $1 for each day's labour, and to provide that such sum shall be paid in commutation of such statute labour, and to enforce the payment of such commutation in money in lieu of such statute labour; and for the purpose of enforcing such payment the like remedies may be had, and proceedings taken against the person in default, as are provided by sub-section 1 of section 107 of *The Assessment Act*, in cases of neglect or refusal to pay any sum for statute labour commuted under section 103 of the *The Assessment Act*.

Rev. Stat. c. 224.

(*b*) For all the purposes specified in sections 664 to 687 both inclusive of this Act. 55 V. c. 42, s. 17 (3); 58 V. c. 42, s. 1; 60 V. c. 15, *Sched.* C. (9); c. 3, s. 3.

Uniting hamlets.

(4) Wherever in a township two or more hamlets which adjoin, or lie contiguous to each other, are so set apart as aforesaid, the council of the township shall have power to pass a by-law uniting such separate hamlets, so previously set apart, into one hamlet, whereupon the council shall have the same powers over, and relating to the united hamlets, as if the whole area embraced within the limits of the several hamlets so united had originally been set apart in one parcel under the provisions of this Act. 55 V. c. 42, s. 17 (4); 60 V. c 15, *Sched.* C. (9).

Division III.—Counties.

Counties, how formed. *Sec.* 38.
Seniority of united counties. *Sec.* 39.
Laws applicable to unions of counties. *Sec.* 40.

[*As to the formation of new counties see Rev. Stat. Cap. 3, Sec. 13.*]

New counties, how formed by proclamation, and annexed or united.

38. The Lieutenant-Governor may, by proclamation, form into a new county any new townships not within the limits of an incorporated county, and may include in the new county one or more unincorporated townships or other adjacent unorganized territory (defining the limits thereof) not being within an incorporated county, and may annex the new county to any adjacent incorporated county; or in case there is no adjacent incorporated county, or in case the Lieutenant-Governor in Council considers the new county, or any number of such new counties lying adjacent to one another, and not belonging to any incorporated union, to be so situated that the inhabitants cannot conveniently be united with the inhabitants of an adjoining incorporated county for municipal purposes, the Lieutenant-Governor may, by the proclamation, erect the new county, or new adjacent counties, into an independent county or union of counties for the said purposes, and the proclamation shall name the new county or counties. 55 V. c. 42, s. 35.

Seniority of united counties, how regulated.

39. In every union of counties, the county in which the county court house and gaol are situate shall be the senior county; and the other county or counties of the union shall be the junior county or counties thereof. 55 V. c. 42, s. 36.

Laws applicable to unions of counties.

40. During the union of counties, all laws applicable to counties (except as to representation in Parliament or the Legislative Assembly, and the registration of titles) shall apply to the union as if the same formed but one county. 55 V. c. 42, s. 37.

Division IV.—Provisional County Corporations.

Provisional corporations, formed by separation of junior county. Sec. 41.
Provisional officers. Secs. 42, 43.
Property may be acquired on which to erect gaol and court house. Sec. 44.
Powers of provisional council not to interfere with united corporation. Sec. 45.
Arrangement of joint assets and liabilities. Secs. 46-48.
Appointment of officials. Sec. 49.
Separation, when complete. Secs. 50, 51.
Effect of separation upon judicial proceedings. Secs. 52-54.

Separation of united counties.

41.—(1) Where the census returns, taken under a statute, or under the authority of a by-law of the council of any united counties, shew that the junior county of the union contains 25,000 inhabitants or more, then if a majority of the members of the county council representing those county council divisions which constitute such junior county (including any county council division which takes in the larger part of any municipality in such junior county), do in the month of February, pass a resolution affirming the expediency of the junior county being separated from the union; and if, in the month of February following the next election of members of the county council, a majority of the said members of the county council representing those county council divisions which constitute such junior county (including any county council division which takes in the larger part of any municipality in such junior county), transmit to the Lieutenant-Governor in Council a petition for the separation; and if the Lieutenant-Governor deems the circumstances of the junior county such as to call for a separate establishment of Courts and other county institutions, he may, by proclamation setting forth the facts, constitute the members of the county council representing those county council divisions which constitute such junior county (including any county council division which takes in the larger part of any municipality in such junior county), and the persons to be elected as hereinafter mentioned by the council of any separated town in the said county a provisional council, and may in the proclamation appoint a time and place for the first meeting of the council, and may therein name one of its members to preside at the meeting, and may also therein determine the place for and the name of the county town. 55 V. c. 42, s. 38; 56 V. c. 35, s. 1; 59 V. c. 52, ss. 3, 5; 60 V. c. 15, *Sched.* C (12).

Appointment by proclamation of provisional council in junior county.

First meeting thereof.

County town.

Where the junior county has less than 25,000 but more than 17,000 inhabitants.

(2) In case the returns mentioned in the preceding subsection show that the junior county contains less than 25,000 but more than 17,000 inhabitants, then two-thirds in number of the members of the county council representing those county council divisions which constitute such junior county

(including any county council division which takes in the larger part of any municipality in such junior county), may take the same proceedings for a separation from the union as a bare majority is empowered to take in cases provided for under the said preceding subsection. 56 V. c. 35, s. 2; 60 V. c. 15, *Sched.* C (12).

Representation of separated towns in provisional council.

(3) The council of every separated town situate in the said junior county, shall, at a meeting duly called for that purpose after the issue of the said proclamation and before the time therein appointed for holding the first meeting of the provisional council, elect from among their members two representatives to the said provisional council; and the persons so elected shall, until the final dissolution of the union by proclamation as hereinafter provided, be members of the provisional council in the same manner and to the same extent as any other members thereof. 56 V. c. 35, s. 2 (3); 59 V. c. 52, s. 5.

Who to preside.

42. The member appointed by proclamation as in the preceding section provided, shall preside in the provisional council until a provisional warden has been elected by the council from among the members thereof. 55 V. c. 42, s. 39.

Appointment of provisional warden and other officers.

Terms of office.

43. Every provisional council shall from time to time, by by-law, appoint a provisional warden, a provisional treasurer, and such other provisional officers for the county as the council deem necessary. The provisional warden shall hold office for the municipal year for which he is elected, and the treasurer and other officers so appointed shall hold office until removed by the council. 55 V. c. 42, s. 40.

Provisional council may acquire land, and erect thereon gaol and court house.

44. Every provisional council may acquire the necessary property at the county town of the junior county on which to erect a court house and gaol, and may erect a court house and gaol thereon, adapted to the wants of the county, and in conformity with any statutory or other rules and regulations respecting such buildings, and may pass by-laws for such purposes. 55 V. c. 42, s. 41.

Respective powers of provisional council and council of union.

45. The powers of a provisional council shall not interfere with the powers of the council of the union, and any money raised by the provisional council in the junior county shall be independent of the money raised therein by the council of the union. 55 V. c. 42, s. 42.

Agreement upon dissolution as to joint liabilities and joint assets.

46. After a provisional council has procured the necessary property and has erected thereon the proper buildings for a court house and gaol, such council, and the council of the senior or remaining counties, may enter into an agreement for the settlement of their joint liabilities and the disposition of their joint assets (other than real estate), and for determining the balance or amount due by the one county to the other,

Senior county to assume debts of union.

Junior county to be charged with just proportion.

and the times of payment thereof; and in determining the balance the senior or remaining counties shall assume the debts of the union, and the junior county shall be charged with such part thereof as may be just; and the value of the real estate which upon the separation, becomes the property of the senior or junior county respectively, and any improvement effected by the union, of which either county gets the exclusive benefit, shall also be taken into account. 55 V. c. 42, s. 43.

When provisional councillors shall not vote.

47. No member of the provisional council shall vote or take part in the council of the union on any question affecting such agreement, or the negotiation therefor. 55 V. c. 42, s. 44.

In case of disagreement, disputes to be determined by arbitration.

48. In case the councils, within one month after the time mentioned in section 46, are unable to determine by agreement the several matters hereinbefore mentioned with respect to their debts, assets and property, such matters shall be settled between them by arbitration under this Act: and the county found liable shall pay the other county the balance or amount agreed or settled to be due by such county: and such amount shall bear interest at six per centum per annum from the day on which the union was dissolved, and shall be provided for, like other debts, by the council of the county liable therefor after separation. 55 V. c. 42, s. 45.

Payment of amounts and due.

Appointment of sheriff and other officials.

49. After the sum, if any, to be paid by the junior county to the senior county or remaining counties has been paid or ascertained by agreement or arbitration, a Judge may be appointed as provided by *The British North America Act, 1867*: and the Lieutenant-Governor or Lieutenant-Governor in Council, as the case may be, may appoint a sheriff, one or more coroners, a clerk of the peace, a clerk of the County Court, a registrar, and at least twelve Justices of the Peace, and may provide in the commission or commissions, that the appointments are to take effect on the day the counties become separate. 55 V. c. 42, s. 46; 60 V. c. 3, s. 3.

Final separation of united counties by proclamation.

50. After such appointments are made, the Lieutenant Governor may, by proclamation, separate the junior county from the senior county or remaining counties, and shall declare such separation to take effect on a day to be named in the said proclamation; and on that day the Courts and officers of the union (including Justices of the Peace) shall cease to have any jurisdiction in the junior county; and the real property of the corporation of the union situate in the junior county shall become the property of the corporation of the junior county, and the real property situate in the remaining county or united counties shall be the property of the corporation of the remaining county or united counties; and the other assets belonging to the corporation of the union, shall belong to and be the property of the senior or junior county or union of counties respectively, as agreed upon at the separation; and, if not

Property, how divided.

otherwise disposed of by agreement or arbitration, they shall belong to and be the property of the senior county or union of counties. 55 V. c. 42, s. 47 ; 60 V. c. 15, *Sched.* C (13) ; c. 3, s. 3.

Officers and property, etc., continued.

51.—(1) When a junior county is separated from a union of counties, the head and members of the provisional council of the junior county, (except the members of the provisional council elected by the council of any town separated from the county for municipal purposes), and the officers, by-laws, contracts, property, assets and liabilities of the provisional corporation, shall be the head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of the new corporation. 55 V. c. 42, s. 48 (1); 56 V. c. 35, s. 3.

(2) The treasurer of the senior county shall, upon being requested so to do, deliver to the treasurer of the new county the books relating to the municipalities within the new county required to be kept under section 164 of *The Assessment Act.* 55 V. c. 42, s. 48 (2).

Rev. Stat. c. 224.

Execution and service of process in hands of sheriff at time of separation.

52.—(1) The dissolution of a union of counties shall not prevent the sheriff of any senior county from proceeding upon and completing the execution or service within the junior county of any writ of mesne or final process in his hands at the time of such separation, or of any renewal thereof, or of any subsequent or supplementary writ in the same cause, or, in the case of executions against lands, from executing all necessary deeds and conveyances relating to the same ; and the acts of all such sheriffs in that behalf shall be and be held and construed to be legal and valid in the same manner and to the same extent as if no separation had taken place, but no further.

Execution of writs.

(2) This section shall not be held to authorize the sheriff of the senior county to execute within the new county any writ which is not in his hands at the time when the dissolution takes effect, unless such writ depends for its priority upon a former writ executed by such sheriff or in his hands at the said time.

Pending actions.

(3) All actions and proceedings in any Court which are pending at the date the establishment of the new county takes effect, may be prosecuted, continued and completed, and all writs of execution, and other process, and all acts and proceedings subsequent thereto, may (subject to any order to the contrary being made), be taken, issued, and had in the county in which such actions and proceedings were originally commenced, as fully and effectually as if the junior county had not been separated from the senior county ; and (subject to the provisions of the next subsection), no writ or other process or proceeding shall lose its priority by reason of no entry thereof appearing or being in the proper office in that behalf in the new county ; and all officers who would have had power or authority to execute such writ, process or proceedings, if the

new county had not been formed, shall, for the purpose of all pending suits, actions and proceedings, have the same power and authority in respect of the same as if the dissolution had not taken place. 55 V. c. 42, s. 49 (1-3); R. S. O. 1887, c. 16, s. 44.

Continuation of writs in hands of sheriff at time of dissolution.

(4) No unsatisfied writ against lands or goods in the hands of the sheriff of the union on the day when the dissolution takes effect shall bind lands or goods situate within the limits of the new county, or have any effect upon such lands or goods after one year from the said day, unless the person entitled to the benefit of such unsatisfied writ, before the expiration of the said year, and before the expiry of the writ in the hands of the sheriff of the union as aforesaid, has placed a writ against lands or goods (as the case may require) in the hands of the sheriff of the new county, indorsed with a notice that priority is claimed by virtue of this Act, in which case so long as such last mentioned writ is in force he shall retain any priority which he then had by virtue of the writ in the hands of the sheriff of the union on the day of the dissolution thereof; and he shall, if so required by the sheriff of the new county, deliver to him a certificate under the hand of the sheriff of the union, showing the date of the delivery to him of such writ; which certificate the said sheriff of the union shall give upon request and on payment of his proper fees therefor. 55 V. c. 42, s. 49 (4); 60 V. c. 15, *Sched.* C (14).

Division Courts.

(5) The Lieutenant-Governor may, in the proclamation establishing the new county, or in a subsequent proclamation, to take effect from a day to be named, fix and determine the number, limits and extent of the Division Courts for the new county, subject to be thereafter altered under the provisions of *The Division Courts Act*, and may by such proclamation direct that suits and proceedings which at the said day are pending or being in any Division Court therein specified, shall become suits or proceedings of any other Division Court therein specified, and thereupon such suits or proceedings may be continued in such last mentioned Court as if they had been commenced therein. 55 V. c. 42, s. 49 (5).

Rev. Stat. c. 60.

Change of place of trial in actions, etc., after separation.

53.—(1) If, upon a dissolution of a union of counties, there is pending an action, or other civil proceeding in which the county town of the union has been named as the place of trial, the Court in which the action or proceeding is pending, or any Judge who has authority to make orders therein, may, by consent of parties, or on hearing the parties upon affidavit, order the place of trial to be changed, and all records and papers in the action or proceeding to be transmitted to the proper officers of the new county. 55 V. c. 42, s. 50.

If no order made, where proceedings to be carried on.

(2) In case no such change is directed, all such actions and proceedings shall be carried on and tried in the senior county. 55 V. c. 42, s. 51.

54. All Courts of the junior county required to be held at a place certain, shall be held in the county town of the junior county. 55 V. c. 42, s. 52. Place for holding courts in junior county.

Division V.—Matters Consequent upon the Formation of New Corporations.

By-Laws to continue in force. Secs. 55, 56.
Debts and liabilities how affected. Secs. 57-61.
Officials and their sureties, how affected. Secs. 62-65.

By-laws.

55. In case a village is incorporated, or a village or town (with or without additional area) is erected into a town or city, or a township or county becomes separated, the by-laws in force therein respectively shall continue in force until repealed or altered by the council of the new corporation; but no such by-law shall be repealed or altered unless it could have been legally repealed or altered by the council which passed the same. 55 V. c. 42, s. 53. By-laws in force prior to formation of new corporation to continue in force until altered by council of new corporation.

56. In case an addition is made to the limits of any municipality, the by-laws of the municipality shall extend to the additional limits, and the by-laws of the municipality from which the same has been detached shall cease to apply to the addition, except only by-laws relating to roads and streets, and these shall remain in force until repealed by by-laws of the municipality to which the addition has been made. 55 V. c. 42, s. 54. What by-laws in force in extended limits of a municipality.

Debts and Liabilities.

57. In case of the erection of a locality into a village, or of a village into a town, or of a town into a city, the village, town or city shall remain subject to the debts and liabilities to which the locality was previously liable, in like manner as if the same had been contracted or incurred by the new municipality; and, after the separation of a county or township from a union, each of the counties or townships which formed the union shall remain subject to the debts and liabilities of the union, as if the same had been contracted or incurred by the respective counties or townships of the union after the dissolution thereof. 55 V. c. 42, s. 55. Liability for debts existing at the time of dissolution.

58.—(1) After an addition has been made to a village, town or city by the annexation of an adjoining village or town, or of an adjoining portion of a township, the city, town or village whose limits have been so extended, shall pay to the township or county from which the additional territory Adjustment of debts when limits extended.

has been taken, such part, if any, of the debts of the township or county as may be just, and shall be entitled to receive from and be paid by the said township or county the value of the interest which at the time of making such addition the added territory had in the property and assets of the township or county; and in case the councils do not, within three months after the first meeting of the council of the municipality to which the addition has been made, agree as to the sum to be paid or received as aforesaid, or as to the time of payment, the matter shall be settled by arbitration under this Act.

Powers to proceed with local improvements upon lands subsequently annexed to another municipality.

(2) Where any improvement, work or service coming under the provisions of *The Municipal Drainage Act* or of sections 664 to 687, 689 and 690, both inclusive, of this Act, is undertaken by any municipal corporation, and, after such corporation has become liable for the carrying out of the same, the land to be specially benefited by any such improvement, work or service, or any part thereof, becomes and forms part of another municipality by incorporation, annexation, or otherwise under the provisions of this Act or of any special Act, the municipal corporation from which such land or any part thereof is taken shall have full power and authority, by themselves, their servants, workmen and agents, to proceed with any such improvement, work or service, to the completion thereof, and for such purpose to enter upon take and use any land lying within the limits of such new municipality, or within the limits of the territory added to such adjoining municipality, which is necessary to enable them to complete any such improvement, work or service; and they may take all such proceedings, pass all such by-laws, make all such special and other assessments, impose all special and other rates, issue and sell all such debentures, borrow all such moneys, and do all such other matters and things as are necessary to complete any such improvement, work or service, and to provide for the cost thereof in the same manner as if no such new municipality had been formed, or no such annexation of territory had been made. 55 V. c. 42, s. 56 (1-2).

Rev. Stat., c. 226.

Municipality to which territory annexed to indemnify municipality undertaking the work.

(3) Any municipality from which territory is taken to form a new municipality, or to make an addition to an adjoining municipality, shall be indemnified by the new municipality or by the municipality to which the addition is made, as the case may be, from and against all debts and liabilities incurred by it prior to the formation of the new municipality, or the making of such addition, for or in respect of any improvement, work or service, undertaken and carried out, or to be carried out by it, under the provisions of *The Municipal Drainage Act* or of sections 664 to 687, 689 and 690, both inclusive, of this Act to the extent to which the lands specially assessed therefor and lying within the territory taken from it, and included within the new municipality or added to the adjoining municipality, as the case may be, were specially assessed for the cost of the said improvement, work or service: and all debts incurred by a municipality for its share of the cost of any such improve-

Rev. Stat., c. 226.

ment, work or service, shall be taken into account when taking and adjusting the accounts between it and the other municipality arising out of the formation of the new municipality or the addition of territory to such adjoining municipality. 55 V. c. 42, s. 56 (3); 60 V. c. 15, *Sched.* C (15).

Where lands benefited afterwards become part of another municipality, latter to collect and pay whole debt.

(4) In any case where the lands specially assessed for the local improvement, work or service lie wholly within the new municipality when formed, or within the limits of the territory added to such adjoining municipality, the new municipality or the adjoining municipality, as the case may be, shall assume the entire debt created by any local improvement by-law passed by the council of the municipality to which such territory formerly belonged, and shall, (on being furnished by the clerk of the municipality which passed the by-law with a certified copy of the by-law, and of the special assessments in each year during the currency of the debentures issued pursuant to such by-law) collect the special rates imposed by such by-law as aforesaid, at the same time as all other taxes of said municipality are collected: and the treasurer thereof shall pay the interest on such debentures when and as the same falls due, and shall from time to time, as directed by resolution of the council of such new municipality or of the municipality to which such territory has been added, invest the sum set aside by said by-law for the purpose of paying said debentures at the maturity thereof.

Where part only, each municipality in which lands situate to collect proportion of cost.

(5) Where part only of the lands specially benefited by and assessed for any such local improvement, work or service lie within the limits of the new municipality, when formed, or within the limits of the addition made to any such adjoining municipality, the clerk of the municipality from which such lands have been taken shall furnish to the clerk of the new municipality or of the municipality to which the addition has been made, as the case may be, a certified copy of the by-law and of the special assessment: and from and after the receipt thereof, the corporation of the new municipality, or the municipality to which such addition has been made, as the case may be, shall, during each and every year during the currency of the debentures issued under such by-law, collect the special rates imposed by such by-law upon lands lying within their limits: and the treasurer thereof shall, as and so soon as the same are collected, pay over the amount thereof to the treasurer of the municipality to which such lands formerly belonged. 55 V. c. 42, s. 56 (4, 5).

Debentures to be issued for old debts, and to bind the old and new municipalities.

59. After the formation of a new corporation by the dissolution of a union of counties or townships, the council of the senior or remaining county or township shall issue its debentures or other obligations for any part of any debt contracted by the union for which debentures or other obligations might have been, but had not been, issued before the dissolution; and the debentures or obligations shall recite or state the lia-

bility of the junior county or township therefor under this Act; and the junior county or township shall be liable therefor as if the same had been issued by the union before the dissolution. 55 V. c. 42, s. 57.

Assessments for year preceding dissolution.

60. All assessments imposed by the council of the then corporation for the year next before the year in which the new corporation is formed by separation therefrom, shall belong to the then corporation, and shall be collected and paid over accordingly: and after the separation all special rates for the payment of debts, theretofore imposed upon the locality by any by-law of the former corporation, shall continue to be levied by the new corporation; and the treasurer of the new corporation shall pay over the amount as received to the treasurer of the senior or remaining municipality: and the latter shall apply the money so received in the same manner as the money raised under the same by-law in the senior or remaining municipality. 55 V. c. 42, s. 58.

Special rates for debts continued and to be paid over by treasurer of the junior county.

If the sum paid over exceeds the just amount, the excess may be recovered.

61. In case the amount paid over as in the last preceding section provided, or paid to any creditor of the senior or remaining municipality, in respect of a liability of the former corporation, exceeds the sum which, by the agreement or award between the councils, the new corporation ought to pay, the excess may be recovered from the senior or remaining municipality as a debt due to the new municipality and bearing interest from the time of such payment. 55 V. c. 42, s. 59; 60 V. c. 15, *Sched.* C (16).

Officials and their Sureties.

Former councils and officers to exercise jurisdiction over new municipalities, etc., until new councils are organized.

62. In case a village is incorporated, or a village or town is erected into a town or city, or a township or county becomes separated, the council and the members thereof having authority in the locality or municipality immediately previous to the incorporation, erection or separation shall, until the council of the corporation is organized, continue to have the same powers as before; and all other officers and servants of the locality or municipality shall, until dismissed, or until their successors (if any) are appointed, continue in their respective offices, with the same powers, duties and liabilities as before. 55 V. c. 42, s. 60.

Effect of separation upon public officers and their sureties.

63. The separation of a junior county or township from a union of counties or townships shall not in any case or in any manner whatever affect the office, duty, power or responsibility of any public officer of the union who continues a public officer of the senior county or township or remaining counties or townships after such separation, or of the sureties of such officer or their liability, further than by limiting such office, duty, power, responsibility, suretyship and liability to the senior county or township, or to the remaining counties or townships. 55 V. c. 42, s. 61.

64. All such public officers shall, after the separation, be the officers of the senior county or township, or remaining counties or townships, as if they had respectively been originally appointed public officers for such senior county or township or for such remaining counties or townships only. 55 V. c. 42, s. 62. Further provisions as to officers and their sureties.

65. All sureties for such public officers shall be and remain liable, as if they had become the sureties for such public officers in respect only of such senior county or township, or of such remaining counties or townships; and all securities which have been given, shall, after the separation, be read and construed as if they had been given only for the senior or remaining county or counties, or township or townships; but nothing herein contained shall affect the right to require new securities to be given by any sheriff or by any clerk, bailiff, or other public officer, under any statute, or otherwise howsoever. 55 V. c. 42, s. 63. Liability of sureties for public officers. Right to require new securities not affected.

PART II.

MUNICIPAL COUNCILS, HOW COMPOSED.

TITLE I.—THE MEMBERS.
TITLE II.—QUALIFICATION, DISQUALIFICATION, AND EXEMPTIONS.

TITLE I.—THE MEMBERS.

DIV. I.—IN COUNTIES.
DIV. II.—IN CITIES.
DIV. III.—IN TOWNS.
DIV. IV.—IN VILLAGES.
DIV. V.—IN TOWNSHIPS.
DIV. VI.—IN PROVISIONAL COUNTIES.

DIVISION I.—IN COUNTIES.

County councils, how composed. Sec. 66.
County council divisions. Sec, 67.
Board to re-arrange divisions. Sec. 68.
Not to apply to Haliburton. Sec. 69.

66 (1) County councils shall be composed as follows:— County councils, how composed.

(a) If the population of the county is 25,000 or less, of not less than 8 members nor more than 10 members.

(b) If the population is more than 25,000 but less than 40,000, of not less than 10 members nor more than 12 members

(c) If the population is 40,000 or more but less than 60,000, of not less than 12 members nor more than 14 members.

(d) If the population is 60,000 or more, of not less than 16 members nor more than 18 members. 59 V. c. 52, s. 2.

Ascertaining population.

(2) The population of any county shall, for the purposes of this section and section 67, be ascertained by reference to the population of the local municipalities as shown by the last decennial census of the Dominion of Canada. 59 V. c. 52, s. 38.

Separated municipalities and Indian reserves not to be included in computing population.

(3) Cities, towns and other municipalities separated from the county shall not be included in the computation of the population, nor shall the population of Indian reserves which are not organized as municipalities under this Act be so included. 59 V. c. 52, s. 4.

County council divisions.

67.—(1) For the purposes of representation in the county council, each county shall be divided into divisions (which shall be known as "County Council Divisions,") as follows:—

(a) If the population of the county is 25,000 or less, into not less than 4 and not more than 5 divisions.

(b) If the population is more than 25,000 but less than 40,000, into not less than 5 and not more than 6 divisions.

(c) If the population is 40,000 or more, but less than 60,000, into not less than 6 nor more than 7 divisions.

(d) And if the population is 60,000 or more, into not less than 8 nor more than 9 divisions. 59 V. c. 52, s. 3.

County council divisions.

59 V. c. 52.

(2) The divisions established by the report of the Commissioners, appointed under the provisions of *The County Councils Act, 1896*, filed with the Provincial Secretary and with the several county clerks, pursuant to section 32 and 33 of the said Act shall constitute such county council divisions. *See* 59 V. c. 52, s. 33; 60 V. c. 45, s. 65.

Two members for each district.

Term of office.

(3) Each division shall be designated and distinguished by its number (as, for example, the "First County Council Division,") and shall be represented in the county council by two members, who shall hold office for the term of two years, and until their successors are elected and sworn into office and the new county council is organized. 59 V. c. 52, s. 5, *part*; 60 V. c. 15, *Sched.* C (123).

Board to rearrange divisions.

68. The Judge of the County Court of the county, the warden thereof and the Clerk of the Peace shall constitute a board,

whose duty it shall be, where a new village is erected or a town is separated from the county or is erected into a city and the arrangement into county council divisions is thereby disturbed, by their order to attach such village to some convenient county council division or to rearrange the county council divisions affected, and, if necessary, the adjoining division or divisions; but in so doing the board shall make only such changes as the altered circumstances require. 59 V. c. 52, s. 36.

Not to apply to Haliburton.

69. Sections 66 to 68 inclusive, shall not apply to the Provisional County of Haliburton. 59 V. c. 52, s. 39.

Division II.—In Cities.

City Councils. Sec. 70.

City councils.

70. The council of every city shall consist of the mayor, who shall be the head thereof, and three aldermen for every ward, to be elected in accordance with the provisions of this Act. 55 V. c. 42, s. 68.

Division III.—In Towns.

Town Councils. Sec. 71.

Town Councils.

71.—(1) The council of every town shall consist of the mayor, who shall be the head thereof, and three councillors for each ward where there are less than five wards, or two councillors for each ward where there are five or more wards; and if the town has not withdrawn from the jurisdiction of the council of the county in which it lies, then a reeve shall be added, and if the town had, on the last revised voters' list, the names of 500 persons entitled to vote at municipal elections, then a deputy reeve shall be added, and for every 500 additional names on such last revised voters' list, there shall be elected an additional deputy-reeve;

Reduction of number of councillors.

Provided always that the council of every town, where there are less than five wards, may, upon a petition of not less than 100 municipal electors, pass a by-law reducing the number of councillors for each ward to two; but such by-law, before the final passing thereof, shall receive the assent of the electors of the municipality in the manner provided for in section 338 and following sections of this Act.

When and how by-law reducing number of town councillors may be repealed.

(2) At any time after two annual municipal elections have been held under a by-law passed under this section, the council of the municipality, upon the presentation to them of a petition of not less than 100 resident municipal

electors, asking the council to submit to a vote of the electors, in accordance with section 338 of this Act, a by-law for the repeal of the by-law so passed, shall, without unnecessary delay, submit such repealing by-law to a vote of the electors of the municipality. The proceedings in regard to the submission of any such by-law, both as to its enactment and repeal, shall be as provided in this Act in regard to by-laws requiring the assent of the electors. 55 V. c. 42, s. 69.

Division IV.—In Villages.

Village Councils. Sec. 72.

Village Councils.

72. The council of every village shall consist of one reeve, who shall be the head thereof, and four councillors; and if the village had, on the last revised voters' list, the names of 500 persons entitled to vote at municipal elections, then of a reeve, deputy-reeve and three councillors, and for every additional 500 names on such last revised voters' list, there shall be elected an additional deputy-reeve instead of a councillor. 55 V. c. 42, s. 70. *See sec. 74.*

Division V.—In Townships.

Township Councils. Sec. 73.

Township Councils.

73. The council of every township shall consist of a reeve, who shall be the head thereof, and four councillors, one councillor being elected for each ward where the township is divided into wards, and the reeve to be elected by a general vote; but if the township had, on the last revised voters' list, the names of 500 persons entitled to vote at municipal elections, then the council shall consist of a reeve, deputy-reeve, and three councillors, and for every 500 additional names on such last revised voters' list there shall be elected an additional deputy-reeve instead of a councillor. 55 V. c. 42, s. 71. *See sec. 101 as to election of Deputy-Reeve.*

How number of voters to be estimated.

74. In counting the names of voters referred to in sections 71 to 73 the name of the same person shall not be counted more than once in any municipality, whether the name appears upon the voters' lists only once or more than once. 55 V. c. 42, s. 65 (2).

Division VI.—In Provisional Counties.

Provisional County Councils. Sec. 75

75. The county councillors who represent the county council divisions constituting a junior county (including any county council division which takes in the larger part of any municipality in such junior county), shall, *ex officio*, be the members of the provisional council of such junior county. 55 V. c. 42, s. 72 ; 60 V. c. 15, *Sched* C (17). Provisional Councils.

TITLE II.—QUALIFICATION, DISQUALIFICATION, AND EXEMPTIONS.

Div. I.—Qualification,
Div. II.—Disqualification,
Div. III.—Exemptions.

Division I.—Qualification.

For local municipal councils. Sec. 76.
For county councils. Sec. 77.
In new township where no assessment roll. Sec. 78.
Where only one qualified person for each seat. Sec. 79.

76.—(1) Except in the districts of Muskoka, Parry Sound, Nipissing, Algoma, Thunder Bay, Manitoulin, Rainy River, and the provisional county of Haliburton, no person shall be qualified to be elected a mayor, alderman, reeve, deputy-reeve, or councillor of any local municipality unless such person resides within the municipality, or within two miles thereof, and is a natural born or naturalized subject of Her Majesty, and a male of the full age of twenty-one years, and is not disqualified under this Act, and unless such person has, or his wife has, at the time of the election, as owner or tenant, a legal or equitable freehold or leasehold, or an estate partly freehold and partly leasehold, or partly legal and partly equitable, which is rated in his own name, or in the name of his wife, on the last revised assessment roll of the municipality, to at least the value following, over and above all charges, liens, and incumbrances affecting the same, Qualification of mayors, aldermen, etc.

(*a*) In villages—Freehold to $200, or leasehold to $400 ;

(*b*) In towns—Freehold to $600, or leasehold to $1,200 ;

(*c*) In cities—Freehold to $1,000, or leasehold to $2,000 ;

(*d*) In townships—Freehold to $400, or leasehold to $800;

and in the said districts and provisional county,

(*e*) In townships and villages, freehold to $100, or leasehold to $200;

(*f*) In towns, freehold to $400, or leasehold to $800;

and so in the same proportions in all municipalities, in case the property is partly freehold and partly leasehold;

But, if any such person is at the time of election in actual occupation of any such freehold, rated in his own name or in the name of his wife on the last revised assessment roll of the municipality, he shall be entitled to be elected, if the value at which such freehold is actually rated on such assessment roll amounts to not less than $2,000; and for that purpose the said value shall not be affected or reduced by any lien, incumbrance or charge existing on or affecting such freehold. 55 V. c. 42, 73 (1); c. 43, s. 2; 60 V. c. 3, s. 3; 60 V. c. 45, s. 76.

When alienation of property rated not to disqualify.

(2) No person who has, or whose wife has property duly rated on the last revised assessment roll, sufficient to qualify him, as in the preceding subsection required, shall be deemed to be disqualified by the alienation by sale or otherwise of the said property, or by the expiration or surrender of the demised term between the date of the return of the assessment roll and the time of his election, if at the time of his election he is resident within the municipality and has, or his wife has, as owner or tenant, a legal or equitable freehold or leasehold, or a partly freehold and partly leasehold, or a partly legal and partly equitable estate of sufficient assessed value to qualify him for election under the preceding subsection.

Declaration of qualification in such cases

(3) In case of the election of a person qualified under the preceding subsection, the declaration of qualification under subsection 2 of section 311 of this Act may be taken, striking out all the words thereof after the word "occupation" in the thirteenth line of the said subsection, and inserting in lieu thereof thereof the words

"And I had such an estate actually rated on the last revised assessment roll of this municipality (*naming it*) at an amount not less than $2,000."

Qualification of members of council where new territory added to village, town or city.

(4) Where territory has been added to a village, town or city, before a revised assessment roll of the municipality has been made which includes such added territory, it shall be sufficient if the required rating or part thereof is in respect of land or premises situate within the newly added territory on the last revised assessment roll of the municipality of which such added territory had before the addition formed part. 55 V. c. 42, s. 73 (2-4); c. 43, s. 3.

"Leasehold" defined.

(5) The term "leasehold" in this section shall not include a term less than a tenancy for a year, or from year to year; and

Nature of estate.

the qualification of any person, where a qualification is required under this Act, may be of an estate either legal or equitable, or may be composed partly of each. 55 V. c. 42, s. 74.

77. Every member of a county council shall possess the same property qualification as the reeve of a town is required to possess, and shall also be a resident of the county council division for which he is a county councillor. 59 V. c. 52, s. 5, *part*; s. 14, *part*. Members of county councils.

78. In the case of a new township erected by proclamation, and for which there has been no assessment roll, every person who, at the time of the first election, has such an interest in real property, and to such an amount as is mentioned in section 76 of this Act, shall be deemed to be possessed of a sufficient property qualification. 55 V. c. 42, s. 75. In new township not having assessment roll.

79 In case in any municipality there are not at least two persons qualified to be elected for each seat in the council, no qualification beyond the qualification of an elector shall be necessary in the persons to be elected. 55 V. c. 42, s. 76. If only one person qualified for each seat in the council.

Division II.—Disqualification.

For membership in any municipal council. *Sec.* 80.
For membership in county councils. *Sec.* 81.
Candidates for county councillors disqualified for local municipal councils. *Sec.* 82.
Contracts, etc., with members of council, when void. *Sec.* 83.

80.—(1) No Judge of any Court of civil jurisdiction, no gaoler or keeper of a house of correction, no sheriff, deputy sheriff, sheriff's bailiff, high bailiff or chief constable of any city or town, no assessor, collector, treasurer, or clerk of any municipality, no bailiff of any Division Court, no county Crown attorney, no registrar, no deputy clerk of the Crown, no clerk of the County Court, no clerk of the peace, no High School trustee, no innkeeper or saloonkeeper, or shopkeeper licensed to sell spirituous liquors by retail, no license commissioner or inspector of licenses, no police magistrate, and no person having by himself or his partner an interest in any contract with or on behalf of the corporation, or having a contract for the supply of goods or materials to a contractor for work for which the corporation pays or is liable directly or indirectly to pay, or which is subject to the control or supervision of the council or of an officer thereof on behalf of the council, or who has an unsatisfied claim for such goods or materials, and no person who either by himself or with or through another, has any claim, action or proceeding against the municipality, and no person who is counsel or solicitor either by himself or with or through another in the prosecution of any claim, action or proceeding against a municipality, shall be qualified to be a member of the council of any municipal corporation. 55 V. c. 42, s. 77 (1); 58 V. c. 42, s. 2. Persons disqualified from being members of councils.

Proviso; as to shareholders in companies having dealings with corporations.

(2) But no person shall be held disqualified from being elected a member of the council of any municipal corporation,

And lessees for 21 years from corporation

(*a*) By reason of his being a shareholder in any incorporated company having dealings or contracts with the council of any such municipal corporation, or by reason of his having a lease for twenty-one years or upwards, of any property from the corporation: but no such leaseholder shall vote in the council on any question affecting any lease from the corporation, and no such shareholder on any question affecting the company; 55 V. c. 42, s. 77 (2)

Exemption from taxation not to disqualify for election to councils.

(*b*) Or by reason only that a part of his property is exempt from taxation, if he is assessed for sufficient other property in the municipality, liable to taxation to qualify him for such office; but no such person shall vote on any question affecting the property so exempt from taxation. 56 V. c. 35, s. 4.

Certain persons not qualified to be county councillors.

81. Any person having the necessary qualification and not otherwise disqualified, who is a member of a local municipal council for the year in which nominations are held for the election of members of the county council, shall be eligible for nomination and election as a member of the county council at such election; but no member of the council of a local municipality shall sit or vote as a county councillor; and no clerk or treasurer of a county, shall be eligible for nomination or election as a county councillor, or shall sit or vote in any county council. 59 V. c. 52, s. 6 *part*; 60 V. c. 3, s. 3; 60 V. c. 45, s. 60, *part*.

Additional ground of disqualification in county councils.

82. No person who has been nominated and is a candidate for election as a county councillor in any county council division shall, while he remains a candidate as aforesaid, be eligible for nomination or election as a member of the council of any local municipality. 60 V. c. 45, s. 60, *part*.

Contracts of Municipality with members of Council.

Contracts by members with the municipality to be held void in any action thereon.

83. In case a member of the council of any municipality, either in his own name or in the name of another, and either alone or jointly with another, enters into a contract of any kind, or makes a purchase or sale in which the municipality is a party interested, the contract, purchase or sale shall be held void in any action thereon against the municipality. 55 V. c. 42, s. 431.

DIVISION III.—EXEMPTIONS.

84. All persons over sixty years of age, all members and officers of the Legislative Assembly of Ontario, and of the Senate or House of Commons of Canada, all persons in the civil service of the Crown, all Judges not disqualified by section 80, all coroners, all persons in priests' orders, clergymen and ministers of the Gospel of every denomination, all members of the Law Society of Upper Canada, whether barristers or students, all solicitors in actual practice, all officers of Courts of Justice, all members of the medical profession, whether physicians or surgeons, all professors, masters, teachers and other members of any university, college, or school in Ontario, and all officers and servants thereof, all millers, and all firemen belonging to an authorized fire company—are exempt from being elected or appointed members of the council of any municipal corporation, or to any other municipal office. 55 V. c. 42, s. 78. *See also as to Firemen, Cap. 231, secs. 2-4.* Exemptions.

PART III.

MUNICIPAL ELECTIONS.

TITLE I.—ELECTORS.
TITLE II.—ELECTIONS.

TITLE I.—ELECTORS.

DIVISION I.—QUALIFICATION.

At elections of county councillors. *Sec.* 85.
Freeholders, tenants, income voters or farmers' sons. *Sec.* 86.
Amount of rating requisite. *Sec.* 87.
Persons in default for non-payment of taxes. *Sec.* 88.
Elector must be named on voters' list. *Sec.* 89.
In new municipality having no assessment roll. *Sec.* 90.
Where new territory added. *Sec.* 91.
Joint or several rating on same property. *Secs.* 92, 93.

85. The persons qualified to vote at the elections of county councillors shall be the persons qualified to vote at the elections of members of the council of the local municipality and all local municipal clerks, and no others. 59 V. c. 52, s. 13, *part.* Qualification of voters at elections of county councillors.

Qualification of electors.

86.—(1) Subject to the provisions of the next following seven sections the right of voting at municipal elections shall belong to the following persons, being men, or unmarried women, or widows, of the full age of twenty-one years, and subjects of Her Majesty by birth or naturalization, and being rated, to the amount hereinafter provided, on the revised assessment roll of the municipality upon which the voters' list used at the election is based, for real property held in their own right (or, in the case of married men, held by their wives), or for income, and having received no reward, and having no expectation of reward, for voting:

Freeholders.

Firstly. All persons, whether resident or not, who are in their own right, or whose wives are, at the date of the election, freeholders of the municipality;

Tenants.

Secondly. All residents of the municipality, who have resided therein for one month next before the election, and who are, or whose wives are, at the date of the election, tenants in the municipality;

Income voters.

Thirdly. All residents of the municipality at the date of the election, who are rated on the last revised assessment roll thereof, in respect of an income from some trade, office, calling or profession, of not less than $400, and have received such income during the twelve months before the date of the final revision and correction of the assessment roll and have since the said date continuously resided in the municipality. 55 V. c. 42, c. 79 (1) *part*; s. 104; 55 V c. 48, s. 31; 60 V. c. 3, s. 3; c. 15, *Sched.* C (18).

Farmers' sons.

Fourthly. All residents of the municipality at the date of the election, who are farmers' sons, and have resided in the municipality, on the farm of their father or mother, for twelve months next prior to the return by the assessors of the assessment roll on which the voters' list used at the election is based. 55 V. c. 42, s. 79 (1) *part.*

When more than one son is resident.

(*a*) If more sons than one are so resident, and if the farm is not rated and assessed at an amount sufficient, if equally divided between them, to give a qualification to vote to the father and all the sons where the father is living, or to the sons alone where the father is dead and the mother is a widow, then the right to vote shall belong to, and be the right only of, the father and the eldest or such of the elder of said sons, to whom the amount at which the farm is rated and assessed will, when equally divided between them, give the qualification to vote. 55 V. c. 42, s. 79 (2).

Where father living and assessment not sufficient to qualify more than one.

(*b*) If the amount at which the farm is so rated and assessed is insufficient, if equally divided between the father, if living, and one son, to give to each a qualification to vote, then the father shall be the

only person entitled to vote in respect of such farm. 55 V. c. 42, s. 79 (3).

(*c*) Occasional or temporary absence from the farm for a time or times not exceeding in the whole six months of the twelve hereinbefore mentioned, shall not operate to disentitle a farmer's son to vote. 55 V. c. 42, s. 79 (4); 57 V. c. 50, s. 2 (1). Temporary absence.

(2) In this section:

"Farm" shall mean land actually occupied by the owner thereof, and not less in quantity than twenty acres; Interpretation.

"Son" or "sons" or "farmer's son" or "farmers' sons" shall mean any male person or persons not otherwise qualified to vote, and being the son or sons of the owner and actual occupant of a farm;

"Father" shall include stepfather;

"Election" shall mean an election of a member of a municipal council;

"To vote" shall mean to vote at an election; and

"Owner" shall mean a person who is proprietor in his own right, or whose wife is proprietor in her own right, of an estate for life, or any greater estate, either legal or equitable; except where the owner is a widow, in which case the word "owner" shall mean proprietor in her own right of any such estate. 55 V. c. 42, s. 79 (5), *part*.

(3) Any leaseholder the term of whose lease is not less than five years, shall be deemed an owner within the meaning of this section. 55 V. c. 42, s. 79 (5), *part*; c 43, s. 4.

87. In order to entitle a person to vote as aforesaid in respect of real property, such property, whether freehold or leasehold or partly each, must be rated at an actual value of not less than the following: Amount of rating necessary.

In townships and villages	$100
In towns where the population does not exceed 3,000	$200
In towns with a population of over 3,000	$300
In cities	$400

The population shall be determined by reference to the latest annual enumeration by the assessors. 55 V. c. 42, s. 80; c. 43, s. 5; 60 V. c. 15, *Sched.* C (19).

88. No person who has been returned by the treasurer or collector under section 137 as in default for non-payment of his taxes on or before the 14th day of December next preceding any election, shall be entitled to vote in respect of income in any municipality, or in respect of real property in muni- Persons in default for non-payment of taxes not to vote.

cipalities which have passed by-laws under subsection 1 of section 535; but any person who is entitled to vote, and who at the time of the tendering of his vote produces and leaves with the deputy-returning officer a certificate from the treasurer of the municipality, or the collector of taxes, shewing that the taxes, in respect of which the default had been made, have since been paid, shall be entitled to vote; and the deputy-returning officer shall file the certificate, receive the vote, and note the same on the defaulters' list. 55 V. c. 42, s. 81.

Elector must be named in voters' list.

No question of qualification to be raised.

89. Except in the case of a new municipality for which there is no assessment roll, no person shall be entitled to vote at any election, unless he is one of the persons named or intended to be named in the proper list of voters; and no question of qualification shall be raised at any election, except to ascertain whether the person tendering his vote is the person intended to be designated in the list of voters. 55 V. c. 42, s. 82.

In newly erected municipalities not having any assessment roll.

90. At the first election in a new municipality for which there is no separate assessment roll, every resident male inhabitant, though not previously assessed, shall be entitled to vote if he possesses the other qualifications above mentioned, and has at the time of the election sufficient property to have entitled him to vote if he had been rated for such property. 55 V. c. 42, s. 83.

Where new territory added to city, town or village, or a new city, town or village erected with added territory, and no voters' lists including such new territory.

91. Where any territory is added for municipal purposes to any city, town or village, or where a town with additional territory is erected into a city, or a village with additional territory is erected into a town, or in case a new village is formed, and an election takes place before voters' lists including the names of the persons entitled to vote in such territory are made out for such new or enlarged city, town or village, or before such lists are certified by the County Judge, then all persons who would have been qualified as electors in such territory if the same had remained separate from the city, town or village, or if the town or village had not been erected into a city or, town, or if the village had not been formed, shall be entitled to vote in the city, town or village at such election. 55 V. c. 42, s. 84.

If owner and occupant severally rated both to be deemed rated.

92. In case both the owner and occupant of any real property are severally but not jointly rated therefor, both shall be deemed rated within this Act. 55 V. c. 42, s. 85.

When joint owners or occupants rated, rating to be equally divided.

93. Where real property is owned or occupied jointly by two or more persons, and is rated at an amount sufficient, if equally divided between them, to give a qualification to each, then each shall be deemed rated within this Act, otherwise none of them shall be deemed so rated. 55 V. c. 42, s. 86.

TITLE II.—ELECTIONS.

DIV. I.—TIME AND PLACE OF HOLDING.
DIV. II.—RETURNING OFFICERS AND DEPUTY-RETURNING OFFICERS.
DIV. III.—OATHS.
DIV. IV.—PROCEEDINGS PRELIMINARY TO THE POLL.
DIV. V.—THE POLL.
DIV. VI.—MISCELLANEOUS PROVISIONS.
DIV. VII.—VACANCIES IN COUNCIL.
DIV. VIII.—CONTROVERTED ELECTIONS.
DIV. IX.—PREVENTION OF CORRUPT PRACTICES.

DIVISION I.—TIME AND PLACE OF HOLDING.

In counties. *Sec.* 94.
In municipalities other than counties. *Sec.* 95.
In new or altered municipalities. *Sec.* 96.
Places, how fixed. *Sec.* 97.
In separated townships. *Secs.* 98, 99.
Election of reeves, etc., in townships and villages. *Sec.* 100.
Wards in townships—Election of deputy reeves. *Sec.* 101.
Re-division of towns or cities into wards. *Sec.* 102, 103.
Where elections shall be held. *Secs.* 104, 105.

Election county councillors to be held in alternate years.

94. The election of county councillors shall be held in alternate years, but upon the days and at the time fixed by law for the annual municipal elections for members of the councils of the local municipalities. 59 V. c. 52, s. 6, *part*; c. 52, s. 18; 60 V. c. 15, *Sched.* C (124).

Elections for local councils to be held annually.

Term of office.

95. The electors of every municipality (except a county) shall elect annually, on the first Monday in January, the members of the council of the municipality, except such members as have been elected at the nomination; and the persons so elected shall hold office until their successors are elected or appointed or sworn into office, and the new council is organized. 55 V. c. 42, s. 88.

First elections where corporations are newly erected or extended.

96. In case of the incorporation of a new township or union of townships; or of the separation of a junior township from a union of townships; or of the erection of a locality into an incorporated village; or of the erection of a village into a town, or of a town into a city; or of a tract of land being added to a village, town or city; or in case of a new division into wards of a town or city—the first election, under the proclamation or by-law by which the

Times of elections.

change was effected, shall take place on the first Monday in January next after the date of the proclamation, or after the passing of the by-law by which the change is made; but the nomination of candidates, and the election of such as are unopposed, may, and shall be proceeded with at the same time and in the same manner as if the change had gone into effect on the last Monday of the month of December preceding such first election, or on such other day as the nominations may lawfully be held upon. 55 V. c. 42, s. 89.

Places to be fixed by by-law of municipality.

97. The council of every city, town and village (including a village newly erected into a town, and a town newly erected into a city), shall, from time to time, by by-law, appoint the place or places for holding the next ensuing municipal election, otherwise the election shall be held at the place or places at which the last election for the municipality or for the ward or polling subdivision was held. 55 V. c. 42, s. 90.

County council to make provision first election in junior townships

98. When in any year a junior township of a union has 100 resident freeholders and tenants on the then last revised assessment roll, the council of the county shall, by a by-law to be passed before the thirty-first day of October in the same year, fix the place for holding the first annual election of councillors in the township, appoint a returning officer for holding the same, and otherwise provide for the due holding of the election according to law. 55 V. c. 42, s. 91; 60 V. c. 15, *Sched.* C (21). *See sec. 30.*

Existing ward divisions in united townships to cease on dissolution of union.

99. In case of the separation of a union of townships, the existing divisions thereof into wards, if any, shall cease, as if duly abolished by by-law, and the elections of councillors shall thereafter be by general vote, until the township or townships is or are divided into polling subdivisions or wards under the provisions of this Act. 55 V. c. 42, s. 92.

Election of reeves, etc., in townships and villages to be by general vote.

100. Except in the case of deputy-reeves and councillors in townships divided into wards, the election, in townships and villages, of reeves, deputy-reeves and councillors, shall be by general vote, and the voting shall take place at the place where the last meeting of the council was held, or at such other place or places as may from time to time be fixed by by-law. 55 V. c. 42, s. 93.

Upon petition the council may, by by-law, divide townships into wards, etc.

101. In case a majority of the qualified electors of a township whose names appear on the last revised assessment roll petition the council of the township to divide the township into wards, or to abolish or alter any existing division into wards, the council shall, within one month thereafter, pass a by-law to give effect to the petition; and, if the petition is for division into wards, shall divide the township into wards, so that the number of electors in each ward shall be as nearly as may be equal; and the number of wards for municipal purposes shall be four in all cases; and where the township is

divided into wards, and is entitled to a deputy reeve or deputy reeves, the councillors shall at their first meeting elect from among themselves such deputy reeve or deputy reeves. 55 V. c. 42, s. 94.

Elections of deputy-reeves, etc., in such case.

102.—(1). In case two thirds of the members of the council of a city or town do, in council, before the 15th day of July in any year, pass a resolution affirming the expediency of a new division into wards being made of the city or town or of a part of the same, either within the existing limits or with the addition of any part of the localities adjacent, which, from the proximity of streets or buildings therein, or the probable future exigencies of the city or town, it may seem desirable to add thereto respectively, the Lieutenant-Governor may, by proclamation, divide the city or town or such part thereof, and with or without such addition, into wards, as may seem expedient. 55 V. c. 42, s. 22, *part.*

New division of wards in cities and towns.

Extension of city or town.

103.—(1) In any case where the resident freeholders of any city with a population of 100,000 or over, to the number of at least 500, petition the council, alleging the expediency of making, and praying that a new division into wards may be made of the city without reducing the number of wards, or that a new division may be made reducing the number of wards to nine or less, the council shall, at the next municipal elections, submit the question of a new division, as prayed for by the petition, to the vote of the persons entitled to vote at the municipal elections; and, in the event of a majority of the electors who vote thereon voting in favour of the petition, the council shall, within a reasonable time after the taking of the vote, subdivide the city into wards, so as to give effect to the prayer of the petition and the vote of the electors; and such new division shall, as far as possible, be based upon the assessed values of property, population and territorial extent.

Re-division of wards in cities of 100,000 or over.

(2) In case for three months after the question has been voted upon and approved of by the electors, any council neglects or refuses to make a new sub-division of any city into wards under the provisions of the last preceding subsection, and in case one-third of the members of the council, or 100 duly qualified electors of the municipality petition for a commission to issue under the Great Seal to inquire into the existing division of the municipality into wards, and for a new division in accordance with the expressed wish of the electors, as evidenced by their vote taken in manner aforesaid, the Lieutenant-Governor in Council may issue a commission accordingly, to three commissioners, one to be named by the Lieutenant-Governor in Council, one by the Chancellor of Ontario, and one by the city council; and the commissioners or a majority of them shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence as any court has in civil cases.

Commission of inquiry as to division into wards, etc.

If the city council fails to name a commissioner within two weeks after notice, the Lieutenant-Governor shall name two commissioners.

Commissioners to prepare a scheme of division.

(3) The commissioners so appointed, or a majority of them, shall, within a reasonable time, report to the Provincial Secretary a new division into wards of the municipality in accordance with the prayer of the petition, having regard to the provisions of this Act as to equality of representation, and the Provincial Secretary shall forthwith transmit a copy thereof to the council of the city, and shall cause the same to be published for one month in the *Ontario Gazette*, and once in each week for four weeks in one or more newspapers published in the municipality, naming a day when the same will be taken into consideration by the Lieutenant-Governor in Council: and all parties interested, opposed thereto, and who petition to be heard, shall then have an opportunity of being heard, and of being represented by counsel in that behalf.

Lieutenant-Governor may make division by proclamation.

(4) The Lieutenant-Governor in Council may, within three months after the receipt of the report of the commissioners, by proclamation divide the city into wards, and shall have the like powers as are by this Act conferred upon him when application is made by a city council under section 102 of this Act, to divide a city into wards.

Expenses of commission.

(5) The expenses allowed for executing the commission shall be payable by the municipality in the same manner and upon the same conditions as those provided for by sub-section 2 of section 428 of this Act.

Further division not to be made for five years.

(6) In case a new division of any city into wards is made as aforesaid, no new division thereof into wards shall be made for five years thereafter. 55 V. c. 42, s. 22, *part*.

Election to be held in municipality.

104. Every election shall be held in the municipality to which the same relates. 55 V. c. 42, s. 95.

Election of township councillors.

105. No election of township councillors shall be held within any city, town or village, nor shall any election for any municipality, or for any ward thereof, be held in a tavern or in a house of public entertainment licensed to sell spirituous or fermented liquors. 55 V. c. 42, s. 96.

DIVISION II.—RETURNING OFFICERS AND DEPUTY-RETURNING OFFICERS.

When election by polling subdivisions. *Sec.* 106.
When not. *Sec.* 107.
Death or absence, provision for. *Sec.* 108.
Authority of. *Secs.* 109, 110.
Special constables. *Sec.* 110.
Elections to county councils. *Sec.* 111

106.—(1) The council of every local municipality in which the election is to be made by wards or polling subdivisions, shall from time to time, by by-law, appoint: By-law for an election by wards or polling subdivisions.

(a) The places for holding the nominations for each ward:

(b) The returning officers who shall respectively hold the nominations for each ward;

(c) The places at which polls shall be opened in the municipality in case a poll is required;

(d) The deputy-returning officers who shall preside at the respective polling places.

(2) The clerk of the municipality shall be the returning officer for the whole municipality; and in case a poll is required, the deputy-returning officers shall make to him the returns for their respective wards or polling subdivisions. 55 V. c. 42, s. 97. Clerk of municipality to be returning officer for whole municipality.

107. In the case of a local municipality in which the election is not to be by wards or polling subdivisions, the clerk shall be the returning officer to hold the nomination of candidates at all elections after the first, and he shall also perform all the duties hereinafter mentioned assigned to deputy-returning officers. 55 V. c. 42, s, 98. [*See sec. 157.*] Returning officer for elections not by wards or polling subdivisions.

108.—(1) In any case where the returning officer for any ward refuses or neglects to attend at the time and place required by the clerk to receive his instructions and nomination papers, and in any case where a deputy-returning officer refuses or neglects to attend at the time and place at which he is required by the returning officer to attend to receive his voters' lists, and other election papers, the clerk of the municipality as returning officer shall appoint another person to act in his place and stead; and the person so appointed shall have all the powers and authority which he would have had if he had been appointed by by-law. Refusal or neglect of returning officer or deputy returning officer to perform his duties.

(2) In case, at the time appointed for holding a nomination or poll, the person appointed to be returning officer or deputy-returning officer has died, or does not attend to hold the nomination or poll within an hour after the time appointed, or in case no returning officer or deputy-returning officer has been appointed, the electors present at the place for holding the nomination or poll may choose from amongst themselves a returning officer or deputy-returning officer; and such returning officer or deputy-returning officer shall have all the powers, and shall forthwith proceed to hold the nomination or poll, and perform all the other duties of a returning officer or deputy-returning officer. 55 V. c. 42, s. 99; c. 43, s. 6.

(3) In case, during the polling, the returning officer or the deputy-returning officer at any polling place becomes unable, through illness or other cause, to perform his duties, the poll clerk at such polling place shall act as returning officer, or deputy-returning officer, as the case may be; and he shall Where returning officer or deputy is unable to perform his duties.

perform all the duties of a returning officer or deputy-returning officer, and may appoint some other person to act as poll clerk. 60 V. c. 45, s. 28.

Returning officers and deputy returning officers to be conservators of the peace: their powers.

109. Every returning officer and deputy-returning officer shall, during the day of the election, or of the voting of electors upon a by-law, act as a conservator of the peace for the city or county in which the election or voting is held; and he, or any Justice of the Peace having jurisdiction in the municipality in which the election or voting is held, may cause to be arrested, and may summarily try, and may punish by fine or imprisonment, or both, or may imprison or bind over to keep the peace, or for trial, any riotous or disorderly person, who assaults, beats, molests or threatens any voter coming to, or remaining at, or going from the election or voting; and, when thereto required, all constables and persons present at the election or voting, shall assist the returning officer, or deputy returning officer, or Justice of the Peace. 55 V. c. 42, s. 100.

Special constables may be sworn in.

110 Every returning officer, or deputy-returning officer, or Justice of the Peace may appoint and swear in any number of special constables to assist in the preservation of the peace and of order at an election or at the voting of electors upon a by-law; and any person liable to serve as constable, and required by a returning officer or deputy-returning officer, or justice, to be sworn in as a special constable, shall, if he refuses to be sworn in or to serve, be liable to a penalty of $20, to be recovered to the use of any one who will sue therefor. 55 V. c. 42, s. 101.

Holding election of county councillors where all members of local council elected by acclamation.

111. The council of any local municipality in which the election of any member or members of the county council is to be held, and (in case of the election of all the members of the council of the local municipality by acclamation), the clerk of such municipality and any other officer thereof shall, nevertheless, so as to enable the election for county councillors to be held, do all things and take all proceedings which would have been necessary, and in the manner by law provided, that is to say, provide polling places, furnish the necessary and proper voters' lists and poll books, appoint deputy-returning officers and other necessary officers, and do any and all other matters and things which would have been necessary and proper to be done had the members of the council of such local municipality not been elected by acclamation; and every returning officer and deputy-returning officer so appointed shall have all the powers, rights and authorities respecting the election of county councillors, which returning officers and deputy-returning officers have respecting the election of the members of local municipal councils, and shall perform all the like or similar duties which such officers are required to perform under this Act, where an election is being held for the members of the council of a local municipality. 59 V. c. 52, s. 11: 60 V. c. 3, s. 3. *See also sec. 142.*

Division III.—Oaths.

Of freeholder. *Sec.* 112.
Of tenant. *Sec.* 113.
Of income voter. *Sec.* 114.
Of farmer's son. *Sec.* 115.
Voter may select form of oath. *Sec.* 116.
Administering oaths. *Sec.* 117.

Oaths, etc., of person claiming to vote as a freeholder.

112. The only oaths or affirmations to be required of a person claiming to vote in respect of a freehold, shall be as follows, or to the like effect:

You swear (*or* solemnly affirm) that you are the person named, or intended to be named, in the list (*or* supplementary list) of voters now shewn to you (*shewing the list to the voter*);

(*In the case of an unmarried woman or widow claiming to vote.*) That you are unmarried (*or* a widow, *as the case may be.*)

That at the date of this election you are in your own right (*or* your wife is) a freeholder within this polling sub-division (*or where the ward is not sub-divided into polling sub-divisions then* "within this ward") in this municipality.

That you are a natural born (*or* naturalized) subject of Her Majesty, and of the full age of twenty-one years;

(*In the case of municipalities not divided into wards.*) That you have not voted before at this election, either at this or any other polling place.

(*In the case of municipalities divided into wards*) that you have not voted before at this election either at this or any other polling place in this ward, and (*if the elector is tendering his vote for mayor, reeve or deputy reeve*) that you reside in this polling sub-division (*or when ward not sub-divided into polling sub-divisions then* 'in this ward' *or* are not entitled to vote in the polling sub-division in which you reside, *or* are not resident within the municipality *as the case may be*) and that you have not voted before or elsewhere at this election in this municipality for mayor, (*or* reeve *or* deputy reeve), and will not vote elsewhere in this municipality at this election, for mayor, (*or* reeve *or* deputy reeve *as the case may be*).

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election;

That you have not received anything, nor has anything been promised to you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election:

So help you God.

In new Municipality where no assessment roll.

(*In the case of a new municipality in which there has not been any assessment roll, then instead of referring to the list of voters, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote.*)

55 V. c. 42, s. 102: 58 V. c. 42, s. 3: 60 V. c. 15, *Sched.* C. (22).

Oath of tenant.

113. The oath or affirmation to be required of a person claiming to vote as tenant, shall be as follows or to the like effect:

You swear (*or* solemnly affirm) that you are the person named, (*or* intended to be named,) in the list (*or* supplementary list) of voters now shown to you (*showing the list to the voter*) :

(*In the case of an unmarried woman or widow claiming to vote.*) That you are unmarried (*or* a widow, *as the case may be* ;)

That on the day of 18 (*the day certified by the clerk of the municipality as the date of the return, or of the final revision and correction of the assessment roll upon which the voters' list used at the election is based*) you were actually, truly, and in good faith, possessed to your own use and benefit, as tenant or occupant, of the real estate in respect of which your name is entered on the said list ;

That you are (*or* your wife is) a tenant within this municipality.

That you have been resident within this municipality for one month next before this election ;

That you are a natural-born (*or* naturalized) subject of Her Majesty, and of the full age of twenty-one years ;

(*In the case of municipalities not divided into wards.*) That you have not voted before at this election, either at this or any other polling place ;

(*In the case of municipalities divided into wards*) that you have not voted before at this election either at this or any other polling place in this ward, and (*if the elector is tendering his vote for mayor, reeve or deputy reeve*) that you reside in this polling sub-division (*or where ward not sub-divided into polling sub-divisions then* 'in this ward' *or* are not entitled to vote in the polling sub-division in which you reside *or as the case may be*) and that you have not voted before or elsewhere in this municipality at this election for mayor, (*or* reeve *or* deputy reeve), and will not vote elsewhere in this municipality at this election for mayor (*or* reeve *or* deputy reeve *as the case may be.*)

That you have not, directly or indirectly, received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election ;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election ;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election ;

So help you God.

(*In the case of a new municipality in which there has not been any assessment roll, then, instead of swearing to residence for one month next before the election, and referring to the list of voters, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote, and that he is a resident of the municipality.*)

55 V. c. 42 s. 103 : 58 V. c. 42, s. 4 : 60 V. c. 15, *Sched.* C (23).

Oath of income voter.

114. The oath or affirmation to be required of a person claiming to vote in respect of income shall be as follows :

You swear (*or* solemnly affirm) that you are the person named (*or* intended to be named by the name of) in the list (*or* supplementary list) of voters now shewn to you (*shewing the list to the voter*) ;

(*In the case of a widow or unmarried woman claiming to vote*). That you are unmarried (*or* a widow, *as the case may be*) ;

That on the day of 18 (*the day certified by the clerk of the municipality as the date of the final revision and correction of the assessment roll upon which the voters' list used at the election is based*), you were, and thenceforward have been continuously, and still are, a resident of this township (city, town *or* village, *as the case may be*);

That at the said date, and for the twelve months previously, you were in receipt of an income from your trade (office, calling, *or* profession, *as the case may be*) of a sum of not less than $400.

That you are a subject of her Majesty by birth (*or* naturalization, *as the case may be*); and are of the full age of twenty-one years;

(*In the case of municipalities not divided into wards.*) That you have not voted before at this election, either at this or any other polling place;

(*In the case of municipalities divided into wards.*) That you have not voted before at this election, either at this or any other polling place in this ward, and (*if the elector is tendering his vote for mayor, reeve or deputy-reeve*) that you have not voted before or elsewhere in this municipality at this election for mayor (*or* reeve *or* deputy-reeve, *as the case may be*);

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election:

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election:

So help you God.

55 V. c. 42, s. 104: 60 V. c. 15, *Sched.* C. (24.)

115. The oath or affirmation to be required from a farmer's son claiming to be entitled to vote shall be as follows: Oath of farmer's son.

You swear (*or* solemnly affirm) that you are the person named (*or* intended to be named by the name of ,) in the list (*or* supplementary list) of voters now shewn to you (*shewing the list to the voter*);

That on the day of , 18 (*the day certified by the clerk of the municipality, as the date of the return, or of the final revision and correction of the assessment roll upon which the voters' list used at the election is based, as the case requires*), *A. B.* (*naming him or her*), was actually, truly, and in good faith possessed to his (*or* her) own use and benefit as owner, as you verily believe, of the real estate in respect of which your name is so as aforesaid entered on said list of voters;

That you are a son of the said *A. B.*;

That you resided on the said property for twelve months next before the said day, not having been absent during that period, except temporarily, and not more than six months in all.

That you are still a resident of this municipality, and entitled to vote at this election;

That you are a subject of Her Majesty by birth (*or* naturalization *as the case may be*); and are of the full age of twenty-one years;

(*In the case of municipalities not divided into wards.*) That you have not voted before at this election, either at this or any other polling place;

(*In the case of municipalities divided into wards.*) That you have not voted before at this election, either at this or any other polling place in this ward, and (*if the elector is tendering his vote for mayor, reeve or*

deputy-reeve) that you have not voted before or elsewhere in the municipality at this election for mayor, (reeve, *or* deputy reeve *as the case may be*) ;

That you have not received anything, nor has anything been promised you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election ;

And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election ;

So help you God.

55 V. c. 42, s. 105 ; 57 V. c. 50, s. 2 (2) : 60 V. c. 15, *Sched.* C (25).

Voter may select any form of oath.

116. The voter shall be entitled to select for himself for that purpose any one of the forms contained in sections 112 to 115 both inclusive, whatever may be the description either in the voter's list or assessment roll as to the qualification or character in respect of which he is entered upon the list or roll. 55 V. c. 42, s. 105*a* ; c. 43, s. 8.

When and how oaths are to be administered.

117. Such oaths or affirmations shall be administered by the returning officer or deputy-returning officer, as the case may be, at the request of any candidate or his authorized agent, and no inquiries shall be made of any voter, except with respect to the facts specified in such oaths or affirmations. 55 V. c. 42, s. 106.

DIVISION IV.—PROCEEDINGS PRELIMINARY TO THE POLL.

Nomination meetings. *Secs.* 118-123, 130.
Provision for Christmas Day. *Sec.* 124.
Interval between nomination and election in townships. *Sec.* 125.
Notice of nomination. *Sec.* 127.
Proceedings at nomination. *Sec.* 126, 128.
Poll, when and where to be held. *Sec.* 128.
Resignations of candidates nominated. *Secs.* 129-131.
Elections to county councils. *Sec.* 132, 135.
Votes to be given by ballot. *Sec.* 136.
List of defaulters in payment of taxes. *Sec.* 137.
Ballot boxes. *Sec.* 138.
Ballot papers. *Secs.* 139-141.
In elections to county councils. *Sec.* 142.
Forms. *Sec.* 143.
Polling places. *Secs.* 144, 145.
Ballot papers, voters' lists, etc., to be furnished to deputy returning officers. *Secs.* 144, 146, 149, 151, 152, 156.
Directions to voters. *Secs.* 146, 147.
Voters' and defaulters' lists'. *Secs.* 148-155.
Certificates as to the assessment roll. *Sec.* 156.
In municipalities not divided into wards, clerk to perform duties of deputy returning officer. *Sec.* 157.
Where electors may vote. *Secs.* 158-163.
Penalty for voting twice for mayor, etc. *Sec.* 162.

Meeting for nomination of mayor, reeve, deputy-reeves etc.

118—(1) Subject to the provisions of section 120 of this Act, a meeting of the electors shall take place for the nomination of candidates for the office of mayor in cities, and of mayor, reeve and deputy reeves in towns, at the hall of the municipality, on the last Monday in the month of December, annually, at ten of the clock in the forenoon, and the deputy-reeves shall be designated as first, second, third, etc., according to the number to be elected.

Nomination of councillors in towns.

(2) The council of any town divided into wards may, by by-law, provide that the nomination for councillors for the several wards shall be held at the same time and place as the nomination for mayor, reeve and deputy-reeve.

(3) Where no such by-law is passed, the nomination of councillors in such town shall take place as provided by section 119 of this Act. 55 V. c. 42, s. 107 (1-3)

The clerk to preside.

Chairman.

(4) The clerk of the municipality shall be the returning officer to preside at such meeting, or in case of his absence, or probable absence, the council shall appoint a person to preside in his place; and if the clerk or the person so appointed does not attend, the electors present shall choose from among themselves a chairman, and such clerk or chairman shall have all the powers of a returning officer. 55 V. c. 42, s. 108; 60 V. c. 15, *Sched.* C. (26)

Meetings in cities, towns, etc., for nomination of aldermen etc.,

119. Save as otherwise provided by section 120, a meeting of the electors shall take place for the nomination of the candidates for the offices of aldermen in cities, councillors in towns, and of reeves, deputy-reeves and councillors in villages and in townships not divided into wards, at noon, on the last Monday in December annually, at the town hall of the municipality, or at such place therein, and in cities and towns at such places in each ward thereof, as may from time to time be fixed by by-law, subject, in the case of townships, to the provisions of section 123; and the deputy-reeves shall be designated as first, second, third, etc., according to the number to be elected. 55 V. c. 42. s. 109, *part.*

Hour for holding nominations in cities, towns and villages.

120. Notwithstanding anything contained in sections 118 and 119 the hour for the nomination of candidates for the offices of aldermen in cities, may, in and by the by-law fixing the places for such nomination, be fixed at half-past seven o'clock in the evening, instead of at noon; and the council of any town or village may by by-law provide that the nomination for mayor, reeve, deputy-reeve or deputy-reeves and councillors may be held at half past seven o'clock in the evening instead of the hours in the said sections mentioned. 55 V. c. 42, s. 107, (4), 109, *part.*

In townships divided into wards.

121.—(1) Subject to the provisions of section 122 the nomination of candidates for the office of reeve in townships

divided into wards, shall be held at ten of the clock in the forenoon on the last Monday in December, at such place in the township as may from time to time be fixed by by-law, and the township clerk shall preside.

(2) Subject to the provisions of section 123, the nomination of candidates for the office of councillor to be elected for each ward, shall take place at noon, at the town hall of the township or at such place in the township or in each ward as may be fixed by by-law. 55 V. c. 42, s. 110.

Hour for holding nominations in townships.

122. Notwithstanding anything contained in sections 119 and 121 of this Act, the council of any township not divided into wards, may by by-law provide that the nomination for reeve, deputy-reeve and councillors, may be held at one o'clock in the afternoon, and the council of any township divided into wards, may by by-law provide that the nominations for councillors may be held at one o'clock in the afternoon instead of at the hours and times in the said sections mentioned. 59 V. c. 51, s. 2.

Place of meeting for nomination of reeves, etc., of townships.

123. Where a township is so situate that the territory of such township adjoins the limits of any city, town or village, such city, town, or village may be designated by by-law as the place of meeting for the nomination of candidates for the offices of reeve, deputy-reeves, and councillors, as the case may be. 55 V. c. 42, s. 111; 60 V. c. 3, s. 3.

If nomination day falls on Christmas Day.

124. When the last Monday in December is Christmas Day, the nomination of candidates for the offices of mayor and alderman in cities, and of mayor, reeve, deputy-reeve and councillors in other municipalities, shall take place on the preceding Friday, at the times and places and in the manner prescribed by law. 55 V. c. 42, s. 112.

County council may by by-law lengthen time between nomination and polling in townships.

125.—(1) Every county council may, by by-law, made on or before the 1st day of July in any year, provide that the day for the nomination of candidates for reeve, deputy-reeves, and councillors in townships shall be the third Monday preceding the day for polling, but all the other provisions of law relating to municipal elections shall apply to the elections in such townships. 55 V. c. 42, s. 113 (1); 60 V. c. 45, s. 2.

Copy of by-law to be sent to townships affected.

(2) Forthwith after the passing of such by-law, the county clerk shall transmit a copy thereof to the clerks of the townships to which the same relates. 55 V. c. 42, s. 113 (2).

Presiding officer.

126. The returning officer appointed for each ward, as in section 106 mentioned, or the clerk (as the case may be), shall respectively preside at the meeting for the nomination of candidates, and in case of the absence of such presiding officer, the meeting may choose a chairman who shall, in respect of the meeting, have all the powers of a returning officer. 55 V. c. 42, s. 114; 60 V. c. 15, *Sched.* C. (27).

Notice of nomination meeting

127. The clerk or other returning officer whose duty it is to preside at the meeting for the nomination of candidates shall give at least six days' notice of such meeting. 55 V. c. 42, s. 115.

Nomination and proceedings incident thereto.

128.—(1) At such meetings, the person or persons to fill each office shall be proposed and seconded *seriatim*, and every such nomination shall be in writing, shall state the full name, place of residence and occupation of the candidate, and shall be signed by his proposer and seconder. 55 V. c. 42, s. 116, *part*; 60 V. c. 15, *Sched.* C. (28).

(2) If only one candidate for any particular office is proposed, the clerk or other returning officer or chairman shall, after the lapse of one hour from the time fixed for holding the meeting, declare the candidate duly elected for that office. 55 V. c. 42, s. 116, *part*.

In what cases poll to be held.

(3) If more candidates are proposed for any particular office than are required to be elected, the clerk (or other returning officer or chairman) shall adjourn the proceedings for filling such office until the first Monday in January next thereafter, when (unless there is an election by acclamation by reason of the resignation of any candidate or candidates nominated, as in the next succeeding section provided) a poll or polls shall be opened in each ward or polling sub-division at such place or places respectively as have been fixed by the by-law of the said council for the election. 60 V. c. 45, s. 29.

Hours of polling.

(4) The said poll or polls shall be so opened at nine of the clock in the morning, and shall continue open until five of the clock in the afternoon, and no longer. 55 V. c. 42, s. 116, *part*.

Names of candidates to be posted up.

129.—(1) The clerk or other returning officer or chairman shall, on the day of the nomination, post up in the office of the clerk of the municipality the names of the persons proposed for the respective offices.

Resignation of person nominated.

(2) At the nomination meeting or on the following day, or where such last named day is a public holiday, then before twelve o'clock noon of the succeeding day, any person proposed for one or more offices may resign, or may elect for which office he is to remain nominated; and in default he shall be taken as nominated for the office in respect of which he was first proposed and seconded.

Resignations to be in writing.

(3) The resignation after the nomination meeting of any person so proposed shall be in writing, signed by him and attested by a witness, and shall, within the time hereinbefore mentioned, be delivered to the clerk of the municipality.

Election by acclamation when other candidates retire.

(4) If by reason of any such resignation or resignations the number of candidates remaining proposed for any office does not exceed the number required by this Act to be elected for such office, then the clerk or other returning

officer shall declare such remaining candidate or candidates duly elected to such office. 55 V. c. 42, s. 117, *part*; c. 43, s. 7; 58 V. c. 42, ss. 5, 6.

Non-election of full council by reason of retirement of candidates.

130. In case, at an annual or other municipal election, the candidates, or any of them who are nominated, retire, and by reason of such retirement the requisite number of persons is not elected, then the members elected, if they equal or exceed the half of the council when complete, or a majority of such members, shall order a new election to be held in the manner provided by this Act to fill the vacancies so caused 60 V. c. 45, s. 30.

Retirement by a majority of council.

131. In case, by reason of such retirement, less than half the members of council are elected, the clerk (as returning officer), shall cause a new election to be held in the manner provided by this Act; and until such election is held, and the number of members necessary to complete the council is elected, the council of the preceding year shall continue in office, and may do, or cause to be done, all such acts as a council duly elected for that year might lawfully do. 60 V. c. 45, s. 31.

County Council elections. Nominating officer.

132.—(1) In every year before that in which an election for county councillors is to be held, the county council shall appoint for each county council division, a "nominating officer," who shall act as such until his successor is appointed.

His duties.

(2.) His duties shall be, in every year before an election of county councillors is to be held, or before a vacancy is to be filled,

(*a*) To fix a place within the county council division for holding the nomination, between the hours of one and two o'clock in the afternoon, and to give under his hand, notice of such nomination and of the election, by advertisement in two weekly newspapers in the county, to be published for at least two successive weeks prior to such nomination day, or by giving sufficient public notice thereof by printed posters;

(*b*) To attend at the day and place appointed for such nomination and to perform the duties (so far as applicable) which the clerk of a local municipality is required to perform as returning officer at the nomination for an election in a local municipality.

(*c*) In case at the time appointed for holding the nomination, the nominating officer has died, or does not attend to hold such nomination, the electors present for the purpose of holding a nomination may choose from amongst themselves a nominating

officer who shall have all the powers and perform all the duties of such nominating officer. 59 V. c. 52, s. 7 (1) *part.*

133. The nomination day shall be Monday in the week which precedes the week before polling day. 59 V. c. 52, s. 7 (3). Nomination day.

134. If upon the day and at the hour appointed for the nomination there are not more candidates nominated for any county council division than are required to be elected for such division, the nominating officer shall thereupon declare elected the candidate or candidates duly nominated, and shall thereupon prepare, and upon the same day mail to the county clerk, by registered letter with postage prepaid, a certificate under his hand of such election by acclamation; but if more candidates are nominated than are required to be elected in any county council division, the nominating officer shall, immediately after the lapse of the time in which candidates may withdraw from nomination, certify to the county clerk the facts, with the names and addresses of those remaining in nomination. Election by acclamation.

135.—(1) Any person nominated may resign either at the nomination meeting or during the following day. If such resignation is after the meeting, it shall be signed and witnessed in the manner prescribed for resignations under section 129 of this Act, and shall be forthwith delivered to the nominating officer. Resignations.

(2) If by reason of any such resignation or resignations the number of candidates remaining does not exceed that of the offices to be filled, the nominating officer shall certify such candidates as duly elected. 59 V. c. 52, s. 8.

Votes to be given by Ballot.

136. In case of a poll at an election of persons to serve in municipal councils, the votes shall be given by ballot. 55 V. c. 42, s. 118. Votes to be by ballot.

List of Defaulters in payment of Taxes.

137.—(1) On or before the last Monday in December the treasurer of each local municipality shall, if the collectors' roll has been returned to him, prepare and verify on oath, or, if the collector's roll has not been so returned, the collector shall prepare and verify on oath, a correct alphabetical list of— Preparation of list of defaulters.

(*a*) All persons who, being on the voters' list (that is to say, the first and second parts thereof) in respect of their income only, have not paid their municipal taxes on such income on or before the 14th day of December preceding the election; and,

(*b*) (In municipalities which have passed by-laws under sub-section 1 of section 535 of this Act), all persons on the voters' list (that is to say, the first and second parts thereof), who have been assessed for real property, but have not paid their municipal taxes on such property on or before the 14th day of December preceding the election. 55 V. c. 42, s. 119 (1); 60 V. c. 15, *Sched.* C (29).

List to be made for each polling subdivision.

(2) Where a municipality is divided into polling subdivisions, such a defaulters' list shall be made for each polling subdivision.

Certified copies to be furnished.

(3) The person preparing the said defaulters' lists, shall furnish to all persons applying for the same, certified copies thereof, and of the affidavit verifying the same, in the same manner and for the same compensation as copies of the voters' list are to be furnished. 55 V. c. 42, s. 119 (2-3).

Ballot Boxes.

Ballot boxes to be furnished.

138.—(1) Where a poll is required, the clerk of the municipality shall procure or cause to be procured as many boxes (hereinafter called "ballot boxes") as there are wards or polling subdivisions within the municipality.

How made.

(2) The ballot boxes shall be made of some durable material, shall be provided with a lock and key, and shall be so constructed that the ballot papers can be introduced therein and cannot be withdrawn therefrom unless the box be unlocked.

Delivery of to deputy returning officers.

(3) When it becomes necessary for the purposes of an election to use the ballot boxes, it shall be the duty of the clerk of the municipality, two days at least before the polling day, to deliver one of the ballot boxes to every deputy-returning officer appointed for the purposes of the election.

Clerk to preserve boxes for future elections.

(4) The ballot boxes, when returned to the clerk after the election, shall be preserved by him for use at elections for the municipality; and it shall be the duty of the clerk to have ready for use, at all times, as many ballot boxes as there are wards or polling subdivisions in the municipality.

Penalty for failure to furnish boxes.

(5) If the clerk fails to furnish ballot boxes in the manner herein provided, he shall incur a penalty of $100 in respect of every ballot box which he has failed to furnish in the manner prescribed.

Deputy returning officers to procure boxes when not supplied.

(6) It shall be the duty of the deputy-returning officer in every ward or polling subdivision, who has not been so supplied with a ballot box within the time prescribed, forthwith to procure one, and he may issue his order for the cost of the ballot box upon the treasurer of the municipality in which such ward or polling subdivision is situate, and the treasurer shall pay to the deputy-returning officer the amount of the order. 55 V. c. 42, s. 120.

Ballot Papers.

139.—(1) Where a poll is required, the clerk of the municipality shall forthwith cause to be printed, at the expense of the municipality, such a number of ballot papers as will be sufficient for the purposes of the election. Ballot papers to be printed.

(2) Every ballot paper shall contain the names of the duly nominated candidates, arranged alphabetically in the order of their surnames; or, if there are two or more candidates with the same surname, then in the order of their other names. 55 V. c. 42, s. 121. Contents and form of ballot papers.

140.—(1) The names of the candidates for mayor in cities, and for mayor, reeve and deputy-reeves in towns, shall not be included in the same ballot paper with the names of the candidates for aldermen and councillors respectively; but Different sets of ballot papers to be prepared.

(2) In cities one kind or set of ballot papers shall be prepared for all the wards or polling subdivisions, containing the names of the candidates for mayor, and another kind or set shall be prepared for each ward or polling subdivision, containing the names of the candidates for aldermen in the ward; and In cities.

(3) In towns one kind or set of ballot papers shall be prepared for all the wards or polling subdivisions, containing the names of the candidates for mayor and reeve and deputy-reeve, and another kind or set shall be prepared for each ward or polling subdivision, containing the names of the candidates for councillors in the ward; and In towns.

(4) In townships divided into wards, one kind or set of ballot papers shall be prepared for all the wards, containing the names of the candidates for reeve, and another kind or set shall be prepared for each ward, containing the names of the candidates for councillors in the ward. 55 V. c. 42, s. 122. In townships divided into wards.

141.—(1) The ballot papers shall be according to the forms given in Schedule A to this Act. 55 V. c. 42, s. 123. Form of ballot papers.

(2) In the case of an election to fill a vacancy, the ballot papers shall contain only so much of the said form as is required: and the counterfoils thereof shall bear, instead of the words appearing on the form of ballot papers given in said schedule, the words, "Election of a member of the municipal council of the city (*or* town, village *or* township, *as the case may be*), of , to fill a vacancy in the office of (mayor, reeve, councillor, *etc., as the case may be*), Ward No. , Polling subdivision No. , day of , 189 ." For mayor (*or* For reeve, councillor, *etc., as the case may be*)," or (in the case of an election to the county council) the words, "Election to fill a vacancy in the office of county councillor for the first (*or as*

the case may be) county council division of the county of Township *(or as the case may be)* of , Ward No. , Polling subdivision No. , day of , 189 . For county councillor." 60 V. c. 15, *Sched.* C (30).

Ballot papers, etc.

142.—(1) Whenever an election of a member or members of the county council is to be held, it shall be the duty of the clerk of the county council to cause ballot papers to be printed therefor; and he shall, immediately after the receipt of the certificates from the nominating officer, and before polling day, forward a sufficient number of ballots and other necessary election papers to the clerk of each of the local municipalities within each county council division where elections for county councillors are to be held; and each clerk of a local municipality shall cause them to be supplied to the persons appointed to act as deputy-returning officers at the said election.

When no election to be held for local municipality.

(2) If all the members of the council of any local municipality are elected by acclamation, the clerk of the municipality shall nevertheless (when an election of a member or members of the county council is to be held), take all proceedings necessary for such election, in the same manner (*mutatis mutandis*) as is provided by this Act for the election of members of the council of the local municipality. 59 V. c. 52, s. 9 *part.* *See also sec. 111.*

Forms.

143.—In preparing the ballot papers or any notices or other papers which may be necessary, the forms appended to or otherwise provided for by this Act shall be used as far as applicable, and, where not wholly applicable, shall be adapted by the clerk of the county council or the clerks of the local municipalities, or other officers (as the case may be), to the election of county councillors; and the words "county councillor" shall be printed on every such ballot. 59 V. c. 52, s. 10.

Polling Places.

Clerk to furnish deputy-returning officers with ballot papers, etc.

144. In the case of municipalities divided into wards or polling subdivisions, the clerk of the municipality shall, before the opening of the poll, deliver or cause to be delivered to every deputy-returning officer the ballot papers which have been prepared for use in the ward or polling subdivision for which such deputy-returning officer has been appointed to act, and the clerk shall also furnish to each deputy-returning officer (or see that he is furnished with) the materials necessary for voters to mark their ballot papers; and such materials shall be kept at the polling place by the deputy-returning officer for the convenient use of voters. 55 V. c. 42, s. 124.

Compartment wherein voters may mark votes.

145. Every polling place shall be furnished with a compartment in which the voters can mark their votes screened from observation; and it shall be the duty of the clerk of the

municipality and of the deputy-returning officers respectively, to see that a proper compartment for that purpose is provided at each polling place. 55 V. c. 42, s. 125.

Directions to Voters.

Clerk to furnish deputy-returning officer with directions for voters' guidance.

146.—(1) In case of municipalities divided into wards or polling subdivisions, the clerk of the municipality shall, before the opening of the poll, deliver or cause to be delivered to every deputy-returning officer such number of printed directions for the guidance of voters in voting, as he may deem sufficient; and he shall so deliver or cause to be so delivered at least ten copies of such printed directions.

(2) Such directions shall be printed in conspicuous characters, and may be according to the form of Schedule B to this Act. 55 V. c. 42, s. 126.

Deputy returning officers to placard the directions.

147. Every deputy-returning officer shall, before the opening of the poll, or immediately after he has received the printed directions from the clerk of the municipality (if he did not receive the same before the opening of the poll), cause the said printed directions to be placarded outside the polling place for which he is appointed to act, and also in every compartment of the polling place, and shall see that they remain so placarded until the close of the polling. 55 V. c. 42, s. 127.

Voters' Lists, Poll Books and Defaulters' Lists.

Proper voters list to be used at an election.

Rev. Stat., c 7.

148. Subject to the provisions of the next following three sections, the proper list of voters to be used at an election shall be the first and second parts of the last list of voters certified by the Judge and delivered or transmitted to the Clerk of the Peace under *The Voters' Lists Act.* 55 V. c. 42, s. 128.

For first election in new municipality.

149. For the first election in a new municipality for which there is no separate assessment roll, the clerk of the municipality shall, instead of a voters' list, provide every deputy-returning officer with a poll book, prepared according to the form of Schedule C to this Act, and either the deputy-returning officer or his sworn poll clerk shall therein enter, in the proper column, the name of every person offering to vote, and, at the request of any candidate or voter, shall note opposite the name of such person, the property on which the person claims to vote. 55 V. c. 42, s. 129.

Voters' lists in cases under section 91.

150.—(1) Where any territory is added for municipal purposes to any city, town, or village, or where a town with additional territory is erected into a city, or a village with additional territory is erected into a town, or where a new village is formed, and an election takes place before voters' lists including the names of the persons entitled to vote in such added

territory, or in such new city, town or village, are made out, or before such lists are certified by the County Judge—in all such cases the clerk of the new or enlarged city, town, or village shall extract from the last filed or certified voters' list of the municipality to which such territory formerly belonged, and shall place in lists or supplementary lists, as the case may be, the names of the persons who would have been entitled to vote in the territory constituting or added to the city, town or village if no such change as aforesaid had been made. 55 V. c. 42, s. 130 (1); 60 V. c. 15, *Sched.* C (31).

Form of supplementary lists.

(2) Such lists or supplementary lists shall be made in the form of Schedule C to this Act, and shall be signed by the clerk, and delivered by him to the proper deputy-returning officers for the purpose of enabling the persons named in such lists to vote at the election. 55 V. c. 42, s. 130 (2).

Voters' list. When clerk to prepare.

Rev. Stat. c. 7.

151.—(1) In any municipality for which there is a separate assessment roll, but for which no voters' list for the municipality has been filed with the Clerk of the Peace or certified by the County Judge under *The Voters' Lists Act*, the clerk of the municipality shall, before the poll is opened, prepare and deliver to the deputy-returning officer for every or any ward or polling subdivision, a list in the form of Schedule C to this Act, containing the names, arranged alphabetically, of all male persons appearing by the then last revised assessment roll to be entitled to vote in that ward or polling subdivision; and he shall attest the said list by his solemn declaration in writing under his hand.

(2) In the case of—

(a) Income voters, and

(b) Persons assessed for real property, if the municipality has passed a by-law under sub-section 1 of section 535 of this Act,

Persons in arrear for taxes shall be excluded from list.

the clerk shall exclude from the list such persons as have been returned to him by the treasurer or collector as in default for not having paid their municipal taxes on or before the 14th day of December preceding the election; and every list of voters so prepared shall be the proper voters' list to be used at the election. 55 V. c. 42, s. 131.

Delivery of copies of voters' list, poll book and defaulters' list to deputy returning officers.

152. In the case of municipalities which are divided into wards or polling subdivisions, the clerk of the municipality shall, before the poll is opened, deliver to the deputy-returning officer for every ward or polling subdivision, a copy, either printed or written, or partly printed and partly written, certified to be a correct list of voters for the ward or polling subdivision under section 148 and the following sections, together with a blank poll book according to the form of Schedule C to this Act, and also a copy certified by the

treasurer or collector pursuant to section 137 of this Act, of the proper defaulter's list for the polling subdivision. 55 V. c. 42, s. 132.

Copies may be prepared by Clerk of Municipality or procured from Clerk of Peace. Rev. Stat. c. 7.

153. The copies of the voters' lists in the next preceding section mentioned, may be prepared by the clerk of the municipality, or may be procured from the Clerk of the Peace, if filed under *The Voters' Lists Act*; and in the latter case the Clerk of the Peace shall be entitled to receive the sum of six cents for every ten voters whose names are on the list. 55 V. c. 42, s. 133.

Defaulters' list to be evidence for deputy returning officer as to payment of taxes.

154. The defaulters' lists furnished and verified by the treasurer or collector as aforesaid, shall be the evidence on which the deputy-returning officers shall act in ascertaining the payment or non-payment of taxes by persons claiming to vote in respect of income, or in respect of real property, in the cases mentioned in section 137 of this Act. 55 V. c. 42, s. 134.

Column to be added for votes for county councillor.

155. Where an election for a member or members of the county council is being held at the same time as the election of a member or members of the council of the local municipality, the clerk of the local municipality in preparing the poll book shall insert therein a column to be headed "*County Councillors*" between the columns headed "*Refused to swear or affirm*" and the column headed "*Mayor or reeve*"; and in case no election is being held for a member or members of the council of the local municipality. the like books shall be used unless the clerk prepares poll books expressly for the election of county councillors. 59 V. c. 52, s. 26.

Certificates as to the Assessment Roll.

Clerk to give certificate of dates of return and final revision of assessment roll.

156.—(1) The clerk of the municipality shall, before the opening of the poll, deliver or cause to be delivered to every deputy-returning officer a certificate (which may be in the form of Schedule D to this Act), of

(*a*) The day when the assessment roll upon which the voters' list to be used at the election is based, was returned by the assessor, and also

(*b*) Of the day when the said assessment roll was finally revised and corrected.

Penalty for neglect. Fee for certificate.

(2) The clerk shall also, under a penalty of $200 in case of neglect or refusal, give such certificate upon payment of the sum of twenty-five cents, to any person applying for the same.

To be evidence of such date at the poll.

(3) The certificate, when delivered to the deputy-returning officer, shall be the evidence upon which he shall act in inserting in the oath to be administered to voters, the date of the return or of the final revision and correction of the assessment roll, (as the case may be). 55 V. c. 42, s. 135, (1-3).

In Municipalities not divided into Wards.

In municipalities not divided into wards or polling subdivisions, clerk to perform duties of deputy-returning officers.

157. In case of municipalities which are not divided into wards or polling subdivisions, the clerk shall perform the duties which in other cases are performed by deputy-returning officers, and he shall provide himself with the necessary ballot papers, and also with the materials for marking ballot papers, the printed directions before mentioned, copies of the voters' list, poll book and defaulters' list, and a certificate of the dates of the return and final revision of the assessment roll, similar to those required to be furnished to deputy-returning officers; and the clerk shall perform the like duties with respect to the whole municipality as are imposed upon a deputy-returning officer in respect of a ward or polling subdivision. 55 V. c. 42, s. 136. [*See sec.* 107.]

Where electors may vote.

Voting in towns and cities.

158. In towns and cities, every elector may vote in each ward in which he has been rated for the necessary property qualification, but in case of mayor of cities, or mayor, reeve or deputy-reeve of towns, the elector shall be limited to one vote. 55 V. c. 42, s. 137.

Voting in townships and villages.

159. No elector shall vote more than once for reeve in a township or village; nor more than once in each ward for councillors in townships divided into wards; nor at more than one polling place in the township or village for deputy reeve or deputy reeves or councillors in townships not divided into wards and in villages. 55 V. c. 42, s. 138; 60 V. c. 15, *Sched.* C (32).

In county council elections.

160. Where any person being a resident voter qualified to vote for county councillors is on the voters' list for two or more municipalities within any county council division, he shall vote for county councillors in that municipality only in which he resides, and only at the polling place of the polling subdivision in which he resides, if he is entitled to vote at such polling place. In case a voter is not resident within the division, he shall vote only once within any division, whether his name is on the voters' list of said division in more than one polling subdivision or not. 59 V. c. 52, s. 13, *part.*

Where persons are to vote for mayor, reeve, and deputy reeve in towns, and for reeve in townships divided into wards.

161. Every elector who is entitled to a vote in more than one ward or polling subdivision shall vote for mayor in cities, and for mayor, reeve, and deputy-reeve in towns, and for reeve in townships divided into wards, at the polling place of the ward or polling subdivision in which he is resident, if qualified to vote therein; or when he is a non-resident or is not entitled to vote in the ward or polling subdivision where he resides, then where he first votes and there only. 55 V. c. 42, s. 139

162.—(1) Any person who votes for mayor or reeve, or in towns, villages or townships for deputy-reeve, after having already voted for mayor, reeve, or deputy-reeve at some other polling place at that election, shall incur a penalty of $50, to be recovered, with full costs of suit, by any person who will sue for the same in the Division Court having jurisdiction where the offence was committed; and any person against whom judgment is rendered shall be ineligible either as a candidate or as an elector at the next annual elections. 55 V. c. 42, s. 140 (1). Penalty for voting twice for mayor, reeve or deputy reeve.

(2) The Judge shall direct that in default of payment of the said penalty and costs within the time fixed by the said judge, the offender shall be imprisoned in the common gaol of the county for such period, not exceeding thirty days, as shall be directed by the said judgment; and in case of such default of payment the Judge shall issue a warrant for the arrest and confinement of the offender in such common gaol in accordance with the said judgment, unless the penalty and costs are sooner paid. 58 V. c. 42, s. 7. Imprisonment of elector voting twice for mayor, etc.

(3) The receipt by any voter of a ballot paper within the polling booth shall be *prima facie* evidence that he has there and then voted. 55 V. c. 42, s. 140 (2). Evidence of having voted.

163.—(1) The clerk of the municipality, on the request of any elector entitled to vote at one of the polling places, who has been appointed deputy-returning officer or poll clerk, or who has been named as an agent of a candidate to attend at any polling place other than the one where he is entitled to vote, shall give to such elector a certificate that he is entitled to vote at the polling place where he is to be stationed during the polling day; and the certificate shall also state the property or other qualification in respect of which he is entitled to vote. Certificate to entitle deputy returning officers, poll clerks, and agents to vote where stationed.

(2) On the production of the certificate, the deputy-returning officer, poll clerk, or agent shall have the right to vote at the polling place where he is stationed during the polling day, instead of at the polling place where he would otherwise have been entitled to vote; and the deputy-returning officer shall attach the certificate to the voters' list; but no such certificate shall entitle such elector to vote at such polling place unless he has been actually engaged as such deputy-returning officer, poll clerk, or agent during the day of polling; nor to vote for aldermen in cities, or for councillors in municipalities divided into wards, except in the ward where he would otherwise be entitled so to vote. Right to vote on production of certificate.

(3) In case a deputy-returning officer votes at the polling place to which he has been appointed, the poll clerk appointed to act at the polling place, or (in the absence of the poll clerk) any elector authorized to be present, may administer to the deputy-returning officer the oath required by law to be taken by voters. 55 V. c. 42, s. 141. Who to administer oath.

Division V.—The Poll.

Ballot box to be exhibited. Sec. 164.
Duty of deputy returning-officer, Secs. 164-167, 177.
How votes to be received. Secs. 165-167.
How ballot paper to be marked. Sec. 168.
Exclusion from balloting compartment. Sec. 169.
Ballot papers not to be taken away. Sec. 170.
Proceedings in case of incapacity, inability or objection to mark ballot. Sec. 171.
Ballot paper inadvertently spoiled. Sec. 172.
Who may be present in polling place. Sec. 173.
Counting the votes—Objections—Statement. Sec. 174.
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Returns, etc., to be made by deputy-returning officers. Sec. 177.
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Procedure in elections to county councils. Secs. 180-183.
Riots or other emergency. Secs. 184, 185.
Declarations of office to be made by persons elected. Sec. 186, 187.

Deputy returning officer to shew box empty to persons present and then lock and seal it.

164. The deputy-returning officer shall, immediately before the commencement of the poll, shew the ballot box to such persons as are present in the polling place, so that they may see that it is empty; he shall then lock the box and place his seal upon it in such manner as to prevent its being opened without breaking the seal; and he shall then place the box in his view for the receipt of ballot papers, and shall keep it so locked and sealed. 55 V. c. 42, s. 142.

Proceedings by deputy returning officer on tender of vote.

165. Where a person claiming to be entitled to vote presents himself for the purpose of voting, the deputy-returning officer shall proceed as follows:

Name.

1. He shall ascertain that the name of such person or a name apparently intended therefor is entered upon the voters' list for the ward or polling subdivision for which the deputy-returning officer is appointed to act. 55 V. c. 42, s. 143 (1); 60 V. c. 15, *Sched.* C (33).

Recording.

2. He shall record, or cause to be recorded by the poll clerk, in the proper columns of the poll book the name, qualification, residence and legal addition of such person. 55 V. c. 42, s. 143 (2).

Objection.

3. Where the vote is objected to by any candidate or his agent, the deputy-returning officer shall enter the objection

(or cause the same to be entered) in the poll book, by writing opposite the name of such person in the proper column the words "*Objected to*," stating, at the same time, by which candidate, or on behalf of which candidate, the objection has been made, by adding after the words "*Objected to*," the name only of such candidate. 55 V. c. 42, s. 143 (4).

Oath.

4. If such person takes the oath or affirmation required to be taken by voters in the manner directed by section 112 to 116 inclusive of this Act, the deputy-returning officer shall enter or cause to be entered opposite such person's name, in the proper column of the said poll book the word "*Sworn*," or "*Affirmed*," according to the fact. 55 V. c. 42, s. 143 (3).

Refusal to take the oath.

5. Where such person has been required to take the oath or affirmation, and refuses to take the same, the deputy-returning officer shall enter or cause to be entered opposite the name of such person, in the proper column of the poll book, the words, "*Refused to be Sworn*," or "*Refused to Affirm*," according to the fact; and the vote of such person shall not be taken or received; and if the deputy-returning officer takes or receives such vote, or causes the same to be taken or received, he shall incur a penalty of $200. 55 V. c. 42, s. 143 (5).

Deputy returning officer to initial ballot paper and mark voter's list.

6. Where the proper entries respecting the person so claiming to vote have been made in the poll book in the manner prescribed, the deputy-returning officer shall place (or cause to be placed) a check or mark opposite to the name of the voter in the certified voters' list to indicate that the name of such person has been entered in the poll book and that the person has been allowed to vote, and shall then sign his name or initials on the back of the ballot paper. 55 V. c. 42, s. 143 (6); 60 V. c. 3, s. 3.

Delivery of paper to voter.

7. The ballot paper shall be delivered to such person. 55 V. c. 42, s. 143 (7).

Deputy returning officer to explain mode of voting.

8. The deputy-returning officer may, and upon request shall, either personally or through his sworn poll-clerk, explain to the voter, as concisely as possible, the mode of voting. 55 V. c. 42, s. 143 (8).

Deputy returning officer refusing, etc., to initial ballot paper.

166. Every deputy-returning officer refusing, or wilfully omitting, to sign his name or initials upon the back of the ballot paper, as provided for by clause 6 of section 165 of this Act, shall forfeit to any person aggrieved by such refusal or omission, the sum of $10, in respect of every ballot paper deposited at his polling subdivision upon which the said deputy-returning officer has not signed his name or initials as aforesaid; and the same may be recovered as provided by section 251 of this Act. 55 V. c. 42, s. 144.

Deputy returning officer to note in poll book voters to whom ballot papers given.

167. The deputy-returning officer shall place, or cause to be placed, in the columns of the poll book headed "*Mayor*," "*Reeve*," (" or *Mayor and Reeve*") "*Alderman*," "*County Councillor*" and "*Councillor*," as the case may be, his initials opposite the name of every voter receiving a ballot paper, to denote that the voter has received a ballot paper for mayor, reeve, alderman, county councillor, or councillor, as the case may be. 55 V. c. 42, s. 145.

Marking ballot paper.

168.—(1) Upon receiving from a deputy-returning officer the ballot paper prepared as aforesaid, the person receiving the same shall forthwith proceed into the compartment provided for the purpose, and shall then and therein mark his ballot paper in the manner mentioned in the directions contained in Schedule B to this Act by placing a cross, thus X, on the right-hand side, opposite the name of any candidate for whom he desires to vote, or at any other place within the division which contains the name of such candidate. He shall then fold the ballot paper across, so as to conceal the names of the candidates, and the marks upon the face of the paper, and so as to expose the initials of the deputy-returning officer, and, leaving the compartment, shall, without delay, and without showing the front to any one, or so displaying the ballot paper as to make known to any person the names of the candidates for or against whom he has marked his vote, deliver the ballot paper so folded to the deputy-returning officer, who shall, without unfolding the same, or in any way disclosing the names of the candidates, or the marks made by such elector, verify his own initials, and at once deposit the same in the ballot box in the presence of all persons entitled to be present and then present in the polling place; and the voter shall forthwith leave the polling place. 55 V. c. 42, s. 146.

For county councillors.

(2) Each person qualified to vote for county councillors shall be entitled to as many votes as there are members of the county council to be elected in his county council division; and he may, at his option, where there are two county councillors to be elected, give both of his votes to one candidate, in which case he shall place two crosses, thus X X, on the right hand side opposite the name of the candidate for whom he votes, or at any other place in the division which contains the name of such candidate; but except in the case aforesaid no person shall give two votes for one candidate. 59 V. c. 52, s. 13, *part, and* s. 25.

Exclusion from balloting compartment.

169. While a voter is in a balloting compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment, or to be in any position from which he can observe the mode in which the voter marks his ballot paper. 55 V. c. 42, s. 147.

Voter not to take his ballot paper from Polling place.

170. No person who has received a ballot paper from the deputy-returning officer shall take the same out of the polling

place; and any person having so received a ballot paper, who leaves the polling place without first delivering the same to the deputy-returning officer in the manner prescribed, shall thereby forfeit his right to vote; and the deputy-returning officer shall make an entry in the poll book, in the column for "*Remarks*," to the effect that such person received a ballot paper, but took the same out of the polling place, or returned the same declining to vote, as the case may be; and in the latter case the deputy-returning officer shall immediately write the word "*Declined*" upon such ballot paper and shall preserve the same. 55 V. c. 42, s. 148; 60 V. c. 15, *Sched.* C (34).

Proceedings in case of incapacity to mark ballot paper.

171. In the case of an application by a person claiming to be entitled to vote, who is incapacitated by blindness or other physical cause from marking his ballot paper, or in the case of a person claiming to be entitled to vote who makes a declaration that he is unable to read, or (where the voting is on a Saturday) that he is of the Jewish persuasion and objects on religious grounds to mark his ballot in the manner prescribed by section 168, the proceedings shall be as follows:

1. The deputy-returning officer shall, in the presence of the agents of the candidates, cause the vote of such person to be marked on a ballot paper in the manner directed by such person, and shall place the ballot paper in the ballot box.

2. The deputy-returning officer shall state or cause to be stated in the poll book, by an entry opposite the name of such person in the proper column of the poll book, that the vote of such person is marked in pursuance of this section, and the reason why it is so marked.

3. The declaration aforesaid may be in the form of Schedule E to this Act, and shall at the time of the polling be made by the person claiming to be entitled to vote, before the deputy-returning officer, who shall attest the same as nearly as may be according to the form given in Schedule F to this Act; and the said declaration shall be given to the deputy-returning officer at the time of voting. 55 V. c. 42, s. 149; 60 V. c. 3, s. 3; c. 14, s. 83 (1).

4. In the case of a person who objects on religious grounds to mark his ballot, the declaration may be made orally and to that effect. 60 V. c. 14, s. 83 (2).

Proceedings in case ballot paper cannot be used.

172. A person claiming to be entitled to vote, who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper, may, on delivering to the deputy-returning officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the deputy-returning officer, obtain another ballot paper in the place of the ballot paper so delivered up; and the deputy-returning officer shall immediately write the word "*Cancelled*" upon the ballot paper, and preserve the same. 55 V. c. 42, s. 150; 60 V. c. 15, *Sched.* C (35).

Who may be present in polling place.

173. During the time appointed for polling, no person shall be entitled or permitted to be present in the polling place, other than the officers, candidates, clerks or agents authorized to attend at the polling place and the voter who is for the time being actually engaged in voting: but it shall at all times be lawful for the deputy-returning officer to have present or to summon to his assistance in the polling place, any police constable or peace officer, for the purpose of maintaining order, or of preserving the public peace, or preventing any breach thereof, or of removing any person who, in the opinion of the deputy-returning officer, is obstructing the polling or wilfully violating the provisions of this Act. 55 V. c. 42, s. 151.

Counting the votes.

174. In every polling place, the deputy-returning officer shall, immediately after the close of the poll, in the presence of the poll clerk (if any) and of such of the candidates or of their agents as may then be present, open the ballot box, and proceed to count the votes as follows:

Rejected ballots.

1. He shall examine the ballot papers, and any ballot paper which has not on its back the name or initials of the deputy-returning officer, or on which more votes are given than the elector is entitled to give, or on which anything, except the initials or name of the deputy-returning officer on the back, is written or marked, by which the voter can be identified, or which has been torn, defaced, or otherwise dealt with by the voter so that he can thereby be identified, shall be void, and shall not be counted. A ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for, shall be void as regards all the candidates for such office, but shall be good as regards the votes for any other offices in respect to which the voter has not voted for more candidates than he is entitled to vote for. 55 V. c. 42, s. 152 (1); 60 V. c. 15, *Sched.* C (36).

Deputy returning officer to note objections taken to ballot papers at the counting, and number objection and ballot paper to correspond.

2. The deputy-returning officer shall take a note of any objection made by a candidate, his agent or any elector authorized to be present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection.

3. Every objection shall be numbered, and a corresponding number shall be placed on the back of the ballot paper, and initialed by the deputy-returning officer.

Indorsing ballot paper.

4. The deputy-returning officer shall indorse "*Rejected*" on any ballot paper which he rejects as invalid, and shall indorse "*Rejection objected to*," if any objection is made to his decision.

Statement.

5. The deputy-returning officer shall then count up the votes given for each candidate upon the ballot papers not rejected, and shall make up a written statement, in words as well as in figures, of the number of votes given for each candi-

date, and of the number of ballot papers rejected and not counted by him, which statement shall be made under the several heads—

(a) Name or number of ward or polling subdivision and of the municipality, and date of election;

(b) Number of votes for each candidate;

(c) Rejected ballot papers.

Statement to be signed.

6. Upon the completion of the written statement, it shall be forthwith signed by the deputy-returning officer, the poll clerk, (if any), and such of the candidates or their agents as are present, and desire to sign such statement. 55 V. c. 42, s. 152 (2-6).

Agents entitled to be present.

175. No more than two agents for any candidate shall be entitled to be present at the same time at the counting of the votes. 55 V. c. 42, s. 153.

Deputy-returning officer to give certificate of state of poll.

176. Every deputy-returning officer, upon being requested so to do, shall deliver to the persons authorized to attend at his polling place, a certificate of the number of votes given at that polling place for each candidate, and of the number of rejected ballot papers. 55 V. c. 42, s. 154.

Deputy-returning officer's duties after votes are counted.

177.—(1) Every deputy-returning officer shall, at the close of the poll certify under his signature on the voters' list in full words the total number of persons who have voted at the polling place at which he has been appointed to preside; and, at the completion of the counting of votes after the close of the poll, shall, in the presence of the agents of the candidates, make up into separate packets, sealed with his own seal, and the seals of such agents of the candidates as desire to affix their seals, and marked upon the outside with a short statement of the contents of such packet, the date of the day of the election, the name of the deputy-returning officer, and of the ward or polling subdivision and of the municipality,

(a) The statement of votes given for each candidate and of the rejected ballot papers;

(b) The used ballot papers which have not been objected to and have been counted;

(c) The ballot papers which have been objected to, but which have been counted by the deputy-returning officer;

(d) The rejected ballot papers;

(e) The spoiled ballot papers;

(f) The unused ballot papers;

(g) A statement of the number of voters whose votes have been marked by the deputy-returning officer under

section 171 of this Act with the declarations of inability; and the notes taken of objections made to ballot papers found in the ballot-box. 55 V. c. 42, s. 155 (1); 60 V. c. 3, s. 3.

Declaration by deputy-returning officer as to use of voters' list and poll book.

(2) Before returning the voters' list and poll-book to the clerk of the municipality, the deputy-returning officer shall make and subscribe before such clerk, or a Justice of the Peace or before the poll clerk, his declaration under oath that the voters' list and poll book were used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made; which declaration shall be in form of Schedule G to this Act and shall thereafter be annexed to the voters' list, and such voters' list, poll-book and declaration may be inspected at any time, in presence of the clerk, by any elector of the municipality. 55 V. c. 42, s. 155 (2); 58 V. c. 42, s. 8; 60 V. c. 3, s. 3.

Packets of ballot papers etc., to be delivered to the clerk of municipality.

(3) If the clerk of the municipality is not himself performing the duties of deputy-returning officer, the deputy-returning officer shall forthwith deliver such packet personally to the clerk of the municipality; and if, owing to illness or other cause, he is unable to do so, he shall deliver such packets to a person chosen by him for the purpose of delivering the same to the clerk; and shall mention on the outside of the cover of each of the packets the name of the person to whom the same had been so delivered, and shall take a proper receipt therefor; he shall also forthwith return the ballot box to the clerk of the municipality. 55 V. c. 42, s. 155 (3).

Return of ballot boxes, etc., in cities and towns.

(4) In cities and towns, each deputy-returning officer, as soon as the duties enumerated in subsections 1 and 2 of this section have been performed, (or in case of his illness or inability as aforesaid, the person chosen by him,) shall forthwith proceed directly from the polling place to the office of the clerk of the municipality with the ballot box and the said packets, and shall there personally and forthwith on the same day, and as soon as is possible after leaving the polling place, deliver the same to the clerk of the municipality; and no deputy-returning officer in a city or town shall under any circumstances take the ballot box or packets, or allow the same to be taken to his home, or house, or office, or place of business, or to any house or place whatsoever other than the office of the clerk of the municipality. And for any breach of the provisions of this subsection a deputy returning officer shall incur the penalties provided in sections 193 and 194 of this Act. The returning officer shall remain at his office on the evening of the polling day until the said boxes have been so returned to him. 59 V. c. 51, s. 3; 60 V. c. 3, s. 3.

Statement to be made by deputy returning officer on return of ballot papers, etc.

(5) The packets shall be accompanied by a statement made by the deputy-returning officer, shewing the number of ballot papers entrusted to him, and accounting for them under the heads of (1) Counted; (2) Rejected; (3) Unused; (4) Spoiled;

(5) Ballot papers given to voters who afterwards returned the same, declining to vote; and (6) Ballot papers taken from the polling place; which statement shall give the number of papers under each head, and is in this Act referred to as the "Ballot Paper Account."

If dispute as to result arises how to be settled.

(6) If the deputy-returning officer and one or more of the candidates or of the agents of the candidates present at the examination and counting of the ballot papers are unable to agree as to the written statement to be made by the deputy-returning officer, the packages of ballot papers shall be broken open by the clerk of the municipality on the day succeeding the polling day, in the presence of the deputy-returning officer and of such of the candidates or their agents as may be present, at an hour and place to be appointed by the deputy-returning officer, and of which they have been notified by him; but if the distance necessary to be travelled is such that the appointed place cannot be reached on the day following the poll, a reasonable time shall be allowed, and no more, for the purpose of coming before the clerk of the municipality; and the clerk of the municipality, after examining the ballot papers, shall finally determine the matter in dispute, sign the written statement hereinbefore mentioned, and shall forthwith, in the presence of the deputy-returning officer and of such of the candidates or their agents as may then be present, securely seal up the ballot papers which have been examined by him in their several packages as before. 55 V. c. 42, s. 155 (4-5).

Clerk to cast up votes and declare who is elected to local council.

178. The clerk of the municipality, after he has received the ballot papers and statements before mentioned of the number of votes given in each polling place, shall, without opening any of the sealed packets of ballot papers, cast up from the statements the number of votes for each candidate; and shall, at the town hall, or, if there is no town hall, at some other public place, at noon on the day following the return of such ballot papers and statements, publicly declare to be elected to the council of the local municipality the candidate or candidates having the highest number of votes; and he shall also put up in some conspicuous place a statement under his hand shewing the number of votes polled for each candidate for election to the council of the local municipality. 55 V. c. 42, s. 156.

In case of a tie clerk to have a casting vote;

179.—(1) In case it appears, upon the casting up of the votes as aforesaid, that two or more candidates have an equal number of votes, the clerk of the municipality, (or other person appointed by by-law to discharge the duties of clerk in case of his absence or incapacity through illness), whether otherwise qualified or not, shall, at the time he declares the result of the poll, give a vote for one or more of such candidates, so as to decide the election for the local municipality.

but otherwise not to vote.

(2) Except in such case, no clerk of the municipality shall vote at any local municipal election held in his municipality. *See sec. 365.*

Deputy returning officers, etc., may vote if qualified.

(3) All deputy-returning officers and persons employed as deputy-returning officers and poll clerks shall, if otherwise qualified, be entitled to vote. 55 V. c. 42, s. 157.

County Council Elections.

Ballot for county councillors how to be dealt with.

180. At the election of a member or members of a county council, the ballots shall be placed in the same ballot box as the ballots for the members of the council of a local municipality where an election for such local municipality is being held, and shall be counted in the same manner as such last named ballots. Thereafter they shall be placed in a separate envelope or package and otherwise dealt with in the same manner as ballots for the election of members of the council of a local municipality. Where an election for the local municipality is not being held, the proceedings thereat and thereafter, (except where the same are varied hereby), shall be as nearly as possible the same as in the case of an election for a local municipality. 59 V. c. 52, s. 12.

Certifying result of voting for county councillors.

181. The clerk of each municipality shall, on the day following the return to him of the ballot papers and statements, prepare and mail to the county clerk by registered letter with the postage prepaid, a certificate under his hand of the result of the voting in his municipality for the candidates for the county council. Such certificate shall be according to the form given in the Schedule H hereto. 59 V. c. 52, s. 15.

County clerk to cast up votes and declare result.

182. In elections to the county council the county clerk shall be returning officer, and shall (as such) perform the duties required of him by this Act, and shall on receipt of the certificates from the clerks of the municipalities comprising a county council division, cast up from such certificates the number of votes for each candidate, and at the hour of one o'clock in the afternoon of the second Monday in the month of January, in the county council chamber, shall publicly declare elected the two candidates having the highest number of votes in each county council division, and shall also post up in his office for public inspection a statement under his hand showing the number of votes polled for each candidate. 59 V. c. 52, s. 16.

When two candidates have same number of votes.

183. Where an equal number of votes has been cast for two or more candidates in any county council division, and it is necessary to determine which one or two of such candidates shall be declared to be elected, the nominating officer for the division shall, upon the request of the county clerk, declare in writing for which such candidates he votes, and in such case the candidate or candidates for whom he votes shall be elected:

and except when so required to give a casting vote, no nominating officer shall vote at an election held for the county council division for which he is appointed. 59 V. c. 52, s. 17; 60 V. c. 45, s. 61.

In Case of Election not Held at Proper Time, Etc.

Election not commenced, or interrupted by reason of riot, etc., to be resumed.

184. In case, by reason of riot or other emergency, an election is not commenced on the proper day, or is interrupted after being commenced and before the lawful closing thereof, the returning officer, or deputy-returning officer, as the case may be, shall hold or resume the election on the following day at the hour of ten o'clock in the forenoon, and shall continue the same from day to day, if necessary, for four days, until the poll has been opened without interruption, and with free access to voters for eight hours in all, or thereabouts, in order that all the electors so intending may have had a fair opportunity to vote. 55 V. c. 42, s. 158; 60 V. c. 15, *Sched.* C. (37).

If election is prevented for four days voters' list, etc., is to be returned, and a new election ordered.

185. In case the election has not by the end of the fourth day from the day the same commenced or should have commenced, been kept open for the said eight hours the returning officer, or deputy-returning officer, as the case may be, shall not return any person as elected, but shall return his voters' list and ballot papers on the following day to the head of the municipality, certifying the cause of there not having been an election; and a new election shall take place, and the head of the municipality shall forthwith issue his warrant therefor. 55 V. c. 42, s. 159; 60 V. c. 15, *Sched.* C. (38). *See also sec.* 212.

Declaration of election in such cases.

186. When a poll has been duly held in each of such wards or polling subdivisions, and the ballot papers and statements hereby directed to be returned to the clerk have been so returned to him, the clerk shall, without opening any of the sealed packets of ballot papers, cast up from said statements the number of votes given for each candidate for any office in respect whereof the election has not been previously declared, together with the votes appearing by the statements previously returned for other wards to be given for the candidate, and shall at noon on the next day, at the town hall, (or if there is no town hall, at some other public place), publicly declare to be elected the candidate or candidates having the largest number of votes polled. 55 V. c. 42, s. 160.

Declaration and assumption of office.

187. The person or persons so elected shall make the necessary declarations of office and qualification and shall assume office accordingly. 55 V. c. 42, s. 161.

[*For postponement of an election on account of an epidemic or contagious disease, see Cap. 248, Sec. 47.*]

Division VI.—Miscellaneous Provisions.

Disposition of ballot papers. *Sec.* 188.
Inspection of ballot papers. *Sec.* 189.
Recount of votes. *Secs.* 189-190.
In elections to county council. *Sec.* 191.
Production of documents: how far evidence, etc. *Sec.* 192.
Offences and penalties. *Sec.* 193-197.
Secrecy of proceedings at polling places. *Sec.* 198-200.
Candidates may do agents' duty. *Sec.* 201.
Attendance or non-attendance of agents. *Sec.* 202.
Computation of time. *Sec.* 203.
Technical objections not to prevail. *Sec.* 204.
Expenses of clerk of municipality, etc. *Sec.* 205, 206.

Ballot papers how disposed of.

188. The clerk of the municipality shall retain for one month all ballot papers received by him or forwarded to him in pursuance of this Act by deputy-returning officers, and shall then, unless otherwise directed by an order of a Court or Judge of competent jurisdiction, cause them to be destroyed in the presence of two witnesses, whose declaration that they have witnessed the destruction of such papers shall be taken before the head of the municipality, and filed by the said clerk amongst the records of the municipality. 55 V. c. 42, s. 162.

Ballot papers to be inspected only by order of a Court or Judge.

189.—(1) No person shall be allowed to inspect any ballot papers in the custody of the clerk of the municipality except under the order of a Court or Judge of competent jurisdiction, to be granted by the Court or Judge upon satisfactory evidence on oath that the inspection or production of the ballot papers is required for the purpose of maintaining a prosecution for an offence in relation thereto, or for the purpose of a petition questioning an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the clerk of the municipality.

Order may be subject to conditions.

(2) The order may be made subject to such conditions as to persons, time, place, and mode of opening or inspection as the Court or Judge making the order thinks expedient.

Re-count of votes by County Judge.

(3) In case at any time within fourteen days from the time when the ballot papers are received by the clerk of the municipality, it is, on the affidavit of a credible person, made to appear to the County Judge of the county in which the municipality is situated, that a deputy-returning officer at any election in the municipality, in counting the votes for mayor, alderman, reeve, deputy-reeve, councillor, or water commissioner, has improperly counted or rejected any ballot papers, the County Judge may appoint a time to re-count the votes, and shall give notice in writing to the candidates of the time and place at which he will proceed to re-count the same.

(4) At the time of the application for a re-count, the applicant shall deposit with the clerk of the County Court the sum of $25 as security for the payment of costs, charges and expenses that may become payable by the applicant: and the said sum shall not be paid out by the clerk without the order of the Judge. Deposit by applicant.

(5) The County Judge, the clerk of the municipality with the ballot boxes, and each candidate and his agent appointed to attend the re-count of votes, and no other person except with the sanction of the County Judge, shall be entitled to be present at the re-count of the votes. Who may be present at re-count.

(6) At the time and place appointed, the County Judge shall proceed to re-count all the votes or ballot papers received by the clerk of the municipality, and shall in the presence of the parties aforesaid, if they attend, or in the presence of such of them as do attend, open the sealed packets containing *(a)* the used ballot papers which have not been objected to and have been counted; *(b)* the ballot papers which have been objected to, but which have been counted by the deputy-returning officer; *(c)* the rejected ballot papers; *(d)* the spoiled ballot papers; *(e)* the unused ballot papers. In re-counting the votes, care shall be taken that the mode in which any particular voter has voted shall not be discovered. Opening of packets.

(7) The County Judge shall, as far as practicable, proceed continuously with the re-count of the votes, allowing only time for refreshment, excluding only Sundays and, on other days (except so far as he and the parties aforesaid agree), the hours between six o'clock in the evening and nine o'clock on the succeeding morning. During the excluded time the County Judge shall place the ballot papers and other documents relating to the election under his own seal, and the seals of such other of the parties as desire to affix their seals, and shall otherwise take precautions for the security of the papers and documents. 55 V. c. 42, s. 163 (1-7). Re-count to be a continuous proceeding.

(8) The County Judge shall proceed to re-count the votes as follows: Procedure on re-count.

1. He shall examine the ballot papers.

2. Any ballot paper on which votes are given to more candidates than are to be elected, or on which anything except the name or initials of the deputy-returning officer on the back is written or marked by which the voter can be identified, or which has been torn, defaced, or otherwise dealt with by the voter so that he can thereby be identified, shall be void and shall not be counted. A ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for, shall be void as regards all the candidates for such office, but shall be good as regards the votes for any other offices in respect to which the voter has not voted for more candidates than he is entitled to vote for;

but no word or mark written or made, or omitted to be written or made by the deputy-returning officer on a ballot paper, shall avoid the same.

3. The County Judge shall take a note of any objection made by a candidate or by his agent to any ballot paper found in the ballot box, and shall decide any question arising out of the objection; and the decision of the County Judge shall be final.

4. The County Judge shall then count up the votes given for each candidate upon the ballot papers not rejected, and shall make up a written statement, in words as well as in figures, of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him; which statement shall be made under the several heads following:

(a) Name of municipality;

(b) Names of the candidates;

(c) Number of votes for each candidate;

(d) Papers wanting signature or initials of deputy-returning officer;

(e) Papers rejected as voting for more candidates than entitled to;

(f) Papers rejected as having a writing or mark by which the voter can be identified, or as torn, defaced or otherwise dealt with by the voter so that he can thereby be identified;

(g) Papers rejected as unmarked or void for uncertainty.

5. Upon the completion of the re-count, or as soon as he has thus ascertained the result of the poll, the County Judge shall seal up all the ballot papers in separate packets, and shall forthwith certify the result to the clerk of the municipality, who shall then declare elected the candidate having the highest number of votes; and in case of an equality of votes, the clerk of the municipality shall have the casting vote as provided in section 179 of this Act. 55 V. c. 42, s. 163 (8); 60 V. c. 15, *Sched.* C (39).

Existing remedies not affected.

(9) Nothing in this section contained shall destroy or prevent any remedy which any person now has by *quo warranto* or otherwise. 55 V. c. 42, s. 164.

Costs of application

190.—(1) All costs, charges and expenses of, and incidental to an application for a re-count and to the proceedings consequent thereon, shall be defrayed by the parties to the application in such manner and in such proportion as the Judge may determine, regard being had to the disallowance of any costs, charges or expenses which may, in the opinion of the Judge, have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the applicant or

the respondent, regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful.

Taxation of costs.

(2) The costs may be taxed in the same manner, and according to the same principles as costs are taxed between solicitor and client in the County Court.

Recovery of costs.

(3) The payment of any costs ordered by the Judge to be paid, may be enforced by an execution against goods and chattels, to be issued from any County Court, upon filing therein the order of the Judge and a certificate shewing the amount at which the costs were taxed and an affidavit of the non-payment thereof. 55 V. c. 42, s. 165.

Recount in elections to county councils.

191.—(1) In the case of an election of a member or members of a county council, the same proceedings may be had for a recount of votes, as may be had in the case of a member or members of the council of a local municipality.

(2) In case of a recount the County Judge may require the clerk or clerks of the local municipality or municipalities to forward, under seal, for the purpose of production before him, to the clerk of the county, all ballot papers, books, voters' or other lists, and other papers in his or their hands connected with the election.

(3) Each such clerk shall so forward the ballot papers, books, voters' or other lists, and other papers as directed, with a statutory declaration that they are the ballot papers, books, voters' or other lists, and other papers (if any) returned to him in connection with such election and no others, and that he has kept them safely and has not permitted or given opportunity to any person or persons to examine, inspect or see them since they were returned to him, and that he has kept them under seal securely since their return to him. 59 V. c. 52, s. 20, *part.*

Production of documents and indorsements on ballot papers evidence for certain purposes.

192. Where a rule or order is made for the production by the clerk of the municipality of any document in his possession relating to a specified election, the production of the document by the clerk, as directed by the rule or order, shall be conclusive evidence that the document relates to the specified election; and any indorsement appearing on any packet of ballot papers produced by the clerk, shall be evidence of the papers being what they are stated to be by the indorsement. 55 V. c. 42, s. 166.

193.—(1) No person shall—

Offences.

(*a*) Without due authority supply any ballot paper to any person; or

(*b*) Fraudulently put into any ballot box any paper other than the ballot paper which he is authorized by law to put in; or

(*c*) Fraudulently take out of the polling place any ballot paper; or

(*d*) Without due authority destroy, take, open, or otherwise interfere with any ballot box or packet of ballot papers then in use for the purposes of the election; or

(*e*) Apply for a ballot paper in the name of some other person, whether such name is that of a person living or dead or of a fictitious person; or advise or abet, counsel or procure any other person so to do; but this provision shall not be construed as including a person who applies for such ballot paper believing that he is the person intended by the name entered on the voter's list in respect of which he so applies; or

(*f*) Having voted once and not being entitled to vote again at an election, apply at the same election, for a ballot paper in his own name, or advise, or abet, counsel or procure any other person so to do. 55 V. c. 42, s. 167 (1); 59 V. c. 51, s. 4 (1); 60 V. 15, *Sched.* C (40).

(2) No person shall attempt to commit any offence specified in this section.

Penalty by imprisonment.

(3) A person guilty of any violation of this section shall be liable, if he is the clerk of the municipality, to imprisonment for any term not exceeding two years, with or without hard labour; and, if he is any other person, to imprisonment for a term not exceeding six months, with or without hard labour. 55 V. c. 42, s. 167 (2-3).

Money penalty for offences.

194. Every officer and clerk who is guilty of any wilful misfeasance, or any wilful act or omission in contravention of sections 137 to 193, inclusive, of this Act, shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act or omission, a penal sum of $400. 55 V. c. 42, s. 168.

Penalty for neglecting to carry out Act.

195. Any county clerk or clerk or officer of a local municipality who refuses or neglects to perform the duties prescribed by this Act in relation to elections for members of a county council, shall be liable, on conviction thereof, to a fine of $200 and costs. 59 V. c. 52, s. 23; 60 V. c. 3, s. 3.

Penalties for false returns.

196. In addition to any other penalties imposed by this Act, any clerk of a local municipality who knowingly makes a false or incorrect return under section 181 of this Act, and any

county clerk who knowingly makes a false or incorrect declaration of election under section 182 of this Act, and any nominating officer who knowingly makes a false or incorrect declaration of election or knowingly gives a false or incorrect certificate under section 135 of this Act, or commits any other act of falsification, concealment or fraud, with intent to affect the election of a candidate or candidates for a county council, shall, upon conviction thereof, be liable to a fine of $500 and costs, and shall be disqualified for a period of four years thereafter from holding any office or position in the gift or control of any municipal council in the Province of Ontario, and shall not be eligible during the said period for election as a member of any such council. 59 V. c. 52, s. 24.

197. All the provisions of this Act relating to the imposition of penalties in connection with municipal elections, shall apply to elections to county councils. 59 V. c. 52, s. 27, *part*.

Secrecy of Proceedings.

198.—(1) Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place. Maintaining secrecy of proceedings at polling places.

(2) No officer, clerk or agent, and no other person shall interfere with or attempt to interfere with a voter when marking his ballot paper, or shall otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(3) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(4) Every officer, clerk and agent in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate or attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given in any particular ballot paper.

(5) No person shall, directly, or indirectly, induce a voter to display his ballot paper after he has marked the same, so as to make known to any person the name of any candidate or candidates for or against whom he has marked his ballot paper.

(6) Every person who acts in contravention of this section shall be liable, on summary conviction before a Stipendiary Magistrate, Police Magistrate, or two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labour. 55 V. c. 42, s. 169. Penalty for contravening this section.

Statutory declaration of secrecy.

199. The clerk of the municipality, and every officer, clerk or agent authorized to attend a polling place or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy in the presence (if he is the clerk of the municipality) of a Justice of the Peace, and if he is any other officer, or clerk, in the presence of a Justice of the Peace or of the clerk of the municipality, and (if he is an agent of a candidate) in the presence of a Justice of the Peace or of the clerk of the municipality, or of the deputy-returning officer at whose polling place he is appointed agent. Such statutory declaration of secrecy shall be in the form mentioned in Schedule I to this Act, or to the like effect. 55 V. c. 42, s. 170.

No one compellable to disclose his vote.

200. No person who has voted at an election shall, in any legal proceeding to question the election or return, be required to state for whom he has voted. 55 V. c, 42, s. 171.

Miscellaneous Provisions.

Candidates may undertake duties of an agent.

201. A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or he may assist his agent in the performance of such duties, and may be present at any place at which his agent may (in pursuance in this Act) be authorized to attend; but no candidate shall be present at the marking of a ballot for a voter under section 171. 55 V. c. 42, s. 172.

Expressions in ss. 137-201, referring to agents.

202. When in the sections of this Act numbered from 137 to 201 inclusive, expressions are used, requiring or authorizing any act or thing to be done, or inferring that any act or thing is to be done in the presence of the agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend, and as have in fact attended, at the time and place where such act or thing is being done; and the non-attendance of any agent at such time and place shall not, if the act or thing is otherwise duly done, invalidate in anywise the act or thing done. 55 V. c. 42, s. 173.

Non-attendance of agents

Public holidays, etc., excluded in reckoning time under ss. 137-201, except for nomination and election of mayors, etc.

203. In reckoning time for the purposes of the said sections, 137 to 201, Sunday and any day set apart by any act of lawful authority for a public holiday, fast or thanksgiving shall be excluded; and where anything is required by this Act to be done on a day which falls on any of such days, such thing may be done on the next juridical day; but nothing in this section contained shall extend or apply to the days fixed by this Act for the nomination or election of candidates for the offices of mayor and aldermen in cities, of county councillors, or of mayor, reeve, deputy reeve or councillors in other municipalities. 55 V. c. 42, s. 174; 59 V. c. 52, s. 27.

204. No election shall be declared invalid by reason of a non-compliance with the provisions of this Act as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of the forms contained in the Schedules to this Act, or by reason of any irregularity, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance, mistake or irregularity did not affect the result of the election. 55 V. c. 42, s. 175.

No election to be invalid for want of compliance with provisions of Act where principles laid down followed and result not affected.

205.—(1) The expenses incurred in and about the election of county councillors shall be borne by the county; but where a poll is held for the election of a member or members of the council of a local municipality at the same time as the election for the county council is held, the cost of the polling booth and the fees of the deputy returning officer, poll clerk and constable and any other expenses which would be necessary for such election for the local municipality shall be borne by the local municipality as heretofore.

Expenses of elections, payment of.

(2) In case of any dispute between the local municipality and the county as to the apportionment or payment of any such expenses, the difference between them shall be summarily and finally settled by the County Judge upon the application of either party, upon four days' notice to the other party, and the Judge shall make such order in the matter as to him appears just.

(3) Where an election for the county council is held when no poll is required at an election for the local municipality or municipalities, then the expense thereof shall be borne wholly by the county. 59 V. c. 52, s. 22.

206. Subject to the provisions of the last preceding section, the reasonable expenses incurred by the county clerk, the clerk of the local municipality and the other officers and clerks for [illegible] printing, providing ballot boxes, ballot papers, materials for marking ballot papers, balloting compartments, transmission of the packets required by this Act to be transmitted, and all reasonable fees and allowances for services rendered under this Act, shall be paid to the county clerk or the clerk of the local municipality by the treasurer of the county or local municipality, (as the case may be), and shall be distributed by him to the several persons entitled thereto. 55 V. c. 42, s. 176.

Expenses incurred by officers to be paid.

Division VII.—Vacancies in Council

By crime, insolvency, or absence. *Sec.* 207.
Quo warranto proceedings. *Secs.* 208, 209.
By resignation. *Secs.* 210, 211.
How filled—New elections. *Secs.* 212-215.
Vacancies occurring during the year. *Sec.* 216.
Provision as to county councils. *Sec.* 217.
In certain cases council to fill vacancies. *Sec.* 218.

Seats to become vacant by crime, insolvency, absence, etc.

207. If, after the election of a person as a member of a council, he is convicted of felony or infamous crime, or becomes insolvent within the meaning of any Insolvent Act in force in this Province, or applies for relief as an indigent debtor, or remains in close custody, or assigns his property for the benefit of his creditors, or absents himself from the meetings of the council for three months without being authorized so to do by a resolution of the council entered upon its minutes, his seat in the council shall thereby become vacant, and the council shall forthwith declare the seat vacant and order a new election. 55 V. c. 22, s. 177; 60 V. c. 15, *Sched.* C (41).

Proceedings on member's omitting to vacate seat.

208. In the event of a member of a council forfeiting his seat at the council or his right thereto, or becoming disqualified to hold his seat, or of his seat becoming vacant by disqualification or otherwise, he shall forthwith resign his seat, and in the event of his omitting to do so within ten days thereafter, proceedings may be taken to unseat such member, as provided by sections 219 to 244, both inclusive, of this Act, and the said sections shall, for the purposes of such proceedings, apply to any such forfeiture, disqualification or vacancy. 55 V. c. 42, s. 178; 60 V. c. 3, s. 3: c. 15, *Sched.* C (42)

In county councils.

209. In the case of members of a county council, the same proceedings may be taken for the vacating of any seat as in the case of members of the council of any local municipality. 59 V. c. 52, s. 20, *part.*

Any member may resign with consent of majority of council.

210. Any mayor or other member of a council may, with the consent of the majority of the members present, to be entered upon the minutes of the council, resign his seat in the council. 55 V. c. 42, s. 179.

Resignation of warden.

Vacancies, how filled.

211. The warden of a county may resign his office by verbal intimation to the council while in session, or by letter to the county clerk if the council is not in session, in which case, and in case of vacancy by death or otherwise, the county clerk shall notify all the members of the council, and shall, if required by a majority of the members of the council, call a special meeting to fill such vacancy. 55 V. c. 42, s. 180.

New election provided for, and mode of conducting same.

212. In case no return is made for one or more wards or polling subdivisions, in consequence of non-election owing to interruption by riot or other cause, or in case a person elected to a council neglects or refuses to accept office, or to make the necessary declarations of office within the time required, or in case a vacancy occurs in the council caused by resignation, death, judicial decision or otherwise, the head of the council for the time being, or in case of his absence, or of his office being vacant, the clerk, or in case of the like absence or vacancy in the office of the clerk, one of the members of the

council, shall forthwith, by warrant, under the signature of such head, clerk or member, require the returning officers and deputy-returning officers appointed to hold the last election for the municipality, ward and polling subdivision respectively, or such other persons as may be duly appointed to those offices, to hold a new election in the wards or polling subdivisions for which no return has been made, or to fill the place of the person neglecting or refusing as aforesaid, or to fill the vacancy aforesaid. 55 V. c. 42, s. 181; 60 V. c. 15, *Sched.* C (43).

Warrant for new election;

213. In case such non-election, neglect or refusal as aforesaid occurs previous to the organization of the council for the year, the warrant for the new election shall be issued by the head or a member of the council for the previous year, or by the clerk, in like manner as provided by section 212, but such neglect or refusal shall not interfere with the immediate organization of the new council, provided a majority of the full number of the council are present. 55 V. c 42, s. 184.

but neglect not to prevent organization of council.

Time for holding new election.

214. The returning officers and deputy-returning officers shall hold the new election at furthest within fifteen days after receiving the warrant, and the clerk shall appoint a day and place for the nomination of candidates, and the election shall, in respect to notices and other matters, be conducted in the same manner as the annual elections. 55 V. c. 42, s. 185

Seat to be held for residue of term.

215. The person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is to be filled. 55 V. c. 42, s 183.

Vacancies in office of mayor of town or reeve of township or village after 1st November.

216.—(1) In case the office of mayor of a town, or the office of reeve of a township or village, becomes vacant after the first day of November in any year, and an election to fill the vacancy has not been ordered by the Court or a Judge, the council may either direct that an election be held to fill the vacancy, or may elect one of their number to fill the office during the residue of the term. 55 V. c. 42, s. 182; 58 V. c. 42, s. 10; 60 V. c. 45, s. 32 (1).

Vacancies in office of mayor of a city after 1st July.

(2) In case the office of mayor of a city becomes vacant after the first day of July in any year, and an election to fill the vacancy has not been ordered by the Court or a Judge, the council shall elect one of their own number to fill the office during the residue of the term. 60 V. c. 45, s. 32 (2).

Vacancies in office of alderman or councillor after 1st November.

(3) In case the office of alderman or councillor becomes vacant after the first day of November in any year, and an election to fill the vacancy has not been ordered by the Court or a Judge, it shall be in the discretion of the council to direct that an election be held to fill such vacancy, or otherwise as they may see fit. 58 V. c. 42, s. 11.

Filling vacancies in county councils.

217.—(1) In case of a vacancy occurring in a county council before the June meeting of the council, by the death of a member or from some other cause, the warden (or in case of a vacancy in that office, the county clerk) shall issue to the nominating officer of the division in which the vacancy exists, his warrant for a new election to fill the vacancy in time, if practicable, to allow of the filling of the same before the regular June meeting of said council is held; and where there is not time to fill the same before the said meeting, such vacancy shall be filled at the next annual municipal election; and the clerk of the county council and the councils and the clerks of the local municipalities comprising the county council division in which such vacancy has occurred, shall take all necessary proceedings, as provided by this Act, to hold the election. When an election to fill any such vacancy is held at the annual municipal election, or at any other time during the year, the proceedings shall be the same (as nearly as may be) as in the case of the biennial election under this Act; but where at such by-election one councillor only is to be elected, each elector shall be entitled to but one vote.

(2) The councillor so elected to fill a vacancy shall hold office during the unexpired portion of the term for which his predecessor was elected. 59 V. c. 52, s. 21.

(3) In case the nominating officer of the division in which the vacancy exists is dead, or is unable through illness or absence, or neglects or refuses to act, the warrant for a new election may be directed to some other person; and thereupon such person shall act as nominating officer and shall have all the powers and perform all the duties of a nominating officer duly appointed under section 132 of this Act. 60 V. c. 45, s. 62.

Mode of appointing requisite number of members of council if election neglected, etc.

218. In case, at an annual or other election, the electors, from any cause not provided for by sections 184 or 185, neglect or decline to elect the members of the council for a municipality on the day appointed, or to elect the requisite number of members, the new members of the council, if they equal or exceed the half of the council when complete, or a majority of such new members—or if half of such members are not elected, then the members for the preceding year, or a majority of them,—shall appoint as many qualified persons as will constitute or complete the number of members requisite; and the persons so appointed shall accept office and make the necessary declarations, under the same penalty, in case of refusal or neglect, as if they had been elected. 55 V. c. 42, s. 186. *See also secs.* 130, 131.

DIVISION VIII.—CONTROVERTED ELECTIONS.

How validity of election determined. *Secs.* 219-232.
Order if election held invalid. *Sec.* 233.
If election of whole council invalid. *Sec.* 234.
If invalidity caused by act of returning officer, etc. *Sec.* 235.
Form of judgment. *See* 236.
Judgment to be returned to High Court.—Enforcing judgment. *Sec.* 237.
Disclaimer. *Secs.* 238-243.
Judges may settle forms and practice. *Sec.* 244.

Procedure.

Trial of contested elections.

219.—(1) In case the validity of the election of a mayor, warden, reeve, deputy-reeve, alderman, county councillor or councillor is contested, the same may be tried by a Judge of the High Court, or by the senior or officiating Judge of the County Court of the county in which the election or appointment took place. Any candidate at the election, or any elector who gave or tendered his vote thereat, or, in case of an election by acclamation, any elector entitled to vote at a municipal election for the municipality may be the relator for the purpose. 55 V. c. 42, s. 187 (1); 58 V. c. 42, s. 12; 59 V. c. 52, s. 27 *part*; 60 V. c. 15, *Sched.* C (44).

Jurisdiction of Master in Chambers.

(2) The Master in Chambers or other officer having jurisdiction to sit for the Master in Chambers at his request under the rules of the Supreme Court of Judicature from time to time in force, shall have the same jurisdiction as a Judge of the High Court to try the matters aforesaid: and the word "Judge" in sections 216 and 220 to 244 inclusive, and sections 248 to 257 inclusive, shall include such Master or officer. 55 V. c. 42, s. 187 (2); 60 V. c. 15, *Sched.* C (45).

Appeal from County Judge or Master in Chambers.

(3) The decision of a Judge of the High Court shall be final, but the decision of the Master in Chambers or other officer aforesaid or of the County Court Judge shall be appealable to a Judge of the High Court, and the proceedings incident thereto shall be the same, as nearly as may be, as in the case of an appeal in other cases from a decision of the Master in Chambers. The decision of the Judge of the High Court on such an appeal shall be final. 55 V. c. 42, s. 187 (3).

Time within which proceedings to be instituted and security and proof required.

220.—(1) In case within six weeks after an election, or one month after acceptance of office by the person elected, the relator shows by affidavit to such Judge, reasonable ground for supposing that the election was not legal, or was not conducted according to law, or that the person declared elected thereat was not duly elected, or for contesting the validity of the election of any mayor, warden, reeve, deputy-reeve, alderman,

county councillor or councillor, the Judge shall grant his fiat, authorizing the relator, upon entering into a sufficient recognizance as hereinafter provided, to serve a notice of motion in the nature of a *quo warranto* to determine the matter.

(2) The recognizance shall be entered into before the Judge or before a commissioner for taking affidavits or bail, by the relator in the sum of $200, and by two sureties (to be allowed as sufficient by the Judge upon affidavit of justification) each in the sum of $100; and the recognizance shall be conditioned to prosecute the motion with effect, and to pay to the party against whom the motion is made any costs which may be adjudged to him against the relator.

(3) When the sufficiency of the said sureties has been determined and the said recognizance allowed as sufficient by the said Judge, he shall note or indorse thereon and upon the fiat allowing service of the notice of motion the words "*Recognizance allowed*" and shall initial the same.

(4) Where the proceedings are taken before a Judge of the High Court or before the Master in Chambers or other officer having jurisdiction to sit for the Master in Chambers, the same shall be entitled and conducted in the High Court of Justice in the same manner as other proceedings in Chambers; and where the proceedings are taken before the Judge of the County Court the same shall be entitled and conducted in the County Court in the same manner as other proceedings in Chambers. 55 V. c. 42, s. 188; 60 V. c. 15, *Sched.* C (46), Con. Rules 1888, Rule 1038.

Notice of motion.

221.—(1) The notice of motion shall be at least seven clear days' notice and may either state the return day of the motion or state that the notice will be made on the eighth day after the day of service of the notice, excluding the day of service. Con. Rules 1888, Rule 1039.

Notice of motion, what to contain.

(2) The relator shall, in his notice of motion, set forth his name in full, his occupation, place of residence, and the interest which he has in the election, as candidate or voter, and shall also state specifically under distinct heads, all the grounds of objection to the validity of the election complained against, and in favour of the validity of the election of the relator, or other person or persons, where the relator claims that he or they, or any of them, have been duly elected. Con. Rule 1040.

Affidavits to be filed.

222. Before serving his notice of motion the relator shall file all the affidavits and material upon which he intends to move, except where *vive voce* evidence is to be taken, and in that case he shall name in his notice the witnesses whom he proposes to examine. Con. Rule 1041.

Service of notice of motion.

223.—(1) The notice of motion shall be served personally, unless the party to be served keeps out of the way to avoid personal service, in which case the Judge upon being satisfied thereof, by affidavit or otherwise, may make an order for such substitutional service as he thinks fit. 55 V. c. 42, s. 194.

Time for service of notice of motion.

(2) Service of the notice of motion shall be made within two weeks from the date of the fiat so granted by the Judge, unless otherwise ordered by the Judge, as in the preceding subsection provided. 58 V. c. 42, s. 13.

When the relator claims the seat.

224. In case the relator alleges that he himself or some other person has been duly elected, the motion shall be to try the validity, both of the election complained of and of the alleged election of the relator or other person. 55 V. c. 42, s. 190.

When several elections complained of.

225. In case the grounds of objection apply equally to two or more persons elected, the relator may proceed by one motion against such persons. 55 V. c. 42, s. 191.

Hearing of motion.

226. On the hearing of the motion the relator shall not be allowed to object to the election of the person complained against, or to support the election of any person alleged to have been duly elected on any ground not specified in the notice of motion; but the Judge in his discretion may entertain any substantial ground of objection to, or in support of, the validity of the election of either or any of the parties which may appear in the evidence before him. Con. Rule 1042.

Where more motions than one, all to be tried by the same judge.

227. Where more motions than one are made to try the validity of an election, all the motions shall be made returnable before the Judge who is to try the first of them; and the Judge may give one judgment upon all, or a separate judgment upon each one or more of them, as he thinks fit. 55 V. c. 42, s. 192.

228. The Judge may require the clerk of any municipality to produce before him or to forward under seal to the clerk of the county, for the purpose of production before the said Judge, such assessment rolls, collector's rolls, ballot papers, books, voters' and other lists and such other records of the election and papers in his hands connected therewith as to the said Judge may from time to time seem fit. 55 V. c. 42, s. 197 *part*; 59 V. c. 52, s. 20 *part*; 60 V. c. 3, s. 3; c. 15, *Sched.* C. (51).

Evidence to be used on return of motion may be taken *viva voce*.

229. In case the motion is returnable before a Judge of the High Court, he may order the evidence to be used on the hearing of the motion to be taken *viva voce* before a County Court Judge, in the presence of counsel for, or after notice to, all the parties interested, and the County Court Judge shall

return the evidence to the proper officer of the High Court of Justice, and every party shall be entitled to a copy thereof. 55 V. c. 42, s. 189; 60 V. c. 15, *Sched.* C (47).

Returning officer, etc., may be made a party.

230. The Judge before whom the motion is made returnable, may, if he thinks proper, at any stage of the proceedings make an order adding the returning officer or any deputy-returning officer or any other person as a party thereto. 55 V. c. 42, s. 195; 60 V. c. 15, *Sched.* C (48).

The Judge may allow certain persons to intervene and prosecute or defend.

231. The Judge before whom the motion is returnable may allow any person entitled to be a relator to intervene and prosecute or defend, and may grant a reasonable time for the purpose; and an intervening party shall be liable or entitled to costs like any other party to the proceedings. 55 V. c. 42, s. 196; 60 V. c, 3, s. 3; c. 15, *Sched.* C. (49).

Mode of trial.

232.—(1) The Judge shall, in a summary manner, without formal pleadings, hear and determine the validity of the election, and may inquire into the facts on affidavit or affirmation, or by oral testimony, or by issues framed by him and sent to be tried by a jury in any Court named by the Judge, or by one or more of these means, as he deems expedient; subject, however to the provisions of section 248. 55 V. c. 42, s. 197; 60 V. c. 15, *Sched.* C (50) (51).

(2) If necessity arises for sending an issue to be tried by a jury, an order for the purpose may be made, and the issue to be tried shall be stated in the order. Con. Rule 1043.

If election invalid, judge shall remove person not duly elected, and admit person elected, or order new election.

233. In case the election complained of is adjudged invalid, the Judge shall, by the judgment order to be removed, the person found not to have been duly elected; and in case the Judge determines that any other person was duly elected, the Judge shall forthwith order such other person to be admitted; and in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall order a new election to be held. 55 V. c. 42, s. 198.

Order for new election to be directed to the sheriff.

234. In case the election of all the members of a council is adjudged invalid, the order for their removal, and for the election of new members in their place, or for the admission of others adjudged to be legally elected, and for an election to fill up the remaining seats in the council, shall be directed to the sheriff of the county in which the election took place; and the sheriff shall have all the powers for causing the election to be held which a municipal council has in order to supply vacancies therein. 55 V. c. 42, s. 199.

Where election has been declared invalid owing to refusal to permit qualified persons to vote.

235.—(1) In any case where an election has been held invalid owing to the improper refusal of the returning officer or deputy-returning officer to receive ballot papers tendered by duly qualified electors, or to give ballot papers to duly qualified

electors, the Judge may, in his discretion, order the costs of the proceedings to unseat the person declared elected, or any part thereof or any other costs, to be paid by the respondent or by such returning officer or deputy-returning officer.

(2) Nothing in this section contained shall affect any right of action against such returning officer or deputy-returning officer or be deemed to relieve such returning officer or deputy returning officer from any penalty to which he may be liable under the provisions of this Act. 59 V. c. 51, s. 5.

Judgment.

236. After the adjudication upon the case an order shall be drawn up in the usual manner which shall state concisely the ground and effect of the decision, which order may be at any time amended by the Judge in regard to any matter of form, and the order shall have the same force and effect as a writ of mandamus formerly had in the like case. Con. Rule 1044.

Judgment to be returned to the court.

Mode of enforcing judgment.

237. The Judge shall, immediately after his decision, return his order with all things had before him touching the same, to the proper office of the Court in which the proceedings are entitled, there to remain of record as a judgment of the High Court; and, as occasion requires, the judgment may be enforced in the same manner as an ordinary order of *mandamus*, and (for the costs awarded) by writs of execution. 55 V. c. 42, s. 207; 60 V. c. 15, *Sched.* C (46).

Disclaimer.

When defendant may disclaim.

238. Any person whose election is complained of may, (unless such election is complained of on the ground of corrupt practices on the part of such person), within one week after service on him of the notice of motion, transmit, post paid, through the post office, directed to "The Clerk in Chambers, at Osgoode Hall, Toronto," or to "The Judge of the County Court of the County of "*(as the case may require)*, and also to the relator or his solicitor or may cause to be delivered to such Clerk or Judge and to the relator or his solicitor a disclaimer signed by him, to the effect following:

Form of notice of disclaimer.

"I, *A. B.*, upon whom a notice of motion, in the nature of a *quo warranto*, has been served for the purpose of contesting my right to the office of Township Councillor (*or as the case may be*) for the Township of , in the County of (*or as the case may be*), do hereby disclaim the said office, and all defence of any right I may have to the same.

"Dated day of

(Signed) "*A. B.*"

55 V. c. 42, ss. 200 and 201; 60 V. c. 15, *Sched.* C. (52).

Transmission of disclaimer.

239. The disclaimer, or the envelope containing the same, shall moreover be indorsed on the outside thereof with the word "*Disclaimer,*" and shall be registered at the post office where it is mailed. 55. V. c. 42., s. 202.

Person elected may disclaim at any time before his election is complained of.

240. Where there has been a contested election, the person elected may at any time after the election, and before his election is complained of, deliver to the clerk of the municipality a disclaimer signed by him as follows:

Form.

"I, *A. B.*, do hereby disclaim all right to the office of Township Councillor, (*or as the case may be*) for the Township of (*or as the case may be*), and all defence of any right I may have to the same."

55 V. c. 42, s. 203.

Disclaimer to operate as resignation.

Who to be deemed elected.

241. Such disclaimer shall relieve the party making it from all liability to costs, and where a disclaimer has been made in accordance with the preceding sections, it shall operate as a resignation, and the candidate having the next highest number of votes shall then become the member or officer elected. 55 V. c. 42, s. 204.

Duplicate disclaimer to be delivered to clerk.

242. Every person disclaiming shall deliver a duplicate of his disclaimer to the clerk of the municipality, and the clerk shall forthwith communicate the same to the council. 55 V. c. 42, s. 205.

Costs against person disclaiming.

243. No costs shall be awarded against a person duly disclaiming, unless the Judge is satisfied that such person consented to his nomination as a candidate, or accepted the office, in which case the costs shall be in the discretion of the Judge. 55 V. c. 42, s. 206.

Rules of Practice.

The judges to make rules, etc.

Rev. Stat. c. 51.

244. The Judges of the High Court, or such of them as may be authorized by *The Judicature Act* to make general rules for regulating the practice of the High Court, may, by rules, settle the forms of any writs, notices, orders or other proceedings to be issued, given or made under sections 219 to 243 inclusive of this Act, and respecting the practice generally, in hearing and determining the validity of such elections, and respecting the costs thereon; and may from time to time rescind, alter, or add to such rules; but all existing rules shall remain in force until rescinded or altered as aforesaid. 55 V. c. 42, s. 208; 60 V. c. 15, *Sched.* C. (54).

Division IX.—Prevention of Corrupt Practices.

Bribery and undue influence defined. *Secs.* 245, 246.
Certain payments lawful. *Sec.* 247.
Evidence to be taken viva voce. *Sec.* 248.
Effect of conviction of candidate for bribery. *Sec.* 249.
Penalties. *Sec.* 250.
How penalties recoverable. *Sec.* 251.
Report and record of convictions. *Secs.* 252, 253.
Attendance of witnesses, how compelled. *Sec.* 254.
Self-crimination or privilege not to excuse from giving evidence. *Sec.* 255.
Proceedings, within what time to be taken. *Sec.* 256.
When penalties not recoverable. *Sec.* 257.
Publication of the law against corrupt practices. *Sec.* 258.

Bribery defined.

245. The following persons shall be deemed guilty of bribery, and shall be punished accordingly:— Certain persons to be deemed guilty of bribery.

1. Every person who, directly or indirectly, by himself, or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers or promises money or valuable consideration, or gives or procures, or agrees to give or procure, or offers or promises, any office, place or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or to refrain from voting at a municipal election, or upon a by-law for raising money or creating a debt to be charged upon a municipality or part of a municipality for any purpose whatever, or who corruptly does any such act as aforesaid, on account of such voter having voted or having refrained from voting at such election, or upon such by-law; Giving money to voters, etc. Procuring office, etc., for voters.

2. Every person who, directly or indirectly, by himself or by any other person on his behalf, makes any gift, loan, offer, promise or agreement as aforesaid, to or for any person, in order to induce such person to procure or defeat, or endeavour to procure or defeat, the return of any person to serve in any municipal council, or to procure or defeat the passing of any by-law as aforesaid, or the vote of any voter at a municipal election, or at the voting upon such by-law; Or for persons influencing voters.

3. Every person who, by reason of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure or defeat the return of any person in a municipal election, or to procure or defeat the passing of any by-law as aforesaid, or the vote of any voter at a municipal election, or at the voting upon such by-law; Corruptly influencing voters.

4. Every person who advances or pays, or causes to be paid, money to or to the use of any other person with the intent Advancing, etc., money for bribery, etc.

that such money, or any part thereof, shall be expended in bribery at a municipal election, or at any voting upon a by-law as aforesaid, or who knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at such election, or at the voting upon such by-law;

Voter receiving money, etc., for vote, or agreeing for money to vote, etc.

5. Every voter who, before or during a municipal election, or the voting on such by-law, directly or indirectly, by himself or any other person on his behalf, receives, agrees or contracts for any money, gift, loan, or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or refraining or agreeing to refrain from voting at such election, or upon such by-law;

Receiving money, etc., after the election for voting, or inducing etc., to vote.

6. Every person who, after such election, or the voting upon such by-law, directly or indirectly, by himself or any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at such election, or upon such by-law;

Hiring teams, etc.

7. Every person who hires horses, teams, carriages or other vehicles for the purpose of conveying electors to or from the polls, and every person who receives pay for the use of any horse, team, carriages, or other vehicle, for the purpose of conveying electors to or from any poll as aforesaid. 55 V. c. 42, s. 209; 60 V. c. 15, *Sched.* C. (55, 56).

Undue influence defined.

Undue influence at elections.

246. Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts, or threatens the infliction, by himself or by or through any other person, of any injury, damage, harm or loss, or in any manner practises intimidation upon or against any person, in order to induce or compel such person to vote or to refrain from voting, at any municipal election, or at the voting upon any by-law or on account of such person having voted or refrained from voting thereat, or who by abduction, duress, or any fraudulent device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter, or thereby compels, induces or prevails upon a voter either to give or to refrain from giving his vote at any municipal election, or at the voting upon any by-law, shall be deemed to have committed the offence of undue influence, and shall incur a penalty of $100, and shall be disqualified from voting at any municipal election or upon a by-law for the next succeeding two years. 55 V. c. 42, s. 210 (1); 60 V. c. 15, *Sched.* C. (57).

Lawful Expenses.

247. The actual personal expenses of a candidate, his expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising, shall be held to be expenses lawfully incurred; and the payment thereof shall not be a contravention of this Act. 55 V. c. 42, s. 211. Lawful expenses of candidates.

Evidence as to corrupt practices to be taken viva voce.

248. Where, upon a motion in the nature of a *quo warranto*, a question is raised as to whether the candidate or any voter has been guilty of any violation of section 245 or 246 of this Act, affidavit evidence shall not be used to prove the offence, but it shall be proved by *viva voce* evidence taken before any County Court Judge, upon an order of reference to him for that purpose by a Judge of the High Court in case the motion is returnable before a Judge of the High Court, or upon an appointment granted by the County Court Judge in case the motion is returnable before him. 55 V. c. 42, s. 212; 60 V. c. 3, s. 3. Evidence of corrupt practices on application nature of *quo warranto* to be taken *viva voce*.

Penalties and Punishments.

249. Any candidate elected at a municipal election, who is found guilty by the Judge, upon a trial upon a motion in the nature of a *quo warranto*, of any act of bribery, or of using undue influence as aforesaid, shall forfeit his seat, and shall be ineligible as a candidate at any municipal election for two years thereafter. 55 V. c. 42, s. 213. Penalty on candidates guilty of bribery, etc.

250. Any person who is adjudged guilty of any offence within the meaning of section 245 of this Act, shall incur a penalty of $20, and shall be disqualified from voting at any municipal election or upon a by-law for the next succeeding two years. 55 V. c. 42, s. 214. Penalty for offences under s. 245.

251. The penalties imposed by the preceding section and by section 166 of this Act shall be recoverable, with full costs of suit, by any person who sues for the same in the Division Court having jurisdiction where the offence was committed; and any person against whom judgment is rendered, shall be ineligible, either as a candidate or as a municipal voter, until the amount which he has been condemned to pay is fully paid and satisfied. 55 V. c. 42, s. 215. Recovery of penalties.

Report and Record of Judgment.

252. It shall be the duty of the Judge or officer who finds any candidate guilty of a contravention of section 245 or 246 Judge to make return

of this Act, or who condemns any person to pay any sum in the Division Court for any offence within the meaning of this Act, to report the same forthwith to the clerk of the municipality wherein the offence has been committed. 55 V. c. 42, s. 216.

Clerk to keep book showing names of persons guilty of offences, etc.

253. The clerk of every municipality shall duly enter in a book, to be kept for that purpose, the names of all persons within his municipality who have been adjudged guilty of any offence within the meaning of section 245 or section 246 of this Act, and of which he has been notified by the Judge who tried the case. 55 V. c. 42, s. 217.

Witnesses and Evidence.

Attendance of witnesses.

254. Any witness shall be bound to attend before the County Court Judge upon being served with the order of the County Court Judge directing his attendance and upon payment of the necessary fees for his attendance, in the same manner as if he had been directed by a writ of subpœna so to attend; and he may be punished for contempt, and shall be liable to all the penalties for such non-attendance in the same manner as if he had been served with a subpœna. 55 V. c. 42, s. 218.

Witnesses not excused from answering on grounds of self crimination or privilege.

Proviso.

255. No person shall be excused from answering any question put to him in any action or other proceeding in any Court or before any Judge or officer, touching or concerning any election or by-law, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to the question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will subject him to any penalty under this Act, shall be used, in any proceeding under this Act, against such person, if the Judge or officer gives to the witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answer, to the satisfaction of the Judge or officer. 55 V. c. 42, s. 219.

Limitation of time for Proceedings.

Limitation of actions.

256. All proceedings other than an application in the nature of a *quo warranto* against any person for any violation of section 245 or 246 of this Act, shall be commenced within four weeks after the municipal election at which the offence is said to have been committed, or within four weeks after the day of the voting upon a by-law as aforesaid. 55 V. c. 42, s. 220.

When no penalty recoverable.

257. No pecuniary penalty or forfeiture imposed by this Act or any other Act of the Legislature of Ontario, shall be recoverable for any act of bribery or corrupt practice at an election, in case it appears that the person charged and another person or other persons were together guilty of the act charged, either as giver and receiver, or as accomplices or otherwise, and that the person charged has previously *bona fide* prosecuted such other person or persons or any of them for the said act; but this provision shall not apply in case the Judge before whom the person claiming the benefit thereof is charged, certifies that it clearly appears to him that the person so charged took the first step towards the commission of the offence charged, and that such person was in fact the principal offender. 55 V. c. 42, s. 221.

No statutory penalty for corrupt practices at elections, where the party charged has first prosecuted a party jointly liable.

Proviso.

Publication of Law as to Corrupt Practices.

258 The clerk of every municipality shall, prior to any election, or the voting on any by-law furnish every deputy-returning officer with at least two copies of the sections of this Act, numbered from 245 to 258 inclusive, and it shall be the duty of the deputy-returning officer to post the same in conspicuous places at the polling place of the polling subdivision for which he is deputy-returning officer. 55 V. c. 42, s. 222.

Copies of ss. 245-258 to be posted up prior to election.

PART IV.

MEETINGS OF MUNICIPAL COUNCILS.

DIV. I.—WHEN AND WHERE HELD.
DIV. II.—CONDUCT OF BUSINESS.
DIV. III.—BOARDS OF CONTROL IN CITIES HAVING 100,000 INHABITANTS OR MORE.

DIVISION. I.—WHEN AND WHERE TO BE HELD.

First meeting after election. *Secs.* 259, 260.
Election of warden. *Secs.* 261-263.
Place of meeting. *Secs.* 264-266.

First Meeting of Council.

259. The members of every municipal council (except county councils) shall hold their first meeting at eleven o'clock

First meeting of council.

in the forenoon, on the second Monday of the same January in which they are elected, or on some day thereafter; and the members of every county council shall hold their first meeting at two o'clock in the afternoon, or some hour thereafter, on the fourth Tuesday of the same month, or on some day thereafter. 55 V. c. 42, s. 223; 59 V. c. 51, s. 6.

No business before declarations of office, etc.

260. No business shall be proceeded with at the first meeting of the council, until after the declarations of office and qualification have been first administered to all the members who present themselves to take the same. 55 V. c. 42, s. 224.

Election of Warden.

Election of warden.

261. The members elect of every county council shall, at their first meeting after a general election of members for the council, at which a majority of the full council are present, and after making the declarations of office and of qualification, organize themselves as a council and elect one of themselves to be warden, and the warden so elected shall hold office until the first meeting in the succeeding year, when a new election of warden shall take place, and the warden chosen at such last mentioned election shall hold office until a new council is organized, as in this section provided. 60 V. c. 45, s. 64.

Who to preside at election.

262. At every such election the clerk of the council shall preside, and if there is no clerk, the members present shall select one of themselves to preside, and the person selected may vote as a member. 55 V. c. 42, s. 226.

Tie vote for warden.

263. Where the number of votes cast for a warden is even, and no election can be had during the first day of meeting, if no choice is made after two ballots on the second day, the senior member representing the division having the largest equalized assessment shall have two votes.

(a) The words "senior member" in this section shall mean that member for such division who received at the last preceding election the higher number of votes in his division.

(b) Where the two county councillors from such division have each an equal number of votes, or where they have been elected by acclamation, the clerk shall in open council draw lots to ascertain which one of the two shall give the casting vote. 59 V. c. 52, s. 19; 60 V. c. 3, s. 3.

Place of Meeting.

Place of first meeting.

264. The members of every county council shall hold their first meeting at the county hall if there is one, or otherwise at the county court-house. 55 V. c. 42, s. 228.

265. The subsequent meetings of the county council, and all the meetings of every other council shall be held at such place, either within or without the municipality, as the council from time to time appoints by by-law or by resolution on adjourning, and every such resolution shall be entered upon the minutes. 55 V. c. 42, s. 229. Place of subsequent meetings of county council, etc.

266. The council of any county or township in which any city, town, or village lies, may hold its sittings, keep its public offices, and transact all the business of the council and of its officers and servants, within such city, town or village, and may purchase and hold such real property therein as may be convenient for such purposes. 55 V. c. 42, s. 230. When place of meeting may be in another municipality.

Division II.—Conduct of Business.

Ordinary meetings to be open to public. *Sec.* 267.
Quorum. *Secs.* 268, 269.
Who to preside. *Secs.* 270-274.
Special meetings. *Secs.* 271.
Presiding officer may vote. *Sec.* 274.
Equality of votes negatives question. *Sec.* 274.
Power to adjourn. *Sec.* 275.

267. Every council shall hold its ordinary meetings openly, and no person shall be excluded except for improper conduct, but the head or other chairman of the council may expel and exclude from any meeting, any person who has been guilty of improper conduct at such meeting. 55 V. c. 42, s. 233. Ordinary meetings to be open.

268. A majority of the whole number of members required by law to constitute the council shall be necessary to form a quorum. 55 V. c. 42. s. 234. Quorum.

269. Where a council consists of only five members, the concurrent votes of at least three shall be necessary to carry any resolution or other measure. 55 V. c. 42, s. 235. In councils of five, three must concur.

270.—(1) The head of every council shall preside at the meetings of the council, and may at any time summon a special meeting thereof; and it shall be his duty to summon a special meeting whenever requested in writing by a majority of the members of the council so to do. Head of councils to preside. Special meetings.

(2) In case of the absence or death of the mayor or head of the council, a special meeting may be summoned at any time by the clerk upon a special requisition to him, signed by a majority of the members of the council. 55 V. c. 42, s. 236. Summoning special meetings in absence of the head.

Special meeting, where to be held.

May be either open or closed.

271. In case there is no by-law of a council fixing the place of meeting, any special meeting of the council shall be held at the place where the then last meeting of the council was held, and a special meeting may be either open or closed as in the opinion of the council, (expressed by resolution in writing) the public interest requires. 55 V. c. 42, s. 237.

Appointment of president of council.

272. In the case of the absence of the head of the council from illness or any other cause, or in case his office is vacant, the council may, from among the members thereof, appoint a presiding officer, who during such absence or vacancy, shall have all the powers of the head of the council. 55 V. c. 42, s. 239 (1); 60 V. c. 45, s. 34.

Casual absence provided for.

273.—If the person who ought to preside at any meeting does not attend within fifteen minutes after the hour appointed, the members present may appoint a chairman from amongst themselves, and such chairman shall have the same authority in presiding at the meeting as the absent person would have had if present. 55 V. c. 42, s. 240.

Head may vote.

Question negatived in case of equality of votes.

274. The head of the council, or the presiding officer or chairman of any meeting of any council, may vote with the other members on all questions; and any question on which there is an equality of votes shall be deemed to be negatived. 55 V. c. 42, s. 241.

Adjournment.

275. Every council may adjourn its meetings from time to time. 55 V. c. 42, s. 242.

Division III.—Board of Control in Cities having 100,000 Inhabitants or More

How constituted—Remuneration—Term of office—Removal. *Sec.* 276
Duties. *Sec.* 277.

Constitution of board of control in cities of 100,000, or over.

276.—(1) In cities having a population of 100,000 or more there shall be a Board of Control, to consist of the mayor and three aldermen, three of whom shall form a quorum. Such three aldermen shall be elected by the council at the first meeting of the council for the year, or in case of failure to elect at such meeting, then within one week thereafter.

Voting upon election of board.

(2) Upon the election of the said three members of the Board of Control, the names of all the candidates shall be submitted to the council and shall be balloted for at the same ballot; and each member of the council shall for the purpose of such election be entitled to as many votes as there are candidates to be elected, but he shall not give to one candidate more than one vote.

(3) The mayor, when present, shall preside at the meetings of the board, and in the absence of the mayor the board shall select one of their number to preside. In the event of a tie at the board, the mayor shall have a second and casting vote. Who to preside at meetings of board.

(4) The council may fix by by-law the salaries to be paid to the members of the Board of Control, but the same shall not exceed for each member the sum of $700 per annum. Salaries of board.

(5) The elective members of the Board of Control shall hold office for the remainder of the municipal year in which they are elected, unless removed; but they shall, if members of the council, be eligible for re-election. In case any member of the board dies, resigns or becomes incapable of acting, the council may, at a meeting called for that purpose, elect a successor to hold office for the unexpired portion of the term of such member; or in case of the temporary absence of any member for more than one month, or of his inability to act, his place may be temporarily filled by the council. Term of office.

(6) The election or appointment of any alderman as a member of the Board of Control shall not render him ineligible for election as chairman of any committee Chairman of committee may be elected.

(7) The council at any time, after three days' notice in writing to each member of the council, may, by an affirmative vote of two-thirds of the members of the council present and voting, remove any member of the Board of Control other than the mayor, and may after such removal proceed to fill the vacancy thus created. But such removal and the filling of the vacancy shall take place only at a meeting specially called for such purpose. 59 V. c. 51, s. 33. Removal of members of board.

277.—(1) It shall be the duty of the Board of Control :— Duties of board.

(*a*) To prepare an estimate of the proposed expenditure of the year and certify the same to the council for its consideration. The council shall not appropriate or expend, nor shall any officer thereof expend or direct the expenditure of, any sum or sums not included in or provided for by such estimates or in or by any special or supplementary estimates duly certified by the board to the council, without the affirmative vote of two-thirds of the members of the council present and voting, authorizing such additional appropriation or expenditure. But this prohibition shall not extend to the payment of any debenture or other debt or liability lawfully contracted and payable, nor to the interest thereon. Preparing estimates.

(*b*) To prepare specifications for and award all contracts and for that purpose to call for all tenders for works, material and supplies, implements or machinery or any other goods or property required and which may lawfully be purchased for the use of the corporation, and to report their action to the council at its next meeting Upon the opening of any tenders, the chairman or board shall require the presence of the head Awarding contracts.

of the department or sub-department with which the subject matter of such tender is connected, and of the city solicitor when required. Such head of department may take part in any discussion at the board relating to such tenders, but shall not be entitled to vote. The council shall not, unless upon an affirmative vote of at least two-thirds of the members of the council present and voting, reverse or vary the action of the Board of Control in respect of such tender and decision of the board thereon, when the effect of such vote would be to increase the cost of the work or to award the contract to a tenderer other than that one to whom the Board of Control has awarded it.

Inspecting municipal works.

(*c*) To inspect and report to the council monthly or oftener upon all municipal works being carried on or in progress within the city.

Nominating officers of corporation.

(*d*) To nominate to the council all heads of departments and sub-departments in case of any vacancy and, after a favourable report by the head of the department, any other officer of the corporation required to be appointed by by-law or resolution of the council, and any other permanent officers, clerks or assistants, and to recommend the salaries of all officers and clerks; and no head of department or sub-department or other permanent officer, clerk or assistant as aforesaid shall be appointed or selected by the council in the absence of such nomination without an affirmative vote of at least two-thirds of the members of the council present and voting; but the council may, by a majority vote, refer such nomination back to the Board of Control for reconsideration.

Suspension or dismissal of officers.

(*e*) To dismiss or suspend any head of a department and forthwith to report such dismissal or suspension to the council. Where any head of department has been dismissed by the board, he shall not be reappointed or reinstated by the council unless upon an affirmative vote of at least two-thirds of the members of the council present and voting.

Other duties.

(*f*) To discharge all other duties heretofore assigned to or discharged by the existing Board of Administration under any by-law of the municipality.

Controlling appointment and duties of subordinate officers.

(2) In the absence of any by-law of the council prescribing the mode of appointment of all or any other subordinate officers, clerks, assistants, employees, servants and workmen not included in clauses (*d*) and (*e*) of the preceding subsection and required by any department or sub-department for the due and proper discharge and performance of the duties and work thereof, the board may by regulation or resolution direct by whom and in what manner such subordinate officers, assistants, employees, servants or workmen shall be appointed, engaged or employed.

Submission of by-laws, etc.

(3) The board may from time to time, submit proposed by-laws to the council, and where in the opinion of the board it is desirable, may amalgamate departments or sub-departments.

(4) The board may appoint a secretary or clerk whose duty it shall be to keep minutes of all proceedings of the board and prepare all reports and other proceedings of the board; and he shall perform such other duties and services as may be assigned to him from time to time by the board, the mayor or the council. Secretary of board.

(5) The council may by by-law or resolution impose upon or assign to the Board of Control such other duties as to the council may seem meet. And the board shall, when so required by resolution of the council, and upon one week's notice thereof, return to the council copies of the minutes of its meetings, and any other information in their possession which the council may require. Council may impose other duties on board.

(6) Nothing in this section contained shall prevent the council (by a vote of the majority of the members of the council present and voting) from referring back to the Board of Control any report, question, matter or thing for reconsideration. Referring back matters for reconsideration by board.

(7) In all cases where it is sought in council to reverse, set aside or vary the action of the Board of Control, or where a two-thirds vote of the members of the council present and voting is required for any purpose, the vote by yeas and nays shall be recorded in the minutes of the council. Recording votes on action of board.

(8) The public school board, the separate school board and the high school board, the board of police commissioners and the board of management of the free library of the city respectively, shall furnish to the said Board of Control on or before the first day of March in each year, their several and respective annual estimates. School boards etc., to send in estimates before 1st March.

(9) Clause (*d*) of subsection 1 of this section shall not apply to any member of the fire department of the city, except the head thereof, nor to any assessor except the assessment commissioner, nor to the representatives (if any) of the council at or upon the board of any harbour trust, or of any corporation to which the council is entitled to elect a representative, nor to the members of the Court of Revision of the city. And nothing in this section contained shall deprive any head of department of the power which he possessed on the 7th day of April, 1896, under any by-law or otherwise, to dismiss any subordinate officer, clerk or employee. Certain officers not to be nominated by board.

(10) Notwithstanding anything in this Act contained, the duties herein assigned to the Board of Control shall be discharged exclusively by the said Board, except in the cases provided for in sub-section 3 of this section. 59 V. c. 51. s. 34. Exclusive rights of board.

PART V.

OFFICERS OF MUNICIPAL CORPORATIONS.

DIV. I.—THE HEAD.
DIV. II.—THE CLERK.
DIV III.—THE TREASURER.
DIV. IV.—ASSESSORS AND COLLECTORS.
DIV. V.—AUDITORS AND AUDIT.
DIV. VI.—VALUATORS.
DIV. VII.—DUTIES OF OFFICERS RESPECTING OATHS AND DECLARATIONS.
DIV. VIII.—SALARIES, TENURE OF OFFICE AND SECURITY.
DIV. IX.—JUDICIAL INVESTIGATION OF MUNICIPAL MANAGEMENT.

DIVISION I.—THE HEAD.

Who to be. *Sec.* 278.
Duties. *Sec.* 279.
Remuneration. *Sec.* 280.
Mayor of city or town may call out posse comitatus. *Sec.* 281.

Who to be head of council.

278. The head of every county and provisional county corporation shall be the warden thereof, and of every city and town the mayor thereof, and of every township and village the reeve thereof. 55 V. c. 42, s. 243.

Duties of head of council.

279. The head of the council shall be chief executive officer of the corporation; and it shall be his duty to be vigilant and active at all times in causing the law for the government of the municipality to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government thereof, and, as far as may be in his power, to cause all negligence, carelessness and positive violation of duty to be duly prosecuted and punished, and to communicate from time to time to the council all such information, and recommend such measures within the powers of the council as may tend to the improvement of the finances, health, security, cleanliness, comfort and ornament of the municipality. 55 V. c. 42, s. 244.

Remuneration of mayor, etc.

280. The head of the council of any county, city, town or village may be paid such annual sum or other remuneration as the council of the municipality may determine. 55 V. c. 42, s. 232.

281. The mayor of any city or town may call out the *posse comitatus* to enforce the law within his municipality should exigencies require it, but only under the same circumstances in which the sheriff of a county may now by law do so. 55 V. c. 42, s. 478. Mayor may call out *posse comitatus*.

Division II.—The Clerk.

Appointment and duties of. *Sec.* 282.
Absence of. *Sec.* 283.
Records and papers may be inspected. *Sec.* 284.
Return of statistics. *Sec.* 285, 286.
Penalties. *Sec.* 287.

282. Every council shall appoint a clerk; and the clerk shall truly record in a book, without note or comment, all resolutions, decisions and other proceedings of the council, and, if required by any member present, shall record the name and vote of every member voting on any matter submitted, and shall keep the books, records and accounts of the council, and shall preserve and file all accounts acted upon by the council, and also the originals or certified copies of all by-laws, and of all minutes of the proceedings of the council, all of which he shall so keep in his office, or in the place appointed by by-law of the council. 55 V. c. 42, s. 245. Appointment of clerk, and his duties.

283. The council may by resolution provide that, in case the clerk is absent, or incapable through illness of performing the duties of clerk, some other person to be named in the resolution, or to be appointed under the hand and seal of such clerk, shall act in his stead; and the person so appointed shall, while he so acts, have all the powers of the clerk. 55 V. c. 42, s. 246. Provision for absence, etc., of clerk.

284.—(1) Any person may, at all reasonable times, inspect any of the particulars aforesaid, as well as the assessment rolls, voters' lists, poll books, and other documents in the possession of or under the control of the clerk and the clerk shall, within a reasonable time, furnish copies thereof to any applicant at the rate of ten cents per hundred words, or at such lower rates as the council appoints, and shall, on payment of the proper fee therefor, furnish within a reasonable time, to any elector of the municipality, or to any other person interested in any by-law, order or resolution, or to his solicitor, a copy of such by-law, order or resolution, certified under his hand and under the corporate seal. 55 V. c. 42, s. 247 (1); 60 V. c. 15, Sched. C, (58). Minutes, etc., to be open to inspection. Copies to be furnished, and charges therefor, etc.

(2) A copy of any document in the possession of or under the control of the clerk of the municipality, certified under his hand and under the corporate seal of the municipality, may, Documents certified by clerk to be receivable in evidence.

after the original thereof has been produced from the proper custody, be filed in any Court in lieu of such original, and shall be received in evidence without proof of the seal of the corporation or of the signature or official character of the person appearing to have signed the same, and without further proof thereof unless the Court or Judge otherwise directs. 55 V. c. 42, s. 247, (2); c. 43, s. 10.

Returns to be made to Bureau of Industries.

285.—(1) The clerk of every municipality shall in each year, within one week after the final revision of the assessment roll, under a penalty of $20 in case of default, make a return to the Secretary of the Bureau of Industries, Toronto, on schedules or forms furnished by the said Secretary, and approved by the Lieutenant-Governor in Council, of such statistics or information as the assessment roll or other records of his office afford, and as such schedules or forms call for; and every such return shall be transmitted by mail in a registered package. 55 V. c. 42, s, 248 (1); 60 V. c. 45, s. 35.

Advertisement of debt by-law to be sent to Bureau.

(2) The clerk of every municipality shall, within one month after the final passing of every by-law for creating a debt, send to the Secretary of the Bureau of Industries, one copy of the newspaper advertisement required under section 390 of this Act. 60 V. c. 3, s. 3; c. 45, s. 36.

Tabulated statement of returns to be made by secretary of Bureau.

3) The Secretary of the Bureau of Industries shall, as soon as may be, after the opening of every Session of the Legislature, report to the Minister of Agriculture, for the purpose of being laid before the Legislative Assembly, a tabulated statement of all the returns hereby required to be made.

Moneys payable to municipalities in default to be retained.

(4) The Treasurer of the Province shall retain in his hands any moneys payable to any municipality, if it is certified to him by the Secretary of the Bureau of Industries that the clerk of such municipality has not made the returns hereby required. 55 V. c. 42, s. 248 (2, 3).

Clerk to make annual return to Minister of Agriculture as to number of steam boilers in the municipality.

286. The clerk of every municipality shall, on the first day of June in each year, return to the Minister of Agriculture the number of steam boilers in the municipality used for driving machinery or for any manufacturing purpose as shown by the last assessment roll of the municipality. 55 V. c. 48, s. 14 (3) *part.*

Penalty on clerks failing to make return under s. 286.

287. If any clerk refuses or neglects to perform the duty required of him by the preceding section, he shall, upon conviction thereof before any Court of competent jurisdiction in the county in which he is clerk, forfeit to Her Majesty such sum as the Court may order and adjudge, not exceeding $100. 55 V. c. 48, s. 225.

Division III.—The Treasurer.

His appointment, security, duties, etc. *Secs.* 288-293.
Powers of successor, when treasurer is dismissed or absconds. *Sec.* 294.

288. Every municipal council shall appoint a treasurer, who may be paid either by salary or by a percentage; and every treasurer, before entering upon the duties of his office, shall give such security as the council directs for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands; and it shall be the duty of every council, in each and every year, to inquire into the sufficiency of the security given by the treasurer, and to report thereon. 55 V. c. 42, s. 249.

Treasurer to be appointed.

To give security.

Annual inquiry as to sufficiency of.

289.—(1) In case of the death of a county treasurer, the warden for the time being may, by warrant under his hand and seal, appoint for such special purpose or purposes as the warden may deem necessary, a treasurer *pro tempore*, who shall hold office until the next meeting of the council; and all acts performed by him, and authorized by the said warrant, shall be as valid and binding as if performed by a treasurer regularly appointed.

Appointment of county treasurer *pro tem.*

(2) The warden shall, in and by such warrant of appointment, direct what security shall be given by such treasurer *pro tempore* for the faithful performance of his duties, and especially for duly accounting for, and paying over, all moneys which may come into his hands, and such treasurer *pro tempore* shall, before entering upon his duties, give such security, but he shall not interfere with the books, vouchers, or accounts of the deceased treasurer until a proper audit thereof has been made. 55 V. c. 42, s. 250 (2).

Security to be given by.

290. Every treasurer shall receive, and safely keep, all moneys belonging to the corporation, and shall pay out the same to such persons and in such manner as the laws of the Province, and the lawful by-laws or resolutions of the council of the municipal corporation, whose officer he is, direct; but save as provided by section 538 of this Act, no member of the council shall receive any money from such treasurer for any work performed or to be performed; and the treasurer shall not be liable to an action for any moneys paid by him in accordance with any by-law or resolution passed by the council of the municipality of which he is the treasurer, unless where another disposition of such moneys is expressly made by statute. 55 V. c. 42, s. 250 (1).

To receive and take care of and disburse moneys, etc.

His liability limited.

291.—(1) The treasurer shall keep a book to be known as the "cash-book," on the left-hand page of which he shall enter

Books to be kept by treasurers, etc.

in consecutive order all sums of money received by him, the dates of the receipt thereof, the names of the persons from whom and on what account the same were received and the amounts thereof, and on the right-hand page of which he shall in like order enter all moneys paid out by him, the dates of the payment thereof, the persons to whom and on what account the same were paid, and the amounts thereof.

(2) The cash-book shall at all times be open for inspection by any member of the council and by the auditors, and shall be produced and exhibited by the treasurer at all meetings of the council at which he shall be directed to produce it; and at the times of such meetings it shall show the balance on hand in two items—that is to say, (1) the balance deposited to the credit of the municipality; and (2) the balance in the hands of the treasurer; and the treasurer shall also produce and exhibit at every such meeting the proper book verifying the balance so deposited.

(3) No entry other than a cash entry shall be made in the cash-book; but the treasurer shall keep a book to be known as the "journal," in which he shall duly enter all debits and credits not consisting of cash.

(4) The term "cash" shall mean lawful currency of Canada, cheques and such other representatives of cash as are usually received and credited as cash by the chartered banks of Canada.

(5) The treasurer shall open an account in the name of the municipality in such of the chartered banks of Canada or at such other place of deposit as may be approved of by the council, and shall deposit to the credit of such account all moneys received by him.

(6) The cash-book and journal shall be provided at the expense of, and shall be the property of the municipality.

Enactments in section to be in force until altered by by-law.

(7) The provisions contained in this section shall be in force in every county, city, town and village, except in so far as altered, amended or declared not to be in force in the municipality by the council thereof, and shall apply to and be in force in every township the council of which so enacts by by-law. 56 V. c. 35, s. 5, ; 57 V. c. 50, s. 4.

[*For provision requiring the treasurer to keep the money of the corporation separate from his own, see Cap. 228, Sec. 20.*]

Half-yearly statement of assets.

292. – Every treasurer shall also prepare and submit to the council, half-yearly, a correct statement of the moneys at the credit of the corporation whose officer he is; and in cities, towns, villages and townships which have passed by-laws requiring this to be done, the treasurer shall, on or before the 20th day of December in each year, prepare and transmit to

Annual list of persons in default for taxes.

the clerk of the municipality a list of all persons who have not paid their municipal taxes on or before the 14th day of said month of December. 55 V. c. 42, s. 251. *See secs.* 89, 535 (1).

[*As to delivery by registrars to treasurers of cities, duplicate plans or maps of surveys or subdivisions of land in cities or towns, see Registry Act, Cap. 136, Sec. 112.*]

Returns to be made to Bureau of Industries.

293.—(1) The treasurer of every municipality shall, on or before the first day of May in each year, under a penalty of $20 in case of default, furnish to the Secretary of the Bureau of Industries, Toronto, on schedules or forms furnished by said Secretary and approved by the Lieutenant-Governor in Council, such information or statistics regarding the finances or accounts of the municipality, as such schedules or forms call for, and every such return shall be transmitted by mail in a registered package. 55 V. c. 42, s. 252 (1); 60 V. c. 45, s. 37.

Tabulated statement of returns to be made by secretary of Bureau.

(2) The Secretary of the Bureau of Industries, shall, as soon as may be, after the opening of every Session of the Legislature, report to the Minister of Agriculture for the purpose of being laid before the Legislative Assembly, a tabulated statement of all the returns hereby required to be made.

Moneys payable to municipalities in default to be retained.

(3) The Treasurer of the Province shall retain in his hands any moneys payable to any municipality, if it is certified to him by the Secretary of the Bureau of Industries, that the treasurer of such municipality has not made the returns hereby required. 55 V. c. 42, s. 252 (2-3).

Provision on dismissal from office.

294. In case any treasurer is dismissed from office or absconds, it shall be lawful for his successor to draw any moneys belonging to the municipality. 55 V. c. 42, s. 253.

Division IV.—Assessors and Collectors.

Appointment of. Secs. 295, 296.
Assessment Commissioner—Board of Assessors. Sec. 296.
Township Collectors to act for Provisional Corporations—Disposal of moneys. Secs. 297, 298.

Assessors and collectors, appointment of.

295.—(1) The council of every city, town, township, and village, shall as soon as may be convenient after the annual election, appoint as many assessors and collectors for the municipality as they may think necessary, and shall fill up any vacancy that occurs in the said offices as soon as may be convenient after the same occurs; but the council shall not appoint as assessor or collector a member of the council or the clerk or treasurer of the municipality. 55 V. c. 42, s. 254 (1); 55 V. c. 48, s. 12 (1).

(2) No person convicted of treason, felony or any infamous crime (unless he has obtained a free pardon or served the term of imprisonment or paid the penalty imposed under the sentence), and no person under outlawry, shall be qualified to act as assessor or collector. 55 V. c, 48, s. 12 (2); c. 49, s. 27.

(3) The council may assign to such assessors and collectors the assessment district or districts within which they are to act, and may prescribe regulations for governing them in the performance of their duties. 55 V. c. 48, s. 13.

(4) The same person may, in a city, town or township, be appointed assessor or collector for more than one ward or polling subdivision. 55 V. c. 42, s. 254 (2).

(5) In municipalities which have passed by-laws requiring taxes to be paid on or before the 14th day of December, it shall be the duty of the collectors, on the 15th day of December in each year to return, upon oath, to the treasurer the names of all persons who have not paid their municipal taxes on or before the 14th day of the said month of December. 55 V. c. 42, s. 254 (3).

In cities and towns, assessment commissioner may be appointed instead of assessors, etc.

296. In cities and towns, the council, instead of appointing assessors under the preceding section, may appoint an assessment commissioner, who, in conjunction with the mayor for the time being, shall, from time to time, appoint such assessors and valuators as may be necessary, and such commissioner, assessors, and valuators shall constitute a board of assessors, and shall possess all the powers and perform the duties of assessors appointed under the last preceding section;

(2) The council shall also have power, by by-law, to determine the number of collectors to be appointed, and to prescribe their duties;

(3) Any commissioner, assessor or collector appointed in any city need not be appointed annually, but shall hold office at the pleasure of the council;

Tenure of office of commissioner, assessors, etc.

(4) All notices (in other municipalities required to be given to the clerk of the municipality in matters relative to assessment) shall in such city be given to the assessment commissioner. 55 V. c. 42, s. 255.

Rev. Stat. c. 136.

[*As to delivery by registrars to assessment commissioners in cities on request, of duplicate plans or maps of every survey or subdivision of lands therein, and the furnishing of lists of absolute conveyances, see Cap. 136, Secs. 112 and 125.*]

Collectors for provisional council.

Payments.

297. The collectors of the several townships in a junior county of a union of counties shall, *ex officio*, be collectors in such townships for the provisional council, and the collectors shall pay over to the provisional treasurer the money which they collect under any by-law of the provisional council. 55 V. c. 42, s. 256.

298. The money so collected shall be deemed the money of the union, so far as may be necessary to make the collectors and their sureties responsible therefor to the union; and in case the corporation of the union receives the same, such corporation shall immediately pay the amount to the provisional treasurer, retaining the expenses of collection. 55 V. c. 42, s. 257. Moneys, how to be disposed of.

Division V.—Auditors and Audit.

Appointment and duties. *Secs.* 299-305.
Special provisions relating to Toronto. *Sec.* 300.
Publication of abstract and statement of receipts and expenditure. *Sec.* 306.
Council to finally audit. *Sec.* 307.
County Council to regulate and audit county moneys. *Sec.* 308.
Audit, how often to be made. *Sec.* 309.

299.—(1) Subject to the provisions of the next two sections as to cities, every council shall at the first meeting thereof in every year after being duly organized, appoint two auditors, one of whom shall be such person as the head of the council nominates; but no one who, at such time, or during the preceding year, is or was a member, or is or was clerk or treasurer of the council, or who has, or during the preceding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the corporation, except as auditor, shall be appointed an auditor. Auditors. Disqualification of auditors.

(2) In the event of an auditor so appointed to audit the accounts of a county refusing, or being unable to act, the head of the council shall nominate another person to act in his stead.

(3) The person so to be appointed by the head of the council shall not be a person in his employment. 55 V. c. 42, s. 258.

300.—(1) The council of the corporation of the city of Toronto shall appoint two auditors, who shall hold office during pleasure. Auditors for Toronto.

(2) The treasurer shall prepare, in duplicate, not later than the first day of April in each year an abstract of the receipts and expenditure of the city for the year ending on the 31st of December preceding, and of the assets and liabilities thereof at that date, and shall submit the same to the auditors for examination. The auditors shall audit such statement with the treasurer's books, and shall make a report on all accounts audited by them, and a general report as to any matters which they may deem necessary to be reported to the council, and on or before the first day of May Treasurer to prepare annual statement. Report of auditors.

shall transmit one copy of the said abstract with their report thereon to the Secretary of the Bureau of Industries, Toronto, and file the other in the office of the clerk of the council; and thereafter any individual or ratepayer of the municipality may inspect the same at all reasonable hours, and may, by himself or his agent, at his own expense take a copy thereof or extracts therefrom. 55 V. c. 42, s. 259.

Auditors' report may be inspected.

Time for appointment of auditors in cities.

301.—(1) The council of any city which passes a by-law declaring that it is expedient to appoint its auditors in the month of December in each year, shall, while such by-law remains in force, and in the month of December in each year, instead of at its first meeting after being duly organized, appoint two auditors.

Application of existing laws as to appointment of auditors.

(2) Notwithstanding this section, or any such by-law, the provisions of section 299 of this Act, as to the appointment of auditors, shall apply to the audit of the accounts of the year in which such by-law takes effect. 55 V. c. 42, s. 260.

Duty of auditors.

302. The auditors appointed under the next preceding two sections shall, every month, commencing at the end of the first month in the year following the said month of December, and so on to the end of such year, examine and report upon all accounts affecting the corporation, or relating to any matter under its control, or within its jurisdiction. 55 V. c. 42, s. 261.

Filling vacancies.

303. The council of a city, in the event of a vacancy in the office of auditor happening by death, resignation or otherwise, may, by by-law, fill such vacancy, and the person so appointed shall hold office for the remainder of the year for which the original appointment was made. 55 V. c. 42, s. 262.

Duties of auditors.

304.—(1) The auditors shall examine and report upon all accounts affecting the corporation, or relating to any matter under its control or within its jurisdiction for the year ending on the 31st day of December preceding their appointment. 55 V. c. 42, s. 263 (1).

To prepare abstract and detailed statement of receipts and expenditure, &c.

(2) The auditors shall prepare in duplicate an abstract of the receipts, expenditure, assets, and liabilities of the corporation, and also in duplicate a detailed statement of the same in such form as the council directs. They shall make a report on all accounts audited by them, and a special report of any expenditure made contrary to law. The auditors shall, under a penalty of $20 in case of default, transmit by mail in a registered package one copy of the abstract and also one copy of the detailed statement in such form as these have been submitted to the council, to the Secretary of the Bureau of Industries, Toronto, and shall file the other abstract, together with the other detailed statement and reports, in the office of the clerk of the council, within one month after their appoint-

ment; and thereafter any inhabitant or ratepayer of the municipality may inspect the same at all reasonable hours, and may, by himself or his agent, at his own expense take a copy thereof or extracts therefrom. 55 V. c. 42, s. 263 (2); 60 V. c. 45, s. 38.

Report on treasurer's sureties.

(3) They shall also make a report upon the condition and value of the securities given by the treasurer for the due performance of the duties of his office; and such report shall show what cash balance, if any, was due from the treasurer to the municipality from the date of the audit, and where such balance is deposited, and what security exists that the same will be available when required for the purposes of the municipality; but this shall not relieve the council from the performance of any duty imposed thereon by section 288. 55 V. c. 42. s. 263 (2) (*a*); c. 43, s. 11.

Inspection of books of bank or company.

(4) The auditors may make a written requisition upon the treasurer for an order or request to or upon any bank or company with whom the public moneys are or have been deposited, or with whom such treasurer has kept an account, authorizing and requesting such bank or company to exhibit the account and details thereof to such auditors; and such treasurer shall within twenty-four hours after the delivery to him of such requisition comply therewith upon pain of forfeiture of office. 55 V. c. 42, s. 263 (2) (*b*); c. 43, s. 12 *part.*

Money payable by Province to be retained if auditors' return not made.

(5) The Treasurer of the Province shall retain in his hands any moneys payable to any municipality, if it is certified to him by the Secretary of the Bureau of Industries that the auditor or auditors of the municipality have not made the returns hereby required. 60 V. c. 45, s. 39.

Publication of statements of assets and liabilities.

(6) The council of every town, township and village shall hold a meeting on the 15th day of December in each year, or if that day is a Sunday, then on the Monday following, and shall immediately thereafter publish a detailed statement of receipts and expenditure for the portion of the year ending on the day of such meeting, together with a statement of assets and liabilities and uncollected taxes. A similar statement in detail respecting the last 15 days of the preceding year shall be attached thereto. The said statement shall be signed by the mayor or reeve and by the treasurer, and shall be published forthwith in one or more newspapers (if any) of the municipality and also in such other newspapers circulated in the municipality, as the council may direct. 55 V. c. 42, s. 263 (3); c. 43, s. 13.

or posting up the same.

(7) Instead of publishing the said statement in any newspaper, the council may cause the same to be posted up, not later than the 24th day of December, in the offices of the clerk and of the treasurer, as well as at all the post offices in the municipality, and at not less than 12 other conspicuous places therein. 55 V. c. 42, s. 263 (3*a*).

Delivery of copies to electors.

(8) The clerk shall procure not less than one hundred copies of the said statement and, shall deliver or transmit by post one of such copies to the electors who first request him to do so, not later than the 24th day of December in each year, and shall also see that copies of the said statement are produced at the nomination. 55 V. c. 42, s. 263 (4).

Nor to apply to certain municipalities.

(9) The provisions of the preceding three sub-sections shall not apply to the township municipalities situated in the electoral districts of East Algoma, West Algoma, North Renfrew, Muskoka, or Parry Sound, or the Provisional County of Haliburton. 55 V. c. 42, s. 263 (5).

Making untrue entries in financial statement.

(10) If any member or officer of a municipal corporation, or any other person, wilfully or knowingly makes or causes or procures to be made, any untrue entry in the statement required by subsection 6 of this section, or wilfully or knowingly causes to be omitted from the said statement any entry or item which should be included therein, he shall be liable, on summary conviction thereof before two or more Justices of the Peace, to a penalty of not less than $5, nor more than $40, and costs of conviction. 60 V. c. 45, s. 40.

Accounts may be audited before payment.

305. The council of any city may, by by-law, provide that the auditors shall audit all accounts before payment. 55 V. c. 42, s. 264.

Clerks to publish abstracts and statements.

306. The clerk shall publish the auditors' abstract and report (if any), and shall also publish the detailed statement in such form as the council directs; and in the case of a local municipality the clerk shall transmit to the clerk of the county council a copy of such abstract and statement, and the same shall be kept by the clerk of the county council, as of record, in his office. 55 V. c 42, s. 265.

The council to audit finally, etc.

307. The council shall, upon the report of the auditors, finally audit and allow the accounts of the treasurer and collectors, and all accounts chargeable against the corporation; and in case of charges not regulated by law, the council shall allow what is reasonable. 55 V. c. 42, s. 266.

Audit of moneys to paid by county treasurer.

308. Unless otherwise provided, every county council shall have the regulation and auditing of all moneys to be paid out of the funds in the hands of the county treasurer. 55 V. c. 42, s. 267.

Audit of accounts in cities and towns.

In other municipalities.

309. In cities and towns, the council may also appoint an auditor, who shall, daily or otherwise as directed by the council, examine and report and audit the accounts of the corporation, in conformity with any regulation or by-law of the council; and in other municipalities the auditors shall also, monthly or quarterly, if directed by by-law, examine into and audit the accounts of the corporation. 55 V. c. 42, s. 268.

Division VI.—Valuators.

Appointment and duties. Sec. 310.

310.—(1) The council of every county may appoint two or more valuators for the purpose of valuing the real property within the county, and it shall be their duty to ascertain, in every fifth year at furthest, the value of the same in the manner directed by the county council; but the valuators shall not exceed the powers possessed by assessors. The valuation so made shall be made by the county council the basis of equalization of the real property for a period not exceeding five years; and the equalization of personal property shall be as heretofore.

County council may appoint valuators, their duties, etc.

Equalization of real property.

(2) The county council may, at or before the expiration of the said period, extend the time for a term not exceeding five years further; and thereupon the valuation shall continue to be made the basis of equalization of the real property by the county council for such extended period. 55 V. c. 42, s. 269 c. 43, s. 14.

Terms for which valuation to be in force.

Division VII.—Duties of Officers Respecting Oaths and Declarations.

Declarations of office and qualification. Secs. 311-314.
Before whom to be made. Sec. 315.
Certificate of declaration. Sec. 315.
Oaths, etc., relating to business of municipality. Sec. 316.
To be subscribed, certified and preserved. Sec. 317.
Oaths, etc., respecting matters before Council. Sec. 318.
Penalty for refusing office not making, or refusing to administer declarations. Sec. 319.

311.—(1) Every person elected or appointed under this Act to any office requiring a qualification of property in the incumbent shall, before he takes the declaration of office, or enters upon his duties, make and subscribe a solemn declaration to the effect following:

Declaration to be made by certain persons.

Form of.

I, *A. B.*, do solemnly declare that I am a natural born (*or* naturalized) subject of Her Majesty; and have and had to my own use and benefit, in my own right (*or* have and had in right of my wife, *as the case may be*), as owner (*or* tenant, *as the case may be*), at the time of my election (*or* appointment, *as the case may require*) to the office of hereinafter referred to, such an estate as does qualify me to act in the office of (*naming the office*) for (*naming the place for which such person has been elected or appointed*); and that such estate is (*the nature of the estate to be specified, as* an equitable estate of leasehold *or otherwise, as the case may require, and if land, the same to be designated by its local description, rents or otherwise*) and that such estate

at the time of my election (*or* appointment, *as the case may require*) was of the value of at least (*specifying the value*) over and above all charges, liens and incumbrances affecting the same.

(2) Where any person has been elected as reeve, deputy-reeve, or councillor of any township council he may, instead of the foregoing declaration, make and subscribe a solemn declaration to the effect following:

I, *A. B.*, do solemnly declare that I am a natural born (*or* naturalized) subject of Her Majesty; and have and had to my own use and benefit, in my own right (*or* have and had in right of my wife, *as the case may be*) as owner at the time of my election to the office of hereinafter. referred to, such an estate as does qualify me to act in the office of (*naming the office*) for (*naming the place for which such person has been elected*), and that such estate is (*the nature of the estate to be specified and the land to be designated by its local description*); and that such estate at the time of my election was in my actual occupation, and was actually rated in the then last revised assessment roll of this Township (*naming it*) at an amount not less than $2,000.

55 V. c. 42, s. 270; 59 V. c. 52, s. 14 *part.*

Declaration of office to be made by certain officers.

312. Every member of a municipal council, every mayor, clerk, treasurer, assessor, collector, engineer, clerk clerk of works, street overseer or commissioner appointed by a council, shall also, before entering on the duties of his office, make and subscribe a solemn declaration to the effect following:—

Form of declaration of office.

I, *A B.*, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*), *or in the case of a person who has been appointed to two or more offices which he may lawfully hold at the same time*, that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the offices of assessor and collector (*or as the case may be*) to which I have been elected (*or* appointed) in this township (*or as the case may be*) and that I have not received, and I will not receive, any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office (*or* offices) and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said Corporation (*where declaration is made by the clerk, treasurer collector, engineer, clerk of works or street overseer, add the words following*) save and except that arising out of my office as clerk, (*or* my office as assessor and collector *or as the case may be*).

55 V. c. 42, s. 271; c. 43, s. 15; 60 V. c. 45, s. 41 (1).

Persons appointed to more than one office need make only one declaration.

(2) Any person who has been elected or appointed to two or more municipal offices which he may lawfully hold at the same time may may make one declaration of office as to all the offices to which he has been elected or appointed, but the same shall be made and subscribed before he enters upon the duties of any of the said offices. 60 V. c. 45, s. 41 (2).

Declaration of returning officers and others.

313. Every returning officer, deputy-returning officer, poll clerk, constable and other officer appointed by a council shall, before entering upon the duties of the office, make and subscribe a solemn declaration to the effect following:—

I, *A.B.*, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*), to which I have been elected (*or* appointed) in this township (*or as the case may be*), and that I have not received, and will not receive any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office.

55 V. c. 42, s. 271*a*.

314. The solemn declaration to be made by every auditor shall be as follows: Auditor's declaration.

I, *A. B.*, having been appointed to the office of auditor for the municipal corporation of , do hereby promise and declare, that I will faithfully perform the duties of such office according to the best of my judgment and ability; and I do solemnly declare, that I had not directly or indirectly any share or interest whatever in any contract or employment (except that of auditor, *if reappointed*) with, by, or on behalf of such municipal corporation, during the year preceding my appointment, and that I have not any such contract or employment except that of auditor, for the present year. Form of.

55 V. c. 42, s. 272.

315. The head and other members of the council, and the subordinate officers of every municipality, shall make the declarations of office and qualification before some Court, Judge, Police Magistrate, or other Justice of the Peace having jurisdiction in the municipality for which such head, members or officers have been elected or appointed, or before the clerk of the municipality; and the Court, Judge, or other person before whom such declaration is made, shall give the necessary certificate of the same having been duly made and subscribed. 55 V. c. 42, s. 273. Before whom declaration to be made. Certificate of declaration.

316. The head of any council, any alderman, reeve or deputy-reeve, any Justice of the Peace or the clerk of any municipality may, within the municipality, administer any oath, affirmation or declaration under this Act, relating to the business of the place in which he holds office, except where otherwise specially provided, and except where he is the party required to make the oath, affirmation or declaration. 55 V. c. 42, s. 274. Certain officers may administer certain oaths, etc., within municipality.

317. The deponent, affirmant, or declarant shall subscribe every such oath, affirmation, or declaration, and the person administering it shall duly certify and preserve the same, and shall within eight days deposit the same in the office of the clerk of the municipality to the affairs of which it relates. 55 V. c. 42, s. 275. Oath, affirmation, or declaration to be subscribed and deposited with clerk of municipality

318. The head of every council, or in his absence the chairman thereof, may administer an oath or affirmation to any person concerning any account or other matter submitted to the council. 55 V. c. 42, s. 276. Head of council may administer certain oaths, etc.

Penalty for refusing to accept office or administer declaration, etc.

319. Every qualified person duly elected or appointed to be a mayor, alderman, reeve or deputy-reeve, county councillor, councillor, police trustee, assessor or collector of or in any municipality, who refuses such office, or does not, in the case of a county councillor within thirty days, and in any of the other cases aforesaid within twenty days, after knowing of his election or appointment, make the declarations of office and qualification where a property qualification is required, and every person authorized to administer such declaration, who, upon reasonable demand, refuses to administer the same, shall, on summary conviction thereof before two or more Justices of the Peace, forfeit not more than $80, nor less that $8, at the discretion of the Justices, to the use of the municipality, together with the costs of prosecution. 55 V. c. 42, s. 277; 60 V. c. 15, *Sched.* C. (59); 60 V. c. 45, s. 1.

Division VIII.—Salaries, Tenure of Office and Security

Appointment and remuneration of officers. *Sec.* 320.
Tenure of office and duties. *Sec.* 321.
Gratuities to retiring officers. *Sec.* 322.
Security to be given by officers. *Sec.* 323.

Salaries of officers.

320.—(1) In case the remuneration of any of the officers of the municipality has not been settled by Act of the Legislature, the council shall settle the same; and the council shall provide for the payment of all municipal officers, whether the remuneration is settled by statute or by by-law of the council.

Remuneration of clerks for services performed under Rev. Stat. c. 285.

(*a*) It shall be the duty of the council to give to the clerk of the municipality for services and duties performed by him in carrying out the provisions of *The Ditches and Watercourses Act*, a fair and reasonable remuneration, to be fixed by by-law of the council.

Remuneration of clerks for copying documents, etc. Rev. Stat. c. 285.

(*b*) The council shall fix by by-law the sum to be paid to the clerk by any person for copies of awards or other documents, or for any other services rendered by the clerk, other than services which it is his duty to perform under the provisions of *The Ditches and Watercourses Act*.

Remuneration not to be settled by tender.

(2) No municipal council shall assume to make any appointment to office, or any arrangement for the discharge of the duties thereof, by tender, or to applicants at the lowest remuneration.

When municipality employing solicitor at a salary may recover costs.

(3) Where a municipality employs a solicitor or counsel whose remuneration is wholly or partly by salary, annual or otherwise, the municipality shall, notwithstanding, have the right to recover and collect lawful costs in all actions and proceedings, in the same manner as if the solicitor or counsel was not receiving a salary, where the costs are, by the

terms of his employment, payable to the solicitor or counsel as part of his remuneration in addition to his salary. 55 V. c. 42, s. 278; 55 V. c. 43, s. 16.

Tenure of office.

Duties.

321. All officers appointed by the council shall hold office until removed by the council, and shall, in addition to the duties assigned to them in this Act, perform all other duties required of them by any other statute, or by the by-laws of the council. 55 V. c. 42, s. 279.

A gratuity may be given in certain cases.

322. Any municipal council, other than a provisional council, may grant to any officer who has been in the service of the municipality for at least twenty years, and who, while in such service, has become incapable through old age, of efficiently discharging the duties of his office, a sum not exceeding his aggregate salary or other remuneration for the last three years of his service, as a gratuity upon his removal or resignation. 55 V. c. 42, s. 280.

Corporations, etc., may accept security of certain companies for their officers.

323. The bonds or policies of guarantee of any incorporated company, empowered to grant guarantees, bonds or policies for the integrity and faithful accounting of public officers, servants or persons occupying positions of trust or other like purposes, may be accepted instead of, or in addition to, the bond or security of any officer or servant of a municipal corporation, in all cases where, by the provisions of this or any other Act, or of any by-law of the corporation such officer or servant is required to give security, either by himself, or by himself and a surety or sureties, and where the persons directed or authorized to take the security see fit to accept the bond or policy of such company as aforesaid, and approve the terms and conditions thereof; and all the provisions in such Act relating to such security, to be given by such officer or servant, or his sureties, shall apply to the bonds and policies of guarantee of such company as aforesaid; and the same may be taken instead of, or in substitution for, any existing securities, if the persons directed or authorized as aforesaid see fit; whereupon such existing securities shall be delivered up to be cancelled. 55 V. c. 42, s. 281.

Existing bonds may be cancelled.

Division IX.—Investigation of Charges of Malfeasance, etc., or Judicial Inquiry in relation to Municipal Matters.

Investigation or Inquiry by County Judge. Sec. 324.

Investigation by County Judge of charges of malfeasance by municipal officers.

324.—(1) In case the council of any municipality at any time passes a resolution requesting the Judge of the County Court of the county in which the municipality is situate to investigate any matter to be mentioned in the resolution, and

relating to a supposed malfeasance, breach of trust or other misconduct on the part of any member of the council or officer of the corporation, or of any person having a contract therewith, in relation to the duties or obligations of the member, officer, or other person, to the municipality, or in case the council of any municipality sees fit to cause inquiry to be made into or concerning any matter connected with the good government of the municipality, or the conduct of any part of the public business thereof, and passes a resolution requesting the Judge to make the inquiry, the Judge shall inquire into the same, and shall for that purpose have all the powers which may be conferred upon Commissioners under *The Act respecting Inquiries concerning Public Matters*, and the Judge shall, with all convenient speed, report to the council the result of the inquiry and the evidence taken thereon.

Judge to have powers mentioned in Rev. Stat. c. 19.

Fees payable to county judge.

(2) The Judge of the County Court, holding such investigation, shall be entitled to receive, and shall be paid by the municipality requesting him to hold the investigation, the same fees as he would be entitled to receive if the matter had been referred to him as a referee under the provisions of *The Judicature Act*. 55 V. c. 42, s. 477.

Rev. Stat. c. 51.

PART VI.

GENERAL PROVISIONS APPLICABLE TO ALL MUNICIPALITIES.

TITLE I.—GENERAL JURISDICTION OF COUNCILS
II.—RESPECTING BY-LAWS.
III.—RESPECTING FINANCE.
IV.—DEBENTURES AND OTHER INSTRUMENTS.
V.—ARBITRATIONS.
VI.—ACTIONS AGAINST MUNICIPAL CORPORATIONS.
VII.—WITNESSES.
VIII.—ADMINISTRATION OF JUSTICE AND JUDICIAL PROCEEDINGS.

TITLE I.—GENERAL JURISDICTION OF COUNCILS.

Division I.—Nature and Extent.

Confined to municipality—How and when exerciseable. *Sec.* 325-328.
Traders' license fees. *Sec.* 329.
May not grant monopolies. *Sec.* 330.
Except as to telephones and ferries. *Secs.* 331, 332.

Jurisdiction of councils.

325. The jurisdiction of every council shall be confined to the municipality which the council represents, except where authority beyond the same is expressly given; and the powers of the council shall be exercised by by-law, when not otherwise authorized or provided for. 55 V. c. 42, s. 282.

General power to make regulations;

To repeal, alter, etc., by-laws.

326. Every council may make regulations not specifically provided for by this Act, and not contrary to law, for governing the proceedings of the council, the conduct of its members, the appointing or calling of special meetings of the council, and generally such other regulations as the good of the inhabitants of the municipality requires, and may repeal, alter and amend its by-laws, save as by this Act restricted. 55 V. c. 42, s. 283.

Council a continuing body.

327. A municipal council shall be deemed and considered as always continuing and existing, notwithstanding any annual or other election of the members composing the same, and, after any such election and the organization of the council for the current year, may take up and carry on to completion all proceedings commenced but not completed prior thereto. 55 V. c. 42, s. 284; 60 V. c. 3, s. 3.

Certain acts not to be done by councils after 31st December.

328. No council of any local municipality shall, after the 31st day of December in the year for which its members were elected, pass any by-law or resolution for the payment of money or which involves directly or indirectly the payment of money, nor shall they enter into any contract or obligation on the part of the municipality, nor shall they appoint to or dismiss from office any officer under the control of the council, or do any other corporate act after said day except in case of extreme urgency; but the council may before the 31st day of December, do any necessary business which, having regard to the circumstances, may be done at such time, and which they are authorized to do at their last meeting. 59 V. c. 51, s. 7.

Traders' license fees.

329. In all cases where, under the provisions of this Act, or of any other Act, any council or the board of commissioners of police in any city, or either of them, is or are authorized to pass by-laws for licensing any trade, calling, business, or profession, or the person carrying on or engaged in any such trade, calling, business, or profession, the council and the board of commissioners of police, respectively, shall, subject to sections 581, 583 and 585 of this Act, have power to pass by-laws fixing the sum to be paid for a license for exercising any such trade, calling, business, or profession, in the municipality, and for enforcing payment of the license fee, and for determining the time during which the license shall be in force. 55 V. c. 42, s. 285; 59 V. c. 51, s. 31 (1), *part.*

Granting monopolies prohibited.

330. Subject to the provisions of sections 331 and 332 of this Act no council shall have the power to give any person an exclusive right of exercising, within the municipality, any trade or calling, or to impose a special tax on any person exercising the same, or to require a license to be taken for exercising the same, unless authorized or required by statute so to do; but the council may direct a fee, not exceeding $1, to be paid to the proper officer for a certificate of compliance with any regulations in regard to such trade or calling. 55 V. c. 42, s. 286.

But fee may be required for certificate.

Powers of municipalities as to telephone companies.

331.—(1) The council of every city, town and village may pass by-laws, granting from time to time, to any telephone company, upon such terms and conditions as may be thought expedient, the exclusive right within the municipality, for a period not exceeding five years at any one time, to use streets and lanes in the municipality for the purpose of placing in, upon, over or under the same, poles, ducts and wires for the purpose of carrying on a telephone business, and may on behalf of the municipal corporation, enter into agreements with any such company not to give to any other company or person for such period any license or permission to use such streets or lanes for any such purpose; but no such by-law shall be passed, nor shall any such agreement be entered into without the assent of two-thirds of the members of the council of the municipality being present and voting therefor.

Certain rights not affected.

(2) Nothing in the preceding subsection contained, or done by virtue thereof, shall limit or prejudicially affect any rights of any telephone company with respect to the use of streets or lanes for the purposes aforesaid which existed on the 27th day of May, 1893, nor shall the said preceding subsection or any by-law passed or agreement made before the said date, prevent any municipal council from granting to any person permission to use streets or lanes for the purpose of a private telephone line for the use of such person, his servants, clerks or agents, or persons communicating with them.

Agreements made prior to May 17th, 1893.

(3) For the removal of doubts it is hereby declared that all by-laws passed and all agreements made prior to the 17th day of May, 1893, for the granting of the exclusive rights mentioned in subsection 1 for any period not exceeding ten years, are hereby declared to be as valid and binding as they would have been if the said municipalities had had power to grant such exclusive rights. 56 V. c. 35, s. 6 (1-3).

Privileges of ferry.

Exception as to certain ferries.

332. A council may grant exclusive privileges in any ferry which is vested in the corporation represented by such council, other than a ferry between a Province of the Dominion of Canada and any British or foreign country, or between two Provinces of the Dominion. 55 V. c. 42, s. 287. *See B. N. A. Act, 1867, s. 91 (13); Rev. Stat. Cap. 139; and sec. 583 (12), post.*

TITLE II.—RESPECTING BY-LAWS.

DIV. I.—AUTHENTICATION OF BY-LAWS.
DIV. II.—OBJECTIONS BY RATEPAYERS.
DIV. III.—VOTING ON BY ELECTORS.
DIV. IV.—CONFIRMATION OF BY-LAWS.
DIV. V.—QUASHING BY-LAWS.
DIV. VI.—BY-LAWS CREATING DEBTS.
DIV. VII.—REGISTRATION THEREOF, AND NOTICE.
DIV. VIII.—BY-LAWS RESPECTING YEARLY RATES.
DIV. IX.—ANTICIPATORY APPROPRIATIONS.

DIVISION I.—AUTHENTICATION OF BY-LAWS.

Original. *Sec.* 333.
Evidence of. *Sec.* 334.
Proof of facts for Lieutenant-Governor. *Sec.* 335.

333. Every by-law shall be under the seal of the corporation, and shall be signed by the head of the corporation, or by the person presiding at the meeting at which the by-law was passed, and by the clerk of the corporation. 55 V. c. 42, s. 288. How by-laws to be authenticated.

334. A copy of any by-law, written or printed, without erasure or interlineation, and under the seal of the corporation, and certified by the clerk, and by any member of the council to be a true copy, shall be deemed authentic, and shall be received in evidence in any Court of Justice, without proof of the seal or signatures, unless it is specially pleaded or alleged that the seal or one or both of the signatures has or have been forged. 55 V. c. 42, s. 289. [*See also Sec. 485.*] Evidence of.

335. The facts by this Act required to be recited in any by-law which requires the approval of the Lieutenant-Governor in Council, shall, before the by-law receives such approval, be verified by solemn declaration by the head of the council, and by the treasurer and clerk thereof, and by such other person, and on such other evidence, as to the Lieutenant-Governor in Council satisfactorily proves the facts so recited; or in case of the death or absence of any of the municipal officers hereinbefore mentioned, upon the declaration of any other member of the council, whose declaration the Lieutenant-Governor in Council accepts. 55 V. c. 42, s. 290. By-laws requiring assent of the Lieutenant-Governor.

DIVISION II.—OBJECTIONS BY RATEPAYERS.

When and how made. *Sec.* 336.
When council shall act on objections. *Sec.* 337.

Opposition to by-laws.

336. In case a person rated on the assessment roll of a municipality, or of any locality therein, objects to the passing of a by-law, the passing of which is to be preceded by the application of a certain number of the rateable inhabitants of such municipality or locality, he shall, on petitioning the council,

How to be made.

be at liberty to attend in person, or by counsel or solicitor, before the council at the time at which the by-law is intended to be considered, or before a committee of the council appointed to hear evidence thereon, and to produce evidence that the necessary notice of the application for the by-law was not given, or that any of the signatures to the application are not genuine, or were obtained upon incorrect statements, and that the proposed by-law is contrary to the wishes of the persons whose signatures were so obtained, and that the remaining signatures do not amount to the number, or represent the amount of property, necessary to the passing of the by-law. 55 V. c. 42, s. 291.

When by-laws shall not pass.

337. If the council is satisfied upon the evidence that the application for the by-law did not contain the names of a sufficient number of persons, whose names were obtained without fraud and in good faith, and who represent the requisite amount of property, and are desirous of having the by-law passed, or if the council is satisfied that the notice required by law was not duly given, the council shall not pass the by-law. 55 V. c. 42, s. 292.

DIVISION III.—VOTING ON BY ELECTORS.

Proceedings preliminary to the poll. *Secs.* 338-349.
The poll. *Secs.* 350-365.
Who to vote. *Secs.* 353, 354.
Freeholders. *Sec.* 353.
Leaseholders. *Sec.* 354.
Oath of freeholder. *Sec.* 356.
Oath of leaseholder. *Secs.* 357, 358.
Proceedings after close of Poll. *Secs.* 359-365.
Requisites of certain bonus by-laws. *Sec.* 366.
Secrecy of proceedings. *Secs.* 367, 368.
Scrutiny. *Secs.* 369-372.
Passing by-laws by council. *Secs.* 373, 374.

If a by-law requires the assent of the electors, mode of obtaining same.

338. In case a by-law requires the assent of the electors of a municipality before the final passing thereof, the following proceedings shall, except in cases otherwise provided for, be taken for ascertaining such assent:—

1. The council shall, by the by-law, fix the day and hour for taking the votes of the electors, and the places in the municipality for the purpose, as the council, in their discretion, deem best, and (where the votes are to be taken at more than one place,) shall name a deputy-returning officer to take the votes at every such place. The day so fixed for taking the votes shall not be less than three, nor more than five weeks after the first publication of the proposed by-law. 55 V. c. 42, s. 293 (1). Time and place of voting to be fixed by the by-law.

2. The council shall, before the final passing of the proposed by-law, publish a copy thereof in some public newspaper published either within the municipality or in the county town, or in a public newspaper published in an adjoining or neighbouring local municipality, as the council may designate by resolution; and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper each week for three successive weeks; and the council shall put up a copy of the by-law at four or more of the most public places in the municipality. 55 V. c. 42, s. 293 (2); 56 V. c. 35, s. 7. Publication of by-law.

3. Appended to each copy so published and posted shall be a notice, signed by the clerk of the council, stating that the copy is a true copy of a proposed by-law which has been taken into consideration, and which will be finally passed by the council (in the event of the assent of the electors being obtained thereto,) after one month from the first publication in the newspaper, stating the date of the first publication, and that at the hour, day and place or places therein fixed for taking the votes of the electors, the polls will be held. 55 V. c. 42, s. 293 (3). Notice.

339. Forthwith after the day has been fixed as aforesaid for taking the votes of electors with respect to the by-law, the clerk of the municipal council which proposed the by-law, shall cause to be printed, at the expense of the municipality, such a number of ballot papers as will be sufficient for the purposes of the voting. 55 V. c. 42, s. 294. Ballot papers to be printed.

340. The ballot papers shall be according to the form of Schedule J to this Act. 55 V. c. 42, s. 295. Form of.

341. The council shall, by the by-law, fix a time when, and a place where, the clerk of the council which proposed the by-law is to sum up the number of votes given for and against the by-law, and a time and place for the appointment of persons to attend at the various polling places, and at the final summing up of the votes by the clerk respectively, on behalf of the persons interested in, and promoting or opposing the passing of the by-law respectively. 55 V. c. 42, s. 296. Council to fix a day for appointment of persons to attend at polling places, and for final summing up of votes.

342. At the time and place named, the head of the municipality shall appoint, in writing signed by him, two persons to Selection of agents.

ttend at the final summing up of the votes, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of the by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of the by-law. 55 V. c. 42, s. 297.

Agent to make declaration.

343. Before any person is so appointed he shall make and subscribe, before the head of the municipality, a declaration in the form of Schedule K to this Act, that he is interested in, and desirous of promoting, or opposing (as the case may be), the passing of the by-law. 55 V. c. 42, s. 298.

Admission of agents to polling place, etc.

344. Every person so appointed, before being admitted to the polling place or to the summing up of the votes, as the case may be, shall produce his written appointment to the deputy-returning officer, or clerk of the municipality, as the case may be. 55 V. c. 42, s. 299.

Appointment in absence of agent.

345. In the absence of any person authorized as aforesaid to attend at a polling place, or at the final summing up of the votes, any elector in the same interest as the person so absent may, upon making and subscribing, before the deputy-returning officer at the polling place, or before the clerk of the municipality, a declaration in the form of Schedule K to this Act, be admitted to the polling place to act for the person so absent. 55 V. c. 42, s. 300.

Exclusion from polling place.

346. During the time appointed for polling no person shall be entitled or permitted to be present in any polling place, other than the officers, clerks and persons or electors authorized to attend as aforesaid at the polling place. 55 V. c. 42, s. 301.

Deputy-returning officers, poll clerks, and agents may vote at polling places where they are employed,

347.—(1) The clerk of the municipality, on the request of any elector entitled to vote at one of the polling places, who has been appointed deputy-returning officer or poll clerk, or who has been named as the person to attend at a polling place, other than the one where he is entitled to vote, shall give to such elector a certificate that such deputy-returning officer, poll clerk, or person is entitled to vote for or against the by-law, at the polling place where such elector is stationed during the polling day; and the certificate shall also state the property or other qualification in respect to which such elector is entitled to vote.

on certificate from the clerk of the municipality.

(2) On the production of the certificate, such deputy-returning officer, poll clerk or person shall have the right to vote at the polling place where he is stationed during the polling day, instead of at the polling place of the ward or polling subdivision where he would otherwise have been entitled to vote; and the deputy-returning officer shall attach the certificate to the voters' list; but no such certificate shall entitle such

elector to vote at such polling place, unless he has been actually engaged as such deputy-returning officer, poll clerk or person during the day of polling.

(3) In the case of a deputy-returning officer voting at the polling place at which he is appointed to act, the poll clerk, or in the absence of the poll clerk, any one authorized to be present at the polling place, may administer to the deputy-returning officer the oath required to be taken by voters qualified to vote on the by-law. 55 V. c. 42, s. 302. Who to administer oath in such case.

348. In the case of municipalities which are divided into wards or polling subdivisions, the clerk of the municipality shall, before the poll is opened, prepare and deliver to the deputy-returning officer for every ward or polling subdivision, a voters' list in the form of Schedule C to this Act, containing the names, arranged alphabetically, of all persons appearing by the then last revised assessment roll to be entitled, under the provisions of sections 353 and 354 of this Act, to vote in that ward or polling subdivision, and he shall attest the said list by his solemn declaration in writing under his hand. 55 V. c. 42, s. 303. Who to conduct the poll in municipalities divided into wards or polling subdivisions.

349 In the case of municipalities which are not divided into wards or polling subdivisions, the clerk shall provide himself with the necessary ballot papers, the materials for marking ballot papers, printed directions to voters, and a list of electors for the municipality similar to the list mentioned in the preceding section; and the clerk shall perform the like duties with respect to the whole municipality as are imposed upon a deputy-returning officer in respect of a ward or polling subdivision. 55 V. c. 42, s. 304. In municipalities not divided into wards or polling subdivisions.

The Poll.

350. At the day and hour fixed as aforesaid, the poll shall be held and the vote shall be taken by ballot. 55 V. c. 42, s. 305. Voting to be by ballot.

351. The proceedings at the poll, and for and incidental to the same, and the purposes thereof, shall be the same, as nearly as may be, as at municipal elections, and all the provisions of sections 138 to 206 inclusive, of this Act, so far as the same are applicable, and except so far as is herein otherwise provided, shall apply to the taking of votes at the poll, and to all matters incidental thereto. 55 V. c. 42, s. 306. Proceedings to be as at municipal elections.

352. The printed directions to be delivered to the deputy-returning officers shall be in the form of Schedule L to this Act. 55 V. c. 42, s. 307. Form of directions for guidance to voters.

353—(1) Every ratepayer, being a man, an unmarried woman or a widow, shall be entitled to vote on any by-law re- Freeholders who may vote on by-laws.

quiring the assent of the electors, who, at the time of tender of the vote, is of the full age of twenty-one years, and a natural-born or naturalized subject of Her Majesty, and who has neither directly or indirectly received, nor is in expectation of receiving, any reward or gift for the vote so tendered, and who is at the time of the tender a freeholder, in his or her own right, or (if a man) whose wife is a freeholder of real property within the municipality, of sufficient value to entitle him to vote at any municipal election, and is rated on the last revised assessment roll as such freeholder, provided such person is named or intended to be named on the voters' list.

In case of new municipality where there has been no assessment roll.

(2) In the case of a new municipality in which there has not been any assessment roll, the qualification of being named on the list and of being rated on the roll shall be dispensed with; but in such case the person offering to vote shall not be entitled to vote, unless he possesses the other qualifications above mentioned, and has, at the time of tender of his vote sufficient property to have entitled him to vote if he had been rated therefor, and unless at the said time he names the property to the deputy-returning officer; and the deputy-returning officer shall note such property in the voters' list opposite the voter's name, at the request of any one entitled to vote on the by-law. 55 V. c. 42, s. 308.

Leaseholders who may vote on by-laws.

354.—(1) Every ratepayer shall be entitled to vote on any by-law requiring the assent of the electors, who is a man, an unmarried woman or a widow, and is named, or intended to be named, in the voters' list, and at the time of tender of the vote is of the full age of twenty-one years, and a natural born or naturalized subject of Her Majesty, and who has neither directly or indirectly received, nor is in expectation of receiving, any reward or gift for the vote so tendered, and is resident within the municipality for which the vote is taken for one month next before the vote, and who is, or whose wife is, a leaseholder of real property within the municipality of sufficient value to entitle him to vote at a municipal election, and who is rated on the last revised assessment roll therefor, provided he has in his lease covenanted to pay all municipal taxes in respect of the property leased (other than taxes assessed for local improvements), and, in the case of a by-law for contracting a debt, provided the lease extends for the period of time within which the debt to be contracted or the money to be raised by the by-law is made payable. 55 V. c. 42, s. 309 (1); 60 V. c. 3, s. 3; c. 14, s. 28; c. 15, *Sched.* C (60).

Proviso.

Leaseholders who may vote on local improvement by-laws.

(2) No lessee shall be entitled to vote on a by-law respecting local improvements under section 682 of this Act, unless he has in his lease covenanted to pay taxes assessed for local improvements, and, in the case of such a by-law, the said proviso as to the lease extending for the period of time within which the debt to be contracted or the money to be raised by such by-law is made payable, shall not apply. 55 V. c. 42, s. 309 (2); 60 V. c. 3, s. 3; c. 14, s. 28.

(3) In the case of a new municipality in which there has not been any assessment roll, the qualification of being named on the list and of being rated on the roll, and of residence for one month, shall be dispensed with; but in such case the person offering to vote shall not be entitled to vote unless he possesses the other qualifications above mentioned, and is at the time of tender of his vote a resident of the municipality, and then has sufficient property to have entitled him to vote if he had been rated therefor, and unless at the said time he names the property to the deputy-returning officer; and the deputy-returning officer shall note the property in the voters' list, opposite the voter's name, at the request of any one entitled to vote on the by-law. 55 V. c. 42, s. 309 (3). In case of new municipality where there has been no assessment roll.

355. Where a municipality is divided into wards, each ratepayer shall be so entitled to vote in each ward in which he has the qualification necessary to entitle him to vote on the by-law. 55 V. c. 42, s. 309*a*; c. 43, s. 17. Where ratepayers qualified in more than one ward.

356. Any ratepayer offering in respect of a freehold to vote on the by-law, may be required by the deputy-returning officer, or by any ratepayer entitled to vote on the by-law, to make, before his vote is recorded, the following oath or affirmation, or any part thereof, or to the effect thereof. Oath of freeholder voting on by-law.

You swear that you are of the full age of 21 years, and a natural-born (*or* naturalized) subject of Her Majesty;

That you are a freeholder in your own right (*or* your wife is a freeholder), within the municipality (*or* ward *as the case may be*) for which this vote is taken;

That you have not voted before on the by-law in this township (*or* ward, *as the case may be*);

That you are, according to law, entitled to vote on the said by-law in this township (*or* ward, *as the case may be*).

That you have not, directly or indirectly, received any reward or gift, nor do you expect to receive any, for the vote which you tender;

That you are the person named, (*or* intended to be named), in the voters' list.

(*In the case of an unmarried woman or widow claiming to vote.*) That you are unmarried (*or* a widow *as the case may be*;)

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, hire of team, or any other service connected therewith; and that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting;

(*In the case of a new municipality in which there has not been any assessment roll, then instead of referring to being named on the voters' list, the person offering to vote may be required to state, in the oath, the property in respect of which he claims to vote;*)

And no inquiries shall be made of any voter, except with respect to the facts specified in such oath or affirmation. 55 V. c. 42, s. 310; c. 43, c. 18; 60 V. c. 15, *Sched.* C (61).

Oath of leaseholder voting on by-law, other than one respecting local improvements under section 682.

357. Any ratepayer offering in respect of a leasehold, to vote on such by-law, other than a by-law respecting local improvements, under section 682, may be required by the deputy-returning officer, or by any ratepayer entitled to vote on such by-law, to make, before his vote is recorded, the following oath or affirmation, or any part thereof, or to the effect thereof:

You swear that you are of the full age of 21 years, and a natural-born (*or* naturalized) subject of Her Majesty;

That you have been a resident within the municipality for which this vote is taken for one month next before the vote;

That you are (*or* your wife is), a leaseholder within this municipality (*or* ward *as the case may be*) and (*in the case of a by-law creating a debt*) that the lease extends for the period of time within which the debt to be contracted or the money to be raised by the by-law now submitted to the ratepayers is made payable, and that you have (*or* the lessee in said lease has) covenanted in such lease to pay all municipal taxes other than taxes assessed for local improvements:

That you have not before voted on the by-law in this township (*or* ward, *as the case may be*);

That you are, according to law, entitled to vote on the said by-law in this township (*or* ward, *as the case may be*);

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender;

That you are the person named, (*or* intended to be named,) in the voters' list;

(*In the case of an unmarried woman or widow claiming to vote.*) That you are unmarried (*or* a widow *as the case may be*;)

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or to refrain from voting;

(*In the case of a new municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the vote, and instead of referring to being named in the voters' list, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote, and that he is a resident of such municipality*);

And no inquiries shall be made of a voter, except with respect to the facts specified in the oath or affirmation. 55 V. c. 42, s. 311; c. 43. s. 19; 60 V. c. 3, s. 3; c. 15, *Sched.* C (61).

Oath of leaseholder voting on by-law respecting local improvements under section 682.

358. A ratepayer offering in respect of a leasehold, to vote on a by-law respecting local improvements, under section 682, may be required by the deputy-returning officer, or by any ratepayer entitled to vote on the by-law, to make, before his vote is recorded, the following oath or affirmation, or any part thereof, or to the effect thereof:

You swear that you are of the full age of 21 years, and a natural-born (*or* naturalized) subject of Her Majesty;

That you have been a resident within the municipality for which this vote is taken, for one month next before the vote;

That you are (*or* your wife is) a leaseholder within this municipality, (*or* ward *as the case may be*) and that you have (*or* the lessee in said lease has) covenanted in such lease to pay all municipal taxes, including taxes assessed for local improvements.

That you have not before voted on the by-law in this township (*or* ward *as the case may be*);

That you are, according to law, entitled to vote on the said by-law in this township (*or* ward, *as the case may be*);

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender;

That you are the person named, (*or* intended to be named), in the voters' list;

(*In the case of an unmarried woman or widow claiming to vote.*) That you are unmarried (*or* a widow *as the case may be*;)

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or to refrain from voting;

(*In the case of a new municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the vote and instead of referring to being named in the voters' list, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote, and that he is a resident of such municipality*);

And no inquiries shall be made of a voter, except with respect to the facts specified in the oath or affirmation. 55 V. c. 42, s. 312; c. 43, s. 20; 60 V. c. 3, s. 3; c. 14, s. 28; c. 15, *Sched.* C (61).

Form of statement to be made by deputy returning officers of result of polling.

359. The written statement to be made by every deputy-returning officer at the close of the polling shall be made under the following heads:

(*a*) Name or number of ward or polling subdivision, and of the municipality, and the date of the polling;

(*b*) Number of votes for and against the by-law;

(*c*) Rejected ballot papers. 55 V. c. 42, s. 313.

Objections to ballot papers.

To be numbered.

360. The deputy-returning officer shall take a note of any objection made by any person authorized to be present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection. Each objection to a ballot paper shall be numbered, and a corresponding number shall be placed on the back of the ballot paper, and initialed by the deputy-returning officer. 55 V. c. 42, s. 314.

Deputy returning officer's duties after votes are counted.

361. Every deputy-returning officer, at the completion of the counting of votes after the close of the poll, shall, in the presence of the persons authorized to attend, make up into separate packets, sealed with his own seal, and the seals of such persons authorized to attend as desire to affix their seals, and marked upon the outside with a short statement of the contents of such packet, the date of the day of the polling, the name of the deputy-returning officer, and of the ward or polling subdivision and of the municipality—

(*a*) The statement of votes given for and against the by-law, and of the rejected ballot papers;

(*b*) The used ballot papers which have not been objected to and have been counted;

(*c*) The ballot papers which have been objected to, but which have been counted by the deputy-returning officer;

(*d*) The rejected ballot papers;

(*e*) The spoiled ballot papers;

(*f*) The unused ballot papers;

(*g*) The voters' list and poll book, with the oath in the form of Schedule G annexed thereto; a statement of the number of voters whose votes are marked by the deputy-returning officer, under section 171 of this Act, with the declarations of inability; and the notes taken of objections made to ballot papers found in the ballot box. 55 V. c. 42, s. 315; 58 V. c. 42, ss. 8, 9; 60 V. c. 3, s. 3.

Certificate and declaration of deputy returning officer and return of voters' list and of ballot box.

362. Every deputy-returning officer shall, at the close of the poll, certify, under his signature, on the voters' list, in full words, the total number of persons who have voted at the polling place at which he has been appointed to preside, and before placing the voters' list and poll book in their proper package as aforesaid, he shall make and subscribe before the clerk of the municipality or before a Justice of the Peace or the poll-clerk, his solemn declaration that the voters' list and poll book were used in the manner prescribed by law and that the entries required by law to be made therein were correctly made. The declaration shall be in the form of Schedule G to this Act, and shall thereafter be annexed to the voters' list. The deputy-returning officer shall then forthwith return the ballot box to the clerk of the municipality. 55 V. c. 42, s. 316; 58 V. c. 42, ss. 8, 9; 60 V. c. 3, s. 3.

Deputy returning officer to certify as to number of votes and rejected ballot papers.

363. Every deputy-returning officer, upon being requested so to do, shall deliver to the persons authorized to attend at his polling place a certificate of the number of votes given at the polling place for and against the by-law, and of the number of rejected ballot papers. 55 V. c 42, s. 317.

Clerk to cast up votes and declare result.

364. The clerk, after he has received the ballot papers and the statements before mentioned of the number of votes given in each polling place, shall, at the time and place appointed by the by-law, in the presence of the persons authorized to attend or such of them as may be present, without opening any of the sealed packets of ballot papers, sum up from such statements the number of votes for and against the by-law, and shall then

and there declare the result, and shall forthwith certify to the council, under his hand, whether the majority of the electors voting upon the by-law have approved or disapproved of the by-law. 55 V. c. 42, s. 318.

Clerk not to have casting vote as to certain by-laws.

365. Where the assent of the electors, or of the ratepayers or of a proportion of them, is necessary to the validity of a by-law, the clerk or other officer shall not be entitled to give a casting vote. 55 V. c. 42, s. 319.

Requisites of Bonus By-laws.

Requisites to validity of certain bonus by-laws.

366.—(1) To render valid a by-law of a municipality for granting a bonus in aid of a railway, or in aid of any water-works or water company, or for taking stock in a railway company, or for lending money to such company, or for guaranteeing the payment of money borrowed by such company, the assent shall be necessary of one-third of all the ratepayers who were entitled to vote, as well as of a majority of the ratepayers voting on the by-law.

Certificate to be given by clerk.

(2) In addition to the certificate required by section 364 of this Act, the clerk, in case of the majority of votes being in favour of the by-law, shall further certify whether or not, as far as shewn by the voters' list and assessment roll, such majority appears to be one-third of all the ratepayers who were entitled to vote on the by-law.

(3) In case of dispute as to the result of the vote, the Judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes.

(4) The petition to the Judge may be by any elector, or by the council; and the proceedings for obtaining the Judge's decision shall be the same, as nearly as may be, as in the case of a scrutiny. 55 V. c. 42, s. 320; c. 43, s. 21. *See sec.* 369.

Secrecy of Proceedings.

Maintaining secrecy of proceedings at polling place.

367.—(1) Every officer, clerk and person in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

Voter not to be interfered with.

(2) No officer, clerk or other person whosoever, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain, at the polling place, information as to the manner in which any voter at such polling place is about to vote or has voted.

No information to be given as to how anyone is about to vote or has voted.

(3) No officer, clerk or other person shall communicate at any time, to any person, any information obtained at a polling place, as to the manner in which any voter at such polling place is about to vote or has voted.

Secrecy to be maintained at counting.

(4) Every officer, clerk and person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate or attempt to communicate any information obtained at such counting, as to the manner in which any vote is given in any particular ballot paper.

Voters not to be induced to disclose votes.

(5) No person shall, directly or indirectly, induce any voter to display his ballot paper after he has marked the same, so as to make known to any person the manner in which he has marked his ballot paper.

Penalty for contravening this section.

(6) Every person who acts in contravention of this section shall be liable, on summary conviction before a Stipendiary Magistrate, Police Magistrate, or two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labour. 55 V. c. 42, s. 321.

Statutory declaration of secrecy to be made by officers, etc., before a poll.

368. The clerk of the municipality, and every officer, clerk or person authorized to attend at a polling place, or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy, in the presence, (if he is the clerk of the municipality), of a Justice of the Peace, and (if he is any other officer, or a clerk or an agent), in the presence of a Justice of the Peace, or of the clerk of the municipality, or of a deputy-returning officer. Such statutory declaration of secrecy shall be in the form given in Schedule M to this Act, or to the like effect. 55 V. c .42, s. 322.

Scrutiny.

Scrutiny may be had on application to County Judge.

369. If within two weeks after the clerk of the council which proposed the by-law has declared the result of the voting, any elector applies upon petition to the County Judge after giving such notice of the application, and to such persons as the Judge directs, and shews by affidavit to the Judge reasonable grounds for entering into a scrutiny of the ballot papers, and if the petitioner enters into a recognizance before the Judge in the sum of $100, with two sureties (to be allowed as sufficient by the Judge upon affidavit of justification) in the sum of $50 each, conditioned to prosecute the petition with effect, and to pay the party against whom the same is brought any costs which may be adjudged to him against the petitioner, the Judge may appoint a day and place, within the municipality, for entering into the scrutiny. 55 V. c. 42, s. 323.

Notice of time of scrutiny.

370. At least one week's notice of the day appointed for the scrutiny, shall be given by the petitioner to such persons as the Judge directs, and to the clerk of the municipality. 55 V. c. 42, s. 324.

Proceedings.

371. On the day and at the hour appointed, the clerk shall attend before the Judge with the ballot papers in his custody,

and the Judge upon inspecting the ballot papers, and hearing such evidence as he may deem necessary, and on hearing the parties, or such of them as may attend, or their counsel, shall, in a summary manner, determine whether the majority of the votes given, is for or against the by-law, and shall forthwith certify the result to the council. 55 V. c. 42, s. 325.

Powers of Judge.

372. The Judge shall on the scrutiny possess the like powers and authority, as to all matters arising upon the scrutiny, as are possessed by him upon a trial of the validity of the election of a member of a municipal council: and in all cases costs shall be in the discretion of the Judge, as in the case of applications to quash a by-law, or he may apportion the costs as to him seems just. 55 V. c. 42, s. 326.

Costs.

Passing by-laws by Council.

By-law carried by voters to be passed by council.

373. A by-law which is duly carried by the vote of the qualified electors, shall within six weeks thereafter be passed by the council. 55 V. c. 42, s. 327.

The passing of the by-law stayed on presenting of a petition.

374. In case of a petition being presented, the by-law shall not be passed by the council until after the petition has been disposed of; and the time which intervenes between the presenting of the petition and the final disposal thereof shall not be reckoned as part of the six weeks within which the by-law is to be passed. 55 V. c. 42, s. 328.

Division IV.—Confirmation of By-Laws.

By publication. *Sec.* 375.
Notice. *Sec.* 376.
When not moved against. *Sec.* 377.

Promulgation of by-laws.

375. The promulgation of a by-law shall consist in the publication, through the public press, of a true copy of the by-law, and of the signature attesting its authenticity, with a notice appended thereto of the time limited by law for applications to quash the same or any part thereof, and the publication aforesaid shall be in such public newspaper, published either within the municipality or in the county town, or in an adjoining neighbouring or local municipality, as the council by resolution may designate, and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper, each week for three successive weeks. 55 V. c. 42, s. 329; 56 V. c. 35, s. 8.

Form of notice to be published with by-law.

376. The notice to be appended to every copy of the by-law for the purpose aforesaid, shall be to the effect following:

NOTICE.—The above is a true copy of a by-law passed by the municip council of the of o the day of A. D. 18 (an approved by His Honour the Lieutenant-Governor in Council on th day of 18 *where such approv is required to give effect to the by-law*): And all persons are hereb required to take notice that any one desirous of applying to have suc by-law, or any part thereof, quashed, must make his application fo that purpose to the High Court of Justice, within three months nex after the publication of this notice once a week for three successiv weeks, in the newspaper called the or he will b too late to be heard in that behalf

55 V. c. 42, s. 330.

If not moved against within the time limited, to be valid.

377. In case no application to quash a by-law is mad within three months next after the third publication theree and of the notice aforesaid, the by-law, or so much thereof as i not the subject of any such application, or is not quashed upo such application, shall, notwithstanding any defect of sul stance or form, either in the by-law itself, or in the time c manner of passing the same, be a valid by-law, so far as th same ordains, prescribes or directs anything within the prope competence of the council to ordain, prescribe or direct. 55 V c. 42, s. 331; 60 V. c. 15, *Sched.* C (62).

DIVISION V.—QUASHING BY-LAWS.

How to proceed. Sec. 378.
Time limited for applications. Secs. 379, 380.
Motion against for corrupt practices. Secs. 381, 382.
Staying proceedings upon the by-law. Sec. 383.

Proceedings to quash by-law.

378.—(1) Any resident of a municipality or any other pe son interested in a by-law, order or resolution of the counc thereof, may apply to the High Court of Justice upon motio to quash the by-law, order or resolution, in whole or in part fo illegality, and the Court upon such motion may quash the by law, order or resolution in whole or in part for illegality, an may, according to the result of the application, award costs fo or against the corporation.

(2) Notice of the motion shall be served at least seven day before the day on which the motion is to be made.

(3) Upon such motion the by-law, order or resolution ma be proved by the production of a copy thereof, certified unde the hand of the clerk, and under the corporate seal, and shew by affidavit to have been received from the clerk.

(4) Before any such motion is made or entertained th applicant (or, in case the applicant is a company, som person on its behalf) shall enter into a recognizance before th Judge of the County Court of the county in which is situat

the municipality whose by-law is the subject of the notice, himself in the sum of $50, and two sureties each in the sum of $50, conditioned to prosecute the motion with effect, and to pay to the municipality any costs which may be adjudged to them against the applicant.

(5) The Judge may allow the said recognizance upon the sureties entering into proper affidavits of justification, and thereupon the same shall be filed in the High Court with the other papers relating to the motion. 55 V. c. 42, s. 332; c. 43, s. 2; 60 V. c. 3, s. 3; c. 15, *Sched.* C (63); c. 45, s. 42.

Time within which application must be made.

Exception.

379. No application to quash a by-law, order or resolution, in whole or in part, shall be entertained unless the application is made within one year from the passing of the by-law, order or resolution, except in the case of a by-law requiring the assent of electors or ratepayers, where the by-law has not been submitted to, or has not received the assent of, the electors or ratepayers; and in such case an application to quash the by-law may be made at any time. 55 V. c. 42, s. 333.

Time after which by-law imposing a rate cannot be quashed, if promulgated.

380. In case a by-law by which a rate is imposed has been promulgated in the manner hereinbefore specified, no application to quash the by-law shall be entertained after the expiration of three months from the promulgation. 55 V. c. 42, s. 334.

Quashing by-laws obtained by bribery, etc.

381. Any by-law the passage of which has been procured through or by means of, any violation of the provisions of sections 245 and 246 of this Act, shall be liable to be quashed upon an application made in conformity with the provisions hereinbefore contained. 55 V. c. 42, s. 335.

Procedure in such case.

Inquiry by County Judge.

382.—(1) If, before determining an application for the quashing of a by-law, upon the ground that any of the provisions of sections 245 and 246 of this Act have been contravened in procuring the passing of the same, it is made to appear to a Judge of the High Court that probable grounds exist for a motion to quash the by-law, the Judge may, upon such notice to the parties affected as he may direct, make an order for an inquiry to be held concerning the said grounds before the Judge of the County Court of the county in which the municipality which passed the by-law is situate, and may require that upon the inquiry all witnesses, both against and in support of the by-law, shall be orally examined and cross-examined upon oath before the County Court Judge.

Return of evidence.

(2) The County Court Judge shall thereupon return the evidence so taken before him, to the proper office of the High Court of Justice; and after the return of the evidence, and upon reading the same, a Judge of the High Court may, upon notice to such of the parties concerned as he thinks proper, proceed to hear and determine the question; and if the

Judgment.

grounds therefor appear to him to be satisfactorily established, he may make an order quashing the by-law, and may order the costs of the proceedings to be paid by the parties who have supported the by-law or any of them; and if it appears that the application to quash the by-law ought to be dismissed, the Judge may so order, and may in his discretion order the costs to be paid by the persons applying to quash the by-law. 55 V. c. 42, s. 336; 60 V. c. 15, *Sched.* C (64).

Costs.

Stay of proceedings on the by-law.

383. After an order has been made by a Judge directing an inquiry, and after a copy of the order has been left with the clerk of the corporation the by-law of which is in question, all further proceedings upon the by-law shall be stayed until after the disposal of the application in respect of which the inquiry has been directed; but if the matter is not prosecuted to the satisfaction of the Judge he may remove the stay of proceedings. 55 V. c. 42, s. 337.

Division VI.—By-Laws Creating Debts.

Requisite formalities. *Secs.* 384-386.
Principal may be repayable by annual instalments. *Sec.* 386.
Special rates a charge on property. *Sec.* 387.
Assent of electors, when required. *Sec.* 388, 389.
When special council meetings requisite. *Sec.* 390.
When repealable and when not. *Secs.* 391, 392.
Illegal repeal to be ignored by municipal officers. *Sec.* 393.
Purchase of public works, etc., by councils. *Sec.* 394.
Rates to be imposed therefor. *Sec.* 395.

By-laws for contracting debts.

384.—(1). Every municipal council may, under the formalities required by law, pass by-laws for contracting debts for any purpose within the jurisdiction of the council, by borrowing money or otherwise, and for levying rates on the rateable property of the municipality for payment of such debts, but no such by-law shall be valid which is not in accordance with the following restrictions and provisions, except in so far as is otherwise provided in the next following two sections of this Act. 55 V. c. 42, s. 340, *first clause.*

(2) The by-law, (if not creating a debt for the purchase of public works, whether of this Province or of the Dominion of Canada, pursuant to the statutes in that behalf and to the provisions of sections 394 and 395), shall name a day in the financial year in which the same is passed when it is to take effect; and if no day is named it shall take effect on the day of the passing thereof. 60 V. c. 45, s. 43 (1).

Debentures, when to be issued.

(3) The debentures may be issued all at one time, and in such case within a year after the passing of the by-law; or, in any case where, because of the proposed expenditure upon

the objects for which the debt is contracted being estimated to extend over a series of years, and it being undesirable to have large portions of the moneys in hand unused and uninvested, or for other like or sufficient causes set out in the by-law, it would, in the opinion of the municipal council, be to the advantage of the municipality, the debentures may be issued in instalments of such amounts (not exceeding in the aggregate the total amount for which provision is made by the by-law), and at such times, as the exigency of the case demands, but so that the whole shall be issued within five years, and the first instalment within one year, after the passing of the by-law. 60 V. c. 45, s. 43 (2).

When to be made payable.

(4) If contracted for railways, harbour works or improvements, gas or water-works, or for the construction of sewers, the purchase and improvement of parks or the erection of public school houses, or for electric light works in towns having a population of 5,000 or under, the whole debt, or each instalment of the debt, as the case may be, and the obligations to be issued therefor, respectively, shall be made payable in thirty years at furthest; and unless contracted for any of the purposes aforesaid, or for the purchase of public works, as aforesaid, then in twenty years at furthest from the time or times when the debentures are by the by-law directed or authorized to be issued, whether that be at a date or dates certain, specifically fixed, or at a date or dates depending upon and determined by the happening of any event or events or upon the fulfilment of any condition or conditions as set forth in the by-law. 60 V. c. 45, s. 43 (2*a*). *See sec.* 565.

Special rate.

(5) The by-law shall settle a certain specific sum to be raised annually, for the payment of interest during the currency of the debentures or of each instalment of the debentures, as the case may be, and also a certain specific sum to be raised annually for the payment of the debt, or of each instalment thereof, as the case may be; and the said sums shall be such as will be sufficient, with the estimated interest on the investments thereof, to discharge the debt, or the instalment, as the case may be, when payable; and the annual rate required for such purposes shall begin from the date when the debentures are by the by-law directed or authorized to be issued as aforesaid. 60 V. c. 45, s. 43 (3).

Commencement of annual rate.

(6) No by-law passed before the 1st day of July, 1897, shall be deemed to be invalid by reason only of such annual rate commencing at a time subsequent to the year in which the by-law took effect, or because the levy of such annual rate did not begin until the fulfilment of conditions contained in the by-law. 60 V. c. 45, s. 43 (3*a*), *and* s. 46.

Debentures issued under certain special Acts not affected.

(7) Nothing in this section contained shall apply to or affect any debentures issued or to be issued in pursuance of section 21 of the Act passed in the 54th year of Her Majesty's reign, chaptered 72, or sections 1 and 3 of the Act passed in the 57th year of Her Majesty's reign, chaptered 71. 60 V. c. 45, s. 43 (3c).

Interest on investments how estimated.

(8) In settling the sum to be raised annually for the payments of the debt, the rate of interest on investments shall not be estimated at more than four per cent. per annum to be capitalized yearly; 55. V. c. 42, s. 340 (4); 60 V. c. 45, s. 45.

Property on which rate to be levied.

(9) The by-law shall provide that such annual sum shall be raised and levied in each year by a special rate sufficient therefor, on all the rateable property in the municipality; or, (if the by-law is for a work payable by local assessment), on all the property rateable under the by-law or per foot frontage as the case may be; 55 V. c. 42, s. 340 (5).

Recitals:

(10) The by-law, unless it is for a work payable by local assessment, shall recite:

Amount and object of debt;

(a) The amount of the debt which the new by-law is intended to create, and, in some brief and general terms, the object for which it is to be created;

Amount to be raised annually;

(b) The total amount required by this Act to be raised annually by special rate for paying the new debt and interest;

The value of the rateable property;

(c) The amount of the whole rateable property of the municipality according to the last revised, or revised and equalized assessment roll;

Amount of existing debt.

(d) The amount of the existing debenture debt of the municipality, and how much (if any) of the principal or interest is in arrear. 55 V. c. 42, s. 340 (6).

By-law for a work payable by local assessment must recite:

385.—(1) If the by-law is for a work payable by local assessment, it shall recite:

Amount and object of debt.

(a) The amount of the debt which the by-law is intended to create, and, in some brief and general terms, the object for which it is to be created;

Amount to be raised annually;

(b) The total amount required by this Act to be raised annually by special rate for paying the debt and interest under the by-law;

Value of real property rateable:

(c) The value of the whole real property rateable under the by-law, as ascertained and finally determined as aforesaid;

That debt created on security of special rate.

(d) That the debt is created on the security of the special rate settled by the by-law, and on that security only.

Power to guarantee local improvement debentures.

(2) In the case of by-laws passed, or to be passed for works payable by local assessment, in order to facilitate the negotiation of debentures issued thereunder, and add to their

commercial value, the council of any township, city, town, or village, may declare that the debt to be created on the security of the special rate settled by the by-law is further guaranteed by the municipality at large, anything contained in clause (*d*) of subsection 1 of this section to the contrary notwithstanding. 55 V. c. 42, s. 341.

Making debts payable in annual instalments.

386.—(1) In any case of passing a by-law for contracting a debt, by borrowing money for any purpose, the municipal council may, in its discretion, make the principal of the debt, or of each instalment of the debt, as the case may be, repayable by yearly sums, during the currency of the period (not exceeding thirty years, if the debt is for railways, harbour works or improvements, gas or water-works or for the construction of sewers, the purchase and improvement of parks or the erection of public school houses, and not exceeding twenty years if the debt is for any other purpose except the purchase of public works as in subsection 2 of section 384 mentioned), within which the debt, or the instalment of the debt, as the case may be, is to be discharged; and such yearly sums shall be of such amounts that the aggregate amount payable for principal and interest in any year in respect of the debt, or of the instalment, as the case may be, shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period; and the council may issue the debentures of the municipal corporation for the amounts, and payable at the times corresponding with such yearly sums, together with interest, annually or semi-annually, as may be set forth and provided in the by-law. 60 V. c. 45, s. 44 (1). *See in the case of certain towns sec. 567.*

(2) The by-law shall set forth a certain specific sum, to be raised in each year during the currency of the debt, or of the instalment of the debt, as the case may be, which sum shall be sufficient to discharge the several yearly sums of principal and interest accruing due, as the said yearly sums become, respectively, payable according to the terms of the by-law; and in cases within this section it shall not be necessary that any provision be made for sinking fund. 60 V. c. 45, s. 44 (2).

Special rates a charge on property.

387. Every special assessment made, and every special rate imposed and levied, under any of the provisions of this Act, and all sewer rents and charges for work or services done by the corporation, upon the default of the owners of real estate, under the provisions of any valid by-law of the council of the corporation, shall form a lien and charge upon the real estate upon, or in respect of which, the same have been assessed and rated or charged, and shall be collected in the same manner, and with the like remedies, as ordinary taxes upon real estate are collectable, under the provisions of *The Assessment Act*. 55 V. c. 42, s. 343.

Rev. Stat. c. 224.

County by-laws for raising more than $20,000 in any year to be submitted to electors.

388. A county council elected under this Act may, during any one term for which it is elected, raise by a by-law or by-laws for contracting debts or loans not more than $20,000 over and above the sums required for its ordinary expenditure without submitting such by-law or by-laws for the assent of the electors. 59 V. c. 52, s. 37; 60 V. c. 15, *Sched.* C (125).

By-laws for raising money not for ordinary expenses must (with certain exceptions) receive assent of electors. Rev. Stat. c. 226.

389.—(1) Subject to the provisions of the last preceding section every by-law (except for drainage, as provided for under *The Municipal Drainage Act*, or for a work payable entirely by local assessment) for raising, upon the credit of the municipality, any money not required for its ordinary expenditure, and not payable within the same municipal year, shall, before the final passing thereof, receive the assent of the electors of the municipality in the manner provided for in section 338 and following sections of this Act. 55 V. c. 42, s. 344 (1) *part*; 59 V. c. 52, s. 37; 60 V. c. 15, *Sched.* C (65).

Exception as to erecting court houses and offices.

(2) But where a county and city are united for judicial purposes, the council of the county or city may, at any meeting of the council, without submitting the same for the assent of the electors of such county or city, as the case may be, pass a by-law or by-laws for contracting a debt, by raising such sums of money as may be required for erecting, building and furnishing a court house and offices to be used in connection therewith, and for acquiring such land as may be necessary or convenient for the purposes of such court house and offices, and may for that purpose issue debentures at such rates and upon such terms and payable at such times as they may do for meeting any other liability of the said county or city. 55 V. c. 42, s. 344 (2); 60 V. c. 15, *Sched.* C (66).

Exception as to payment by a city or town of share of county debt.

(3) The council of a city or of a town withdrawn from the county, may by by-law passed at any meeting of the council, without submitting the same for the assent of the electors, raise such sums of money as may be required to liquidate their share of the county debt (as awarded or agreed upon pursuant to this Act), and may, for that purpose, issue debentures at such rates, for such times and upon such terms as they are entitled to do for meeting any other liability of said city or town. 55 V. c. 42, s. 344 (3).

Certain by-laws of county council not to be valid unless passed at meeting especially called and held three months after notice, etc.

390. Except in the case provided for by subsection 2 of the last preceding section, no by-law of a county council for contracting any such debt or loan, as is mentioned in section 388 of this Act, shall be valid, unless the same is passed at a meeting of the council specially called for the purpose of considering the same, and held not less than three months after a copy of the by-law, as the same is ultimately passed, together with a notice of the day appointed for the meeting, has been published in some newspaper issued weekly or oftener within the county (as constituted for judicial purposes), or if there is no such public newspaper, then in a public newspaper

published nearest to the county, which said notice may be to the effect following:

Form of notice.

The above is a true copy of a proposed by-law, to be taken into consideration by the county council of the County (*or* United Counties) of , at , in the said County (*or* United Counties), on the day of , 18 , at the hour of o'clock in the noon, at which time and place the members of the Council are hereby required to attend for the purpose aforesaid.

G. H.
Clerk.

55 V. c. 42, s. 345.

391. Where part only of a sum of money provided for by a by-law has been raised, the council may repeal the by-law as to any part of the residue, and as to a proportionate part of the special rate imposed therefor, provided *(a)* the repealing by-law recites the facts on which it is founded, *(b)* is appointed to take effect on the 31st day of December in the year of its passing, *(c)* does not affect any rates due, or penalties incurred before that day, and *(d)* is first approved by the Lieutenant-Governor in Council. 55 V. c. 42, s. 346.

When part only of money raised, by-law may be repealed as to residue.

392. After a debt has been contracted, the council shall not, until the debt and interest have been paid, repeal the by-law under which the debt was contracted, or any by-law for paying the debt or the interest thereon, or for providing therefor a rate or additional rate, or for appropriating thereto the surplus income of any work or of any stock or interest therein, or money from any other source; and the council shall not alter a by-law providing any such rate, so as to diminish the amount to be levied under the by-law, except in the cases herein authorized, and shall not apply to any other purpose any money of the corporation which, not having been previously otherwise appropriated by any by-law or resolution, has been directed to be applied to such payment. 55 V. c. 42, s. 347.

Until debt paid certain by-laws cannot be repealed,

nor altered.

Exceptions.

393. No officer of the municipality shall neglect or refuse to carry into effect a by-law for paying a debt under colour of a by-law illegally attempting to repeal such first mentioned by-law, or to alter the same so as to diminish the amount to be levied under it. 55 V. c. 42, s. 348.

No officer to neglect, etc., to carry out by-law for payment under colour of illegal by-law.

394. Any council may contract a debt to Her Majesty in the purchase of any of the public roads, harbours, bridges, buildings or other public works in Ontario, whether belonging to this Province or to the Dominion of Canada, or of any claim in respect of such works, or of any right to collect tolls on such road or bridge, or for making such road or bridge wholly or partly free from tolls; and may execute such bonds, deeds, covenants and other securities to Her Majesty as the council deems fit, for the payment of the price of any such public work or claim already sold or transferred, or which may be sold or transferred, or agreed to be sold or transferred to

Municipal councils may purchase public works, etc. and contract debts to Crown,

the municipal corporation, and for securing the performance and observance of all or any of the conditions of sale or transfer; and may also pass all necessary by-laws for any of the purposes aforesaid; and all such by-laws, debts, bonds, deeds, covenants and other securities shall be valid, although no special or other annual rate has been settled or imposed, to be levied in each year, as provided by sections 384 to 386 of this Act. 55 V. c. 42, s. 349.

although no special or other annual rate settled.

Rates may be imposed for the payment of debts contracted with the Crown for such works.

395. The council may, in any by-law to be passed for the creation of such debt, or for the execution of such bonds, deeds, covenants or other securities as aforesaid, to Her Majesty, or in any other by-law to be passed by the council, settle and impose a special rate per annum, of such amount as the council deem expedient, in addition to all other rates whatsoever, to be levied in each year upon the assessed rateable property within the municipality, for the payment and discharge of such debts, bonds, deeds, covenants or other securities, or some part thereof; and the by-laws shall be valid, although the rate settled or imposed thereby is less than is required by sections 384 to 386; and the said sections shall, so far as applicable, apply and extend to every such by-law, and the moneys raised or to be raised thereby, as fully in every respect as such provisions would extend or apply to any by-law enacted by any council for the creation of any debt as provided in the said sections, or to the moneys raised or to be raised thereby. 55 V. c. 42, s. 350.

Division VII. — Registration of By-Laws and Notice Thereof.

By-laws creating debts to be registered. *Sec.* 396.
Notices thereof to be published. *Sec.* 397.
Exception as to certain local improvement by-laws. *Sec.* 398.
Application to quash—procedure. *Sec.* 399.
Registered local improvement by-laws to be valid. *Sec.* 400.
Application to quash such by-laws. *Sec.* 401.

By-laws creating debts to be registered.

396.—(1) Subject to the provisions of section 398 of this Act, every by-law passed by any municipality for contracting any debt, by the issue of debentures for a longer term than one year, and for levying rates for the payment of such debts, on the rateable property of the municipality, or any part thereof, shall, within four weeks after the final passing thereof, be transmitted by the clerk of the municipality, in the case of a county to the registrar of the registry division in which the county town is situate, and in the case of a local municipality to the registrar of the registry division in which the local municipality is situate. 55 V. c. 42, s. 351; 60 V. c. 45, ss. 7 (1), 47, 48.

(2) The registrar shall receive and file in his office, and enter in the proper book, every by-law so transmitted to him. Registration of by-laws.

(3) The by-law shall be certified and authenticated by the seal of the municipal corporation, and the signature of the head thereof or of the person presiding at the meeting at which the by-law has been made and passed, and that of the clerk of the corporation. Proof for registration.

(4) The copy so certified shall be open to public inspection and examination at all reasonable times and hours upon payment of the proper fees. Inspection of registered by-laws.

(5) The registrar shall be entitled to the fees following: Fees of registrar.

For registration of each such certified copy	$2 00
For making search, inspecting each copy of by-law, and examining entries connected therewith	50

(6) Any clerk who neglects to perform within the proper period any duty devolving upon him in virtue of this section shall be subject to a fine of $200, to be recovered by prosecution in the name of the Attorney-General of Ontario in any court of competent jurisdiction, and in default of payment, to imprisonment for a period not exceeding twelve months. 60 V. c. 3, s. 3; c. 45, s. 47 (2-6). Penalty.

397.—(1) Notice of the passing of every such by-law which has not been submitted to the ratepayers, shall, immediately after the registration of the by-law, be published in such public newspaper, published either within the municipality, or in the county town, or in an adjoining local municipality, as the council may designate by resolution, and the publication thereof shall for the purpose aforesaid be continued in at least one number of such paper each week for three successive weeks. 55 V. c. 42, s. 352 (3). Publication of notice.

(2) The notice shall be in the form following or to the like effect: Form of notice.

Notice is hereby given that a by-law was passed by the of of on the day of A.D. 18 , providing for the issue of debentures to the amount of $, for the purpose of and that such by-law was registered in the registry office of the county of on the day of A.D. 18

Any motion to quash or set aside the same or any part thereof, must be made within three months (*or in the case provided for by section 400* within one month) from the date of registration, and cannot be made thereafter.

Dated the day of 18

Clerk.

55 V. c. 42, s. 354.

398. Nothing in sections 396 to 401 inclusive contained shall make it obligatory upon any city, town or village to register any by-laws providing for the issue of debentures, passed under the provisions of *The Municipal Drainage Act*, Exception as to local improvement by-laws. Rev. Stat. c. 226.

or under the provisions of this Act relating to local improvements, but the same may be so registered at the option of the municipality. R. S. O. c. 184, s. 353.

Applications to set aside by-law.

399.—(1) Every by-law registered under section 396 of this Act, or registered before the sale of the debentures issued thereunder, and also the said debentures shall be absolutely valid and binding upon the municipality, according to the terms thereof, and the by-law shall not be quashed or set aside on any ground whatever, unless, within three months from the registry thereof, an application or action to quash or set aside the same is made to some Court of competent jurisdiction, and a certificate under the hand and seal of the Clerk of the Court, stating that such action or proceeding has been brought or application made, has been registered in said registry office within the said period of three months. 55 V. c. 42, s. 352 (1); 60 V. c. 45, s. 7 (2).

Form of certificate of pending action.

(2) The certificate shall be in the form or to the effect following:

In the (*Name of Court*)

This is to certify that in a certain action or proceeding in this Court, entitled the validity of by-law No.
of the entitled
has been called in question (*If a portion only of the by-law is called in question, state the fact*).

Dated,

(Signed,) *A. B.*
Clerk of { Seal. }

55 V. c. 42, s. 356 (1).

When by-law, or so much thereof as is not quashed, to be valid.

(3) If the action or proceeding is dismissed, in whole or in part, then, on the expiration of three months from the date of the registration of the by-law, the by-law or so much thereof as is not the subject of the application, or is not quashed upon the application shall be absolutely valid and binding, according to the terms thereof. Upon the dismissal of such action or proceeding, a certificate to that effect may be registered in the said registry office. 55 V. c. 42, s. 352 (2).

Certificate of dismissal of action.

Form of certificate of dismissal of action.

(4) The certificate of dismissal of the action or proceeding shall be in the form or to the effect following:

In the (*Name of Court,*)

I hereby certify that the action or proceeding in this Court, entitled calling in question the validity of
by law No. of the has
been dismissed (*or if dismissed in part and granted in part, set out the order made, verbatim*).

Dated

(Signed), *A. B.*
Clerk of { Seal. }

55 V. c. 42, s. 356 (2).

(5) The registrar shall be entitled to the sum of fifty cents for registering either of said certificates. 55 V. c. 42, s. 356 (3). Fee for registration.

(6) Nothing in this section contained shall be taken to make valid a by-law or the debentures issued thereunder where it appears on the face of such by-law that the provisions of subsections 4, 5, 8 and 9 of section 384 or the provisions of section 386 of this Act have not been substantially complied with. 55 V. c. 42, s. 352 (6).; c. 43, s. 23. Illegal by-laws not validated.

400.—(1) Every by-law providing for the issue of debentures passed under the provisions of this Act relating to local improvements, where the same has been so registered, and the debentures issued thereunder, and the assessment made upon the real property therein mentioned shall, notwithstanding any defect of substance or form either in the by-law itself, or in the time and manner of passing the same, be absolutely valid and binding according to the terms thereof, upon the municipality and upon such real property, and shall not be quashed or set aside on any ground whatever, unless an application or action to quash or set aside the same is made to some Court of competent jurisdiction, within one month from the registry thereof. 55 V. c. 42, s. 352 (4); 60 V. c. 15, *Sched.* C (67); c. 45, ss. 4, 5. Irregularities in form not to invalidate debentures in certain cases.

(2) The provisions of this section shall also apply to all by-laws passed under section 678 of this Act, and to the debentures issued thereunder. 60 V. c. 45, s. 5 (3). Application to by-laws passed under section 678.

401—(1) Where any action or proceeding is brought or taken or where an application is be made to quash or set aside such by-law so registered, a certificate thereof under the hand and seal of the Clerk of the Court in the form given in subsection 2 of section 399, or to the same effect shall be registered in the proper registry office within five weeks from the date of registering the by-law, and in default thereof the Court may refuse to hear, or may dismiss any such action, proceeding, motion or application to quash or set aside the by-law. 55 V. c. 42, s. 352 (5); 60 V. c. 45, ss. 4, 5. Registration of certificate of application to quash.

Division VIII.—By-laws respecting Yearly Rates.

Amount and limit of Rates. *Sec.* 402.
How estimated. *Sec.* 403.
Estimates and by-laws to be annual. *Secs.* 404, 405.
In case of deficiency. *Secs.* 406, 407.
In case of excess. *Sec.* 408.
Date from which taxes imposed. *Sec.* 409.
Priority of debentures. *Sec.* 410.
Power to exempt from taxation. *Sec.* 411.
Reduction of special rate. *Sec.* 412.
Formalities in by-law therefor. *Sec.* 413.

Yearly rates to be levied, sufficient to pay all debts payable within the year.

Aggregate rate limited to two cents in the dollar.

402.—(1) The council of every municipal corporation, and of every provisional corporation, shall in each year assess and levy on the whole rateable property within its jurisdiction, a sufficient sum to pay all valid debts of the corporation, whether of principal or interest, falling due within the year; but no such council shall assess and levy in any one year more than an aggregate rate of two cents in the dollar on the actual value, exclusive of school rates and local improvement rates. 55 V. c. 42, s. 357 (1); 60 V. c. 15, *Sched.* C (68).

Provision when such aggregate not sufficient to pay debts payable within the year.

Proviso.

(2) If in a municipality the aggregate amount of the rates necessary for payment of the current annual expenses of the municipality, and of the interest and principal of the debts contracted by the municipality on or prior to the 29th day of March, 1873, exceeds the said aggregate rate of two cents in the dollar on the actual value of such rateable property, the council of the municipality shall levy such further rates as may be necessary to discharge obligations incurred up to that date, but shall contract no further debts until the annual rates required to be levied within the municipality are reduced within the aggregate rate aforesaid; but this shall not affect any special provisions to the contrary contained in any special Act now or hereafter in force. 55 V. c. 42, s. 357 (2).

How rates to be calculated.

403. In counties and local municipalities the rates shall be calculated at so much in the dollar upon the actual value of all the real and personal property liable to assessment therein. 55 V. c. 42, s. 358.

Estimates to be made annually.

404. The council of every county and of every local municipality shall every year make estimates of all sums which may be required for the lawful purposes of the county or local municipality, for the year in which such sums are required to be levied, each municipality making due allowance for the cost of collection, and of the abatement and losses which may occur in the collection of the tax, and for taxes on the lands of non-residents which may not be collected. 55 V. c. 42, s. 359.

By-laws for raising money by rate.

405. The council of every municipality may pass one by-law, or several by-laws, authorizing the levying and collecting of a rate or rates of so much in the dollar upon the assessed value of the property therein as the council deems sufficient to raise the sums required on such estimates. 55 V. c. 42, s. 360.

If the amount collected falls short.

406. If the amount collected falls short of the sums required, the council may direct the deficiency to be made up from any unappropriated fund belonging to the municipality. 55 V. c. 42, s. 361.

Estimates may be reduced.

407. If there is no unappropriated fund, the deficiency may be equally deducted from the sums estimated as required, or from any one or more of them. 55 V. c. 42, s. 362.

408. If the sums collected exceed the estimates, the balance shall form part of the general fund of the municipality, and be at the disposal of the council, unless otherwise specially appropriated; but if any portion of the amount in excess has been collected on account of a special tax upon any particular locality, the amount in excess collected on account of such special tax shall be appropriated to the special local object. 55 V. c. 42, s. 363.

When sums collected exceed estimate, appropriation of the balance.

409. The taxes or rates imposed or levied for any year shall be considered to have been imposed, and to be due on and from the 1st day of January of the then current year ending with the 31st day of December thereof, unless otherwise expressly provided by the enactment or by-law under which the same are directed to be levied. 55 V. c. 42, s. 364.

Yearly taxes to be computed from 1st January, unless otherwise ordered.

410.—(1) All debentures issued before the 1st day of January, 1867, by municipal corporations, under any by-law, and based upon the yearly value of rateable property at the time of the passing of such by-law, shall hold the order of priority which they occupied on the said 1st day of January, 1867; and each municipal corporation having so issued debentures shall levy a rate on the actual real value of the rateable property within the municipality, sufficient to produce a sum equal to that leviable or produced on the yearly value of such property as established by the assessment roll for the year 1866; and such rates shall be applied solely to the payment of such debentures, or of the interest on such debentures, according to the terms of the by-laws under which they were issued.

Priority of debentures.

How rates for paying them to be calculated.

To be applied solely to such purposes.

(2) In cases where a sinking fund is required to be provided either by the investment of a specific rate or amount, or on a rate on the increase in value over a certain sum, then such a rate shall be levied as shall at least equal the sum originally intended to be set apart. 55 V. c. 42, s. 365.

Rate for sinking fund.

411. Every municipal council shall by a two-thirds vote of the members thereof have the power of exempting any manufacturing establishment, or any building for the storage of ice for commercial purposes, or any water-works or water company, in whole or in part, from taxation, except as to school taxes, for any period not longer than ten years, and to renew this exemption for a further period not exceeding ten years. 55 V. c. 42, s. 366; 58 V. c. 42, s. 14.

Exemption of manufactories or water works from taxation.

412.—(1) If, on account of a sum being on hand from a previous year, or a sum being on hand which has been derived from the work, or from the investment of the sinking fund, or on account of the increased value of property liable to assessment, it is found to be unnecessary to levy the full rate imposed by any by-law, in order to raise the instalment of the

When the rate imposed by a by-law may be reduced.

sinking fund and interest thereby required to be raised for any year, or to raise such instalments for any future years of the then unexpired time which the debentures have to run, the council may pass a by-law reducing the rate for such year or for any such future years, so that no more money may be collected than the amount required.

(2) No such by-law shall be passed unless, having regard to the time the debentures have to run, a proper proportion of sinking fund and interest has been levied, according to the intention of the original by-law. 55 V. c. 42, s. 367.

By-law to be approved by Lieutenant-Governor.

413. No by-law passed under the preceding section shall be valid unless, after it is passed, it is approved by the Lieutenant Governor in Council; and the facts which authorize the passing of such by-law shall, on its submission for approval, be verified in the manner provided by section 335 of this Act. 55 V. c. 42, s. 368.

Division IX.—Anticipatory Appropriations.

When and how made. Secs. 414, 415.
On separation of municipalities. Sec. 416.

Anticipatory appropriations may be made.

414. In case a council desires to make an anticipatory appropriation for the next ensuing year in lieu of the special rate for such year, in respect of any debt, the council may do so, by by-law, in the manner and subject to the provisions and restrictions following:

What funds may be so appropriated.

1. The council may carry to the credit of the sinking-fund account of the debt, as much as may be necessary for the purpose aforesaid,

(a) Of any money at the credit of the special rate account of the debt beyond the interest on such debt for the year following that in which the anticipatory appropriation is made;

(b) And of any money raised for the purpose aforesaid by additional rate or otherwise;

(c) And of any money derived from any temporary investment of the sinking fund;

(d) And of any surplus money derived from any corporation work or from any share or interest therein;

(e) And of any unappropriated money in the treasury;

such moneys respectively not having been otherwise appropriated.

The sources and application to be stated.

2. The by-law making the appropriations shall distinguish the several sources of the amount, and the portions thereof to

be respectively applied for the interest and for the sinking fund appropriation of the debt for the next ensuing year.

When moneys retained sufficient, the yearly rate may be suspended for the ensuing year.

3. In case the moneys so retained at the credit of the special rate account, and so appropriated to the sinking fund account, from all or any of the sources above mentioned, are sufficient to meet the sinking fund appropriation and interest for the next ensuing year, the council may then pass a by-law directing that the original rate for such next ensuing year be not levied. 55 V. c. 42, s. 369.

By-law must recite—

415.—(1) The by-law shall not be valid unless it recites—

The original debt and object;

(a) The original amount of the debt, and in brief and general terms, the object for which the debt was created;

The amount paid;

(b) The amount, if any, already paid of the debt;

The annual amount for sinking fund.

(c) The annual amount of the sinking-fund appropriation required in respect of such debt;

The amount for sinking fund in hand;

(d) The total amount, then on hand, of the sinking fund appropriations, in respect to the debt, distinguishing the amount thereof in cash in the treasury, from the amount temporarily invested;

The amount required for interest;

(e) The amount required to meet the interest of the debt for the year next after the making of such anticipatory appropriation; and

And that it is reserved, etc.

(f) That the council has retained at the credit of the special rate account of the debt a sum sufficient to meet the next year's interest (naming the amount of it), and that the council has carried to the credit of the sinking fund account a sum sufficient to meet the sinking fund appropriation (naming the amount of it) for such year.

By-law to be approved by Lieut.-Governor.

(2) No such by-law shall be valid unless it is approved by the Lieutenant-Governor in Council. 55 V. c. 42, s. 370.

Anticipatory appropriation on separation of municipalities.

416. After the dissolution of any municipal union, the senior municipality may make an anticipatory appropriation for the relief of the junior municipality, in respect of any debt secured by by-law, in the same manner as the senior municipality might do on its own behalf. 55 V. c. 42, s. 371.

TITLE III.—RESPECTING FINANCE.

DIV. I.—ACCOUNTS AND INVESTMENTS.
DIV. II.—COMMISSION OF INQUIRY INTO FINANCES.

DIVISION I.—ACCOUNTS AND INVESTMENTS.

Accounts for special rate and sinking fund. Sec. 417.
Surplus on special rate—Application of. Secs. 418, 419.
Surplus on special rate—Investment of. Sec. 420.
General surplus—Application of. Secs. 421-424.
Members of corporations not to be parties to investments. —Liability for loss. Sec. 425.
Yearly returns to Government. Secs. 426, 427.

Two special accounts to be kept: 1) of the special rates; (2) of the sinking fund or instalments of principal.

417. The council of every municipal corporation shall keep in its books two separate accounts of every debt, one for the special rate and one for the sinking fund or for instalments of principal, both to be distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted; and they shall keep the said accounts, with any others that are necessary, so as to exhibit at all times the state of every debt, and the amount of moneys raised, obtained, and appropriated for payment thereof. 55 V. c. 42, s. 372.

When surplus may be applied to next year's interest, and to sinking fund.

418.—(1) If after paying the interest of a debt for any financial year, and appropriating the necessary sum to the sinking fund of such debt, or in payment of any instalment of principal, there is a surplus at the credit of the special rate account of such debt, such surplus shall so remain, and may be applied, if necessary, towards the next year's interest; but if such surplus exceeds the amount of the next year's interest, the excess shall be carried to the credit of the sinking fund account, or shall be applied in payment of principal of such debt.

Moneys levied for a sinking fund not to be diverted.

(2) No moneys levied and collected for the purpose of a sinking fund shall in any case be applied towards paying any portion of the current or other expenditures of the municipality, save as may be otherwise authorized by this or any other Act. 55 V. c. 42, s. 373 (1-2).

Liability of councillors for diversion of sinking fund.

(3) In the event of the council of a municipality diverting any of said moneys for current or other expenditure, save as aforesaid, the members who vote for the diverting of said moneys shall be personally liable for the amount so diverted, and the said amount may be recovered in any Court of competent jurisdiction; and the members who have voted for the same, shall be disqualified from holding any municipal office for the period of two years. In case the council of the muni-

cipality, upon the request of any ratepayer, refuse or neglect for one month thereafter to bring an action therefor in the name of the municipality, the action may be brought by any ratepayer on behalf of himself and of all the other ratepayers of the municipality. 55 V. c. 42, s. 373 (3); 60 V. c. 15, *Sched.* C (69).

Treasurer to state annually amount required to be raised for sinking fund

(4) In every municipality in which any sum of money is required by law to be raised toward a sinking fund, it shall be the duty of the treasurer to prepare and lay before the council in every year previous to the striking of the annual rate a statement showing what amount or amounts will be required for the purpose; and any treasurer making default in the performance of the duty imposed by this sub-section, shall be liable to a penalty not exceeding $25, to be recovered as are other penalties under this Act, at the instance of any ratepayer resident in the municipality.

Liability of members of council neglecting to levy for sinking fund.

(5) In the event of the council of a municipality neglecting in any year to levy the amount required to be raised under this or any other Act to provide a sinking fund for the payment of the debentures, if any, of the municipality, every member of the council shall be disqualified from holding any municipal office for the period of two years; but no member of the council shall be liable to the penalty hereby imposed, who shows to the satisfaction of the Court or Judge that he made reasonable efforts to procure the levying of the rate for the said sinking fund. 56 V. c. 35, s. 9.

Application of surplus with consent of Lieutenant-Governor in Council.

419 The Lieutenant-Governor in Council may, by Order in Council, direct that such part of the produce of the special rate levied, and at the credit of the sinking fund account or of the special rate account as aforesaid instead of being so invested as hereinafter provided, shall from time to time, as the same accrue, be applied to the payment or redemption, at such value as the said council can agree for, of any part of such debt or of any of the debentures representing or constituting such debt, or any part of it, though not then payable, to be selected as provided in such Order in Council, and the municipal council shall thereupon apply, and continue to apply, such part of the produce of the special rate at the credit of the sinking fund account or special rate account as directed by such Order in Council. 55 V. c. 42 s. 374.

Investment of surplus moneys from sinking fund.

420—(1) If any part of the produce of the special rate levied in respect of any debt, and at the credit of the sinking fund account or of the special-rate account thereof cannot be immediately applied towards paying the debt, by reason of no part thereof being yet payable, the council shall, from time to time, invest the same in government securities, municipal debentures, or in first mortgages on real estate (but not such for farming purposes, and being the first lien on such real estate), or in local improvement debentures of the municipality, or in

such other manner as the Lieutenant-Governor in Council may by general or special Order in Council direct, or in any other debentures of the municipality which may be approved of by the Lieutenant-Governor in Council by such Order in Council; and from time to time, as such securities mature, may invest the proceeds thereof in other like securities; but no sum so invested in mortgages shall exceed two-thirds of the value, according to the last revised and corrected assessment roll at the time it is invested, of the real estate on which it is secured.

To be regulated by by-law.

(2) The council of the municipality may regulate, by by-law, the manner in which such investments shall be made.

Sinking fund may be used in purchasing unsold debentures.

(3) It shall not be necessary that any local improvement or other debentures of the municipality referred to in this section shall have been disposed of by the council, but the council may apply the sinking fund to an amount equal to the amount of such debentures towards the purposes to which the proceeds of such debentures would properly be applicable, and the council shall thereupon hold the debentures as an investment on account of the sinking fund, and may deal with the same accordingly. 55 V. c. 42, s. 375.

Investment of sinking fund.

421. Any council may by by-law direct that any surplus moneys in the hands of the treasurer, and not specially appropriated to any other purpose, shall be credited to the sinking-fund account of any debenture debt of the municipality, and the council may, subject to the provisions of the preceding section, invest such sinking-fund account in any of the securities therein named. 55 V. c. 42, s. 376.

Council may apply other funds towards such debts.

422. A council may appropriate to the payment of any debt the surplus income derived from any public or corporation work, or from any share or interest therein, after paying the annual expenses thereof, or may so appropriate any unappropriated money in the treasury, or any money raised by additional rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt, or in payment of any instalment accruing due. 55 V. c. 42, s. 377.

Certain moneys may be set apart for educational purposes.

Investment of same.

423.—(1) A municipal corporation having surplus moneys derived from "The Ontario Municipalities Fund," or from any other source, may, by by-law, set such surplus apart for educational purposes, and may invest the same, as well as any other moneys held by such municipal corporation for, or by it lawfully appropriated to, educational purposes, in public securities of the Dominion, municipal debentures, or first mortgages on real estate held and used for farming purposes, being the first lien on such real estate, and from time to time, as such securities mature, may invest in such other like securities, or in securities already authorized by law, as may be directed by the by-law, or by other by-laws passed for that purpose.

(2) No sum so invested shall exceed two-thirds of the value, according to the last revised and corrected assessment roll at the time it is so invested, of the real estate on which it is secured. 55 V. c. 42, s. 378. *See also Cap. 34.* Proviso as to investment.

424. Any municipal corporation having surplus moneys set apart for educational purposes, may, by by-law, invest the same in a loan or loans to any board of school trustees within the limits of the municipality, for such term or terms, and at such rate or rates of interest as may be agreed upon by and between the parties to such loan or loans respectively, and as may be set forth in such by-law; or may by by-law grant any portion of such moneys, or other general funds, by way of gift to aid poor school sections within the municipality. 55 V. c. 42, s. 379. Loans to school trustees. Aid to poor school sections.

425. No member of a municipal council shall take part in, or in any way be a party to, the investment of such moneys as are mentioned in this Act, by or on behalf of the municipality, otherwise than is authorized by this Act, or by any other law in that behalf made and provided; and any person so doing shall be held personally liable for any loss sustained by the municipality. 55 V. c. 42, s. 380; 60 V. c. 3, s. 3. No member of corporation to be party to investment.

426. The treasurer of any municipality for which any sum of money has been raised on the credit of the Consolidated Municipal Loan Fund, shall, so long as any part of such sum, or of the interest thereon, remains unpaid by the municipality, transmit to the Treasurer of Ontario, on or before the 15th day of January in every year, a return, certified on the oath of the treasurer before some Justice of the Peace, containing the amount of taxable property in the municipality according to the then last revised assessment roll or rolls; a true account of all the debts and liabilities of the municipality, for every purpose, for the then last year; and also such further information and particulars with regard to the liabilities and resources of the municipality, as the Lieutenant-Governor in Council may from time to time require, under a penalty, in case of neglect or refusal to transmit the return, account, information or particulars, of $100, to be recovered, with costs, as a debt due to the Crown. 55 V. c. 42, s. 381. Liability for loss. Municipalities indebted to Municipal Loan Fund to make annual returns to Provincial Treasurer. Penalty for default.

427. Every council shall, on or before the 31st day of January in each year, under a penalty of $20 in case of default, to be paid to the Treasurer of Ontario, transmit to the Lieutenant-Governor, through the Minister of Agriculture, an account, in such form as may from time to time be prescribed by the Lieutenant-Governor in Council, of the several debts of the corporation, as they stood on the 31st day of December preceding, specifying in regard to every debt of which a balance remained due at that day, Every council to make a yearly report of the corporation debts to the Lieut-Governor, etc.

What such report must shew.

1. The original amount of the debt;

2. The date when it was contracted;

3. The days fixed for its payment;

4. The interest to be paid therefor;

5. The rate provided for the redemption of the debt and interest;

6. The proceeds of such rate for the year ending on said 31st day of December;

7. The portion (if any) of the debt redeemed or paid during that year;

8. The amount of interest (if any) unpaid on said 31st day of December; and

9. The balance still due of the principal of the debt. 55 V. c. 42, s. 382.

Division II—Commission of Inquiry into Finances.

When granted—Expenses of. Sec. 428.

When a commission of inquiry may issue.

428.—(1) In case one-third of the members of any council, or thirty duly qualified electors of the municipality, petition for a commission to issue under the Great Seal, to inquire into the financial affairs of the corporation, and things connected therewith, and if sufficient cause is shewn, the Lieutenant-Governor in Council may issue a commission accordingly, and the commissioner or the commissioners, or such one or more of them as the commission empowers to act, shall have the same power as any Court has in civil cases to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence. 55 V. c. 42, s. 383.

Expenses of such commissions.

(2) The expenses to be allowed for executing the commission shall be determined and certified by the Treasurer of Ontario, and shall thenceforth become a debt due by the corporation to the commissioner or commissioners, and shall be payable within three months after demand therefor, made by the commissioner or by any one of the commissioners, at the office of the treasurer of the corporation. 55 V. c. 42, s. 384.

TITLE IV.—DEBENTURES.

Debentures and coupons, how to be executed. Sec. 429.
Debentures negotiated at a discount, or bearing more than 6 per cent. interest. 29-30 V. c. 51, ss. 214-217.
Railway and bonus debentures. Sec. 430.
Debentures under promulgated by-law. Sec. 431.
Debentures under registered by-law. Sec. 399.
Debentures issued before 1st Feb., 1883, etc. Sec. 432.
Local improvement debentures — consolidation thereof. Sec. 433.
Transfer of debentures. Sec. 434.
Councils borrowing for current expenses. Sec. 435.
No debentures, etc., to issue for less than $100. Sec. 436.

Debentures, bonds, etc., how to be executed.

429.—(1) All debentures and other instruments duly authorized to be issued on behalf of a municipal corporation shall, unless otherwise specially authorized or provided, be sealed with the seal of the corporation, and signed by the head thereof, or by some other person authorized by by-law to sign the same, otherwise the same shall not be valid; and it shall be the duty of the treasurer of the municipality to see that the money collected under the by-law is properly applied to the payment of the interest and principal of the debentures. 55 V. c. 42, s. 405.

Execution of debenture coupons.

(2) The coupons attached to every such debenture issued by any municipal corporation other than a city shall each be signed by the head of the municipality and the treasurer of the corporation. 59 V. c. 51, s. 8.

Full amount of debentures sold at a discount recoverable.

(3) Subject to any Act of the Parliament of Canada which may be passed respecting the lawful rate of interest, any debentures issued under the formalities required by law, by any municipal or provisional municipal corporation, payable to bearer, or to any person named therein or bearer, shall be valid and recoverable to the full amount, notwithstanding their negotiation by such corporation at a rate less than par, or at a rate of interest greater than six per centum per annum, or although a rate of interest greater than six per centum per annum is reserved thereby or made payable thereon. 29-30 V. c. 51, ss. 214, 217.

In certain cases, debentures valid without corporate seal, etc.

430. Debentures issued in aid of any railway, or for any bonus, signed or indorsed and countersigned as directed by the by-law, shall be valid and binding on the corporation without the corporate seal thereto, or the observance of any other form with regard to the debenture than such as may be directed by the by-law. 55 V. c. 42, s. 406.

Debentures valid notwithstanding defect in form.

431. Debentures issued under the authority of any by-law promulgated under this Act or any former Municipal Act, shall be valid and binding upon the corporation, notwithstanding any insufficiency in form or otherwise of such by-law, or in

Proviso.

the authority of the corporation in respect thereof; provided that the by-law has received the assent of the electors (where necessary), and that no successful application has been made to quash the same within the time limited in the notice of promulgation. 55 V. c. 42, s. 407.

[*As to validity of Debentures under by-laws duly registered. See Sec. 399.*]

Debentures issued before Feb. 1, 1883, on which payment has been made for two years, to be valid.

432. Where debentures were issued prior to the first day of February, 1883, by any municipality under a by-law passed by such municipality, and the interest on such debentures, and the principal of such of them (if any) as have fallen due, has been paid by the municipality for the period of two years or more, the by-law and the debentures issued thereunder, or such of them as are yet unpaid, shall be valid and binding upon the corporation, and shall not be quashed or set aside on any ground whatever. 55 V. c. 42, s. 408.

Local improvement debentures.

433.—(1) Every debenture issued under section 664 of this Act, or under the provisions of any other Act relating to the issue of debentures for local improvement purposes, shall bear on its face the words "*Local Improvement Debenture,*" and shall contain a reference by date and number to the by-law under which it is issued.

Consolidation thereof.

(2) In order to obviate a difficulty which has been found to prevail in negotiating local improvement debentures, in consequence of many of the same having to be issued for small and broken amounts, councils may, from time to time, after the passing of the several by-laws covering the several amounts required for particular local improvements, as therein specified, and without in any way affecting the liens on the lands therein named and to be improved thereby, pass a collective or cumulative by-law consolidating the said several amounts, and may issue the required debentures in a general consecutive issue under such consolidated by-law, apportioning, nevertheless, the amount raised thereby, and crediting each service with the amount previously estimated and named for the same under the individual by-law passed in the first instance.

(3) Councils desiring to avail themselves of the provisions of the preceding subsection shall insert, in each such by-law, a clause intimating that the amount of the debentures to be issued thereunder is subject to consolidation; and in such case it shall be sufficient to state in the said individual by-law that debentures to be issued thereunder shall be issued at so many years from the date of issue of the same, without defining a specific date;

(4) No consolidated debenture shall be issued, covering any debentures which have been issued or sold under any original by-law. 55 V. c. 42, s. 409.

434.—(1) Debentures issued by any municipal council may contain a provision in the following words: Mode of transfer may be prescribed

"This debenture, or any interest therein, shall not, after a certificate of ownership has been indorsed thereon by the treasurer of this municipal corporation, be transferable, except by entry by the treasurer or his deputy in the Debenture Registry Book of the said Corporation at the town (*or* village) of ", *or to the like effect.*

55 V. c. 42, s. 410.

(2) The treasurer of every municipality issuing any debentures containing the provision in the last subsection mentioned, shall open and keep a Debenture Registry Book, in which he shall enter a copy of all certificates of ownership of debentures, which he may give, and also every subsequent transfer of such debenture; such entry shall not be made except upon the written authority of the person last entered in such book as the owner of such debenture, or of his executors or administrators, or of his or their lawful attorney, which authority shall be retained and duly filed by the treasurer. 55 V. c. 42, s. 411. Debenture registry book

(3) After the certificate of ownership has been indorsed as aforesaid, the debenture shall only be transferable by entry, by the treasurer of the municipality or his deputy, in such Debenture Registry Book, from time to time, as transfers of such debenture are authorized by the then owner thereof, or his lawful attorney. 55 V. c. 42, s. 412. Registered debentures transferred by entry, etc.

435.—(1) The council of any municipality may by by-law authorize the head, or acting head, with the treasurer thereof, to borrow from any person or bank such sums as the council deem necessary to meet the then current expenditure of the corporation, until such time as the taxes levied therefor can be collected, and the council shall by such by-law regulate the amounts to be so borrowed, and define the notes, cheques, covenants or agreements or other vouchers to be given in security therefor. 56 V. c. 35, s. 10; 60 V. c. 45, s. 50, *part.* Borrowing sums for current expenditure.

(2) The amount so borrowed and outstanding shall not, at any time, exceed 80 per cent. of the amount collected as taxes to pay the ordinary current expenditure of the municipality in the preceding municipal year, and in the event of the council authorizing the borrowing of any larger sum than the said percentage, the members of the council who voted therefor shall be disqualified from holding any municipal office for the period of two years. 60 V. c. 45, s. 50, *part.* Amount which may be procured by municipality as temporary loan.

(3) The powers by this section conferred shall not be exercised except for the purpose of meeting the ordinary expenditure of the municipality; and the person or bank lending any sum to a municipal corporation under this section shall not be bound to establish the necessity of borrowing the same. 60 V. c. 45, s. 50, *part.*

Borrowing money for school purposes.

(4) The council of any municipality shall have similar borrowing powers, with regard to moneys required by the trustees of any public school within such municipality or by the trustees of a high school district of which such municipality is partly or wholly composed; provided such sums of money do not exceed the estimates submitted by such public or high school trustees as required by *The Public Schools Act* and *The High Schools Act*. 57 V. c. 50, s. 5, *part*.

Rev. Stat. cc. 292, 293.

Without special authority, no bond, etc., to be given for less than $100.

436. Unless specially authorized so to do, no council shall make or give any bond, bill, note, debenture or other undertaking, for the payment of a less amount than $100; and any bond, bill, note, debenture or other undertaking issued in contravention of this section, shall be void. 55 V. c. 42, s. 414.

TITLE V.—ARBITRATIONS.

Div. I.—Lands taken or injuriously affected.
Div. II.—Appointment of Arbitrators.
Div. III.—Procedure.

Division I.—Lands taken or Injuriously Affected.

Owners, etc., of lands taken, etc., to be compensated. Sec. 437.
Limitation as to claims. Sec. 438.
Cities and towns may file plans of proposed works and give notice. Sec. 439.
Procedure thereon. secs. 440-443.
Corporations, tenants in tail or for life, trustees, etc., Powers of. Sec. 444.
Purchase money to stand instead of lands taken, etc. Sec. 445.
Procedure where incumbrances. Sec. 446.
Tender of Compensation—Costs. Sec. 447.

Compensation for Lands Taken or Injured.

Owners of lands taken, etc., by corporation, etc., to be compensated.

437. Every council shall make to the owners or occupiers of, or other persons interested in, real property entered upon, taken or used by the corporation in the exercise of any of its powers, or injuriously affected by the exercise of its powers

due compensation for any damages, (including cost of fencing when required) necessarily resulting from the exercise of such powers, beyond any advantage which the claimant may derive from the contemplated work; and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration under this Act. 55 V. c. 42, s. 483, *part.*

Differences to be determined by arbitration

438. Every such claim shall be made within one year from the date when the alleged damages were sustained or became known to the claimant, or in case of a continuance of damage, then within one year from the time when the cause of action arose or became known to the claimant; but this limitation shall not apply to real property taken or used by the corporation. 55 V. c. 42, s. 483, *part.*

Limitation of claims for compensation.

439. Wherever the council of a city or town is desirous of entering upon any public work or undertaking, in the pursuance of which any real property may be entered upon, taken or used by the corporation in the exercise of any of its powers, or may be injuriously affected by the exercise of its powers, the council may file plans and specifications of the work or undertaking, or certified copies thereof, with the clerk of the municipality, who shall, on receiving the same, issue a notice setting out the council's intention to proceed with such work or undertaking, and to enter upon, take or use the lands necessary therefor, and that such plans and specifications have been filed with him and may be inspected at his office, and that all claims for damages by reason of the said proposed work or undertaking must be filed with him within sixty days from the service of such notice, and that such owners, occupiers or other persons must file with the said clerk, within the said period of sixty days, their claim for damages for any of the causes aforesaid, showing the amount thereof, or in that default thereof any claim for such damages will be barred; and he shall cause such notice to be served upon the owners and occupiers of or other persons interested in the said real property to be so taken, entered upon or used as aforesaid, or which may be injuriously affected as aforesaid.

Taking, etc., lands for public works. Filing plans and specifications and giving notice.

(2) In case the person served as aforesaid is, at the time of such service, resident outside the Province of Ontario, a further period of thirty days shall be allowed such person to file his claim. 58 V. c. 42, s. 20 (2).

440. All such claims shall be made pursuant to the said notice, and unless made, in the case of persons resident within the Province, within sixty days after the service of such notice, or in the case of persons resident outside of the Province, within the said further period of thirty days, shall be barred and extinguished unless upon application to the Judge of the County Court of the county in which such city or town is situated, and upon giving to the said council at least seven days notice of such application, such Judge allows the

Time within which claim is to be made.

claim to be made and served. Either party may appeal from the decision of the Judge to a Divisional Court of the High Court of Justice; but every such claim shall be absolutely barred and extinguished unless made within a period of one year from the service of the said notice. 58 V. c. 42, s. 20 (3).

Determining claims by arbitration.

441. If any such claim is so filed within the time aforesaid, the same, unless accepted by the council, shall forthwith be determined by arbitration under this Act. 58 V. c. 42, s. 20 (4).

Particulars to be delivered.

442. The person making a claim shall deliver full particulars of the damages for which such claim is made, and the arbitrator or arbitrators, upon the hearing of the claim, shall have the same power as to amendment generally, or to amend such claim or particulars or any proceeding had or taken upon the hearing thereof, as a Judge would have in an action; and the arbitrator or arbitrators may, in his or their discretion, refuse at any time to hear, upon any matter or question, further evidence of a cumulative character. 58 V. c. 42, s. 20 (5).

Claims not barred where plans insufficient.

443. Nothing in sections 439 to 442 contained shall bar or extinguish any claim when the plans and specifications filed do not reasonably and sufficiently disclose the damage that may be sustained. 58 V. c. 42, s. 20 (6); 60 V. c. 3, s. 3.

How title acquired to land when owned by corporations, tenants in tail, vested in trustees, etc.

444.—(1) In the case of real property which a council has authority under this Act to enter upon, take or use, without the owner's consent, corporations, tenants in tail or for life, guardians, committees, and trustees, shall, on behalf of themselves, their successors and heirs respectively, and on behalf of those whom they represent, (whether infants, issue unborn, lunatics, idiots, married women or others), have power to act, as well in reference to any arbitration, notice and action under this Act, as in contracting for and conveying to the council any such real property, or in agreeing as to the amount of damages arising from the exercise by the council of any power in respect thereof.

If there be no party who can convey, etc.

(2) In case there is no such person who can so act in respect to such real property, or in case any person interested in respect to any such real property is absent from this Province, or is unknown, or in case his residence is unknown, or he himself cannot be found, the Judge of the County Court for the county in which such property is situate may, on the application of the council, appoint a person to act in respect to the same for all or any of the said purposes. 55 V. c. 42, s. 484.

Application, etc., of purchase money where party has not an absolute estate in the property.

(3) In case any person acting as aforesaid has not the absolute estate in the property, the council shall pay to him the interest only at six per centum per annum on the amount to be paid in respect of such property, and shall retain the principal to be paid to the person entitled to it whenever he claims the same and executes a valid acquittance therefor,

unless the High Court of Justice, or a Judge thereof, or in the meantime directs the council to pay the same to any person or into Court; and the council shall not be bound to see to the application of any interest so paid, or of any sum paid under the direction of such Court. 55 V. c. 42, s. 485; 60 V. c. 3, s. 3.

Compensation to stand in the stead of lands.

445. The compensation or damages which may be agreed upon or awarded for any land taken or injuriously affected by any municipal corporation in the exercise of its corporate powers shall stand in the stead of such lands and shall be subject to the limitations and charges (if any) to which the said lands were subject; and any claim to or incumbrance upon the said lands, or to or upon any portion thereof shall, as against the said corporation, be converted into a claim to the money so paid, or to a like proportion thereof. 55 V. c. 42, ss. 486, 488*a*.

Compensation may be paid into Court.

446.—(1) If in the opinion of the High Court of Justice or of any Judge thereof, there is reason to fear any claims or incumbrances, or if any person to whom the compensation or damage or any part thereof is payable, refuses to execute the proper conveyance or guarantee, or cannot be found, or is unknown to the corporation, the corporation may pay such compensation into the office of the Accountant of the Supreme Court of Judicature for Ontario with interest thereon at 6 per cent. per annum for six months, and may deliver to such Accountant an authentic copy of the conveyance or of the award or agreement, as the case may be; and such award or agreement or conveyance shall thereafter be deemed to be the title of the corporation to the land therein mentioned. 55 V. c. 42, s. 488*b*.

Notice to be given.

(2) A notice in such form and for such time as any Judge of the High Court of Justice may direct, shall be inserted in a newspaper, if there is one published in the municipality in which the lands are situated, or if there is no newspaper published in the municipality, then in the *Ontario Gazette*, and also in a newspaper published in the nearest municipality thereto in which any newspaper is published. Such notice shall state that the title of the corporation, under such agreement, award or conveyance, is under this Act, and shall call upon all persons entitled to the lands or to any part thereof so taken or injuriously affected, to file their claims to the said compensation money or any part thereof; and all such claims shall be received and adjudicated upon by the High Court of Justice or by any Judge thereof. 55 V. c. 42, s. 488*c*, *part*; 60 V. c. 3, s. 3.

Costs.

(3) The costs of the proceedings, including proper allowances to witnesses, shall be paid by the corporation or by such other person as the said Court or any Judge thereof may order; and if the said order of distribution is obtained in less than three

months from the payment into Court of the said compensation moneys, the Court or any Judge thereof may direct any proportionate part of such interest to be returned to the said corporation. 55 V. c. 42, s. 488*d*.

Judgment shall bar all claims.

(4) The judgment in such proceedings shall forever bar all claims to the lands or any part thereof, including dower, as well as any mortgage or incumbrance upon the same, and the Court or Judge shall make such order for distribution, payment or investment of the said compensation money, and for securing the rights of all persons interested therein as may be necessary. 55 V. c. 42, ss. 488*c*, *part*, 488*e*.

Tender of compensation.

447. The council of any municipality in all cases where claims for compensation or damages are made against them which, under the provisions of this or any other Act, are declared to be the subject of arbitration in the event of the parties not being able to agree, may tender to any person making such claim, such amount as they consider proper compensation for the damage sustained or lands taken; and in the event of the non-acceptance by the claimant of the amount so tendered, and of the arbitration being proceeded with, if an award is obtained for an amount not greater than the amount so tendered, the costs of the arbitration and award shall, unless otherwise directed by the arbitrator, be awarded to the corporation and set off against any amount awarded against them. 55 V. c. 42, s. 488.

Costs.

Division II.—Appointment of Arbitrators.

Claims under $1,000 *for lands entered upon, etc., in cities or towns. Sec.* 448.
Procedure. Sec. 449, 450.
Respecting real property taken or injuriously affected by a by-law. Sec. 451-454.
Appointment of an arbitrator no admission of liability. Sec. 455.
Award, when to be made. Sec. 456.
Persons disqualified from acting as arbitrators. Sec. 457.

Rev. Stat. c. 227.
Compensation when lands taken or injured by city or town.

448.—(1) Save as provided by *The Municipal Arbitrations Act*, in every case where a claim is made for compensation for damages by the owner or occupier of, or other person interested in, lands entered upon, taken or used by the corporation of any city or town, or alleged to have been injuriously affected by such corporation in the exercise of any of its powers, in the event of the corporation not being able to agree with the claimant as to the amount of compensation to be made, and if the amount claimed does not exceed $1,000, the same shall be settled and determined by the award of the Judge of the County Court of the county within which the city or town is situate, (sitting as sole arbitrator), or (at the option of either

party) by such other sole arbitrator as the said Judge on application made to him by either party, upon notice to the other party, may appoint. 55 V. c. 42, s. 487 (1), *part*; 59 V. c. 51, s. 13.

(2) Either party shall be entitled to at least seven days' notice, exclusive of the day of the service of the notice, of the wish of the other party to have an arbitration, and seven days' notice, exclusive of the seven days above mentioned and of the day of the service of the notice, shall be given of any application to the Judge to appoint any sole arbitrator as aforesaid. 55 V. c. 42, s. 487 (2).

Arbitrator's fees. Rev. Stat. c. 62.

(3) The fees to be paid to the arbitrator shall be the same as those payable to referees under the provisions of *The Act respecting Arbitration and References*. 55 V. c. 42, s. 487 (3).

(4) Save as herein otherwise provided, the provisions of this Act as to arbitrators and procedure in arbitrations shall, so far as applicable, apply to and govern all arbitrations had and awards made by a sole arbitrator under the provisions of this Act. 49 V. c. 37, s. 41 (4); 60 V. c. 3, s. 3.

Appointment now made. Rev. Stat. c. 227. Council, or head thereof, may appoint.

449. Save as herein or in *The Municipal Arbitrations Act* otherwise provided, the appointment of all arbitrators shall be in writing under the hands of the appointers, or, in case of a corporation, under the corporate seal, and authenticated in like manner as a by-law; and the arbitrators on behalf of a municipal corporation shall be appointed by the council thereof, or by the head thereof, if authorized by a by-law of the council. 55 V. c. 42, ss. 385, 386.

Either party may appoint an arbitrator and give notice to opposite party. Subject to Rev. Stat. c. 227.

450.—(1) Save as herein or in *The Municipal Arbitrations Act* otherwise provided, in every case where arbitration is directed or authorized by this Act, either party may appoint an arbitrator, and give notice thereof in writing to the other party, calling upon such party to appoint an arbitrator. A notice to a corporation shall be given to the head of the corporation. 55 V. c. 42, s. 387; 60 V. c. 15, *Sched.* C. (70).

Third arbitrator to be appointed.

(2) The two arbitrators appointed by or for the parties shall within seven days from the appointment of the lastly appointed of them, appoint in writing, a third arbitrator. 55 V. c. 42, s. 388.

Provision in case of neglect to appoint.

(3) In case of an arbitration between municipal corporations, if for twenty-one days after having received such notice, the party notified omits to appoint an arbitrator; or if, for seven days after the second arbitrator has been appointed, the two arbitrators omit to appoint a third arbitrator, then, in case the arbitration is between townships or between a township and a town or village, the Judge of the County Court of the county within which the townships, town or village are or any of them is situate, may, (or in case the arbitration is between other

municipalities, the Lieutenant-Governor in Council may) appoint an arbitrator for the party in default, or a third arbitrator as the case may require. 55 V. c. 42, s. 390; 60 V. c. 3, s. 3.

When more than two municipalities interested.

(4) In cases where more than two municipalities are interested, each of them shall appoint an arbitrator, and in such case, if there is an equality of arbitrators, the arbitrators so appointed shall appoint another arbitrator, or in default at the expiration of twenty-one days after the last of such arbitrators has been so appointed, the Lieutenant-Governor in Council may, on the application of any one of the municipalities interested, appoint the other arbitrator. 55 V. c. 42, s. 389; 60 V. c. 3, s. 3.

Where real property taken, etc.

Owner, etc., may appoint arbitrator and serve notice.

451.—(1) Save as aforesaid, where real property is, pursuant to a by-law of a municipal council, entered upon, taken or used by the municipal corporation in the exercise of any of its powers, or is injuriously affected thereby, any owner or occupier of, or person interested in such property may, after the passing of the by-law, appoint an arbitrator to determine the compensation to which he is entitled and give to the head of the council due notice of such appointment.

Appointment of arbitrator for municipality.

(2) Within seven days after a notice has been served under the preceding subsection, the head of the council (if authorized by by-law) shall appoint a second arbitrator, and give notice thereof to the person who has served the notice under the said subsection. 60 V. c. 15, *Sched.* C. (71). *See* 55 V. c. 42, s. 391.

In case several persons interested in property, taken, etc.

452. In case there are several persons interested, but having distinct interests in the property (whether such persons are all interested in the same piece of property, or some or one in one part thereof and some or one in another part thereof), the municipal council may by the by-law or by any subsequent by-law provide that the claims of all such persons shall be disposed of by one award. 60 V. c. 15, *Sched.* C. (71). *See* 55 Vict. c. 42, ss. 392, 393.

When council may take the initiative.

453.—(1) In case a notice has not been served under subsection 1 of section 451, the municipal council may serve upon the owner, occupier or person interested in the property, a copy of the by-law (certified under the hand of the clerk of the council to be a true copy) together with a notice in writing of the appointment of an arbitrator on behalf of the municipal council. 60 V. c. 15, *Sched.* C. (71). *See* 55 Vict. c. 42, s. 391, *part.*

Appointment of arbitrator by owner, etc., of property.

(2) Such owner, occupier or person interested shall within 7 days after such service—or in the case provided for by section 452 the persons having distinct interests as therein mentioned, shall agree upon and shall within 21 days from

such service—appoint an arbitrator on his or their behalf, as the case may be, and give notice thereof to the municipal council. 60 V. c. 15, *Sched.* C. (71). *See* 55 Vict. c. 42, ss. 392 *part*, 393 *part*.

County Court Judge to appoint arbitrator in certain cases.

454. If such owner, occupier or person so interested, or the head of such council, whether from want of authority in that behalf, or otherwise, omits to name an arbitrator within seven days after receiving notice to do so, or if the persons having distinct interests as aforesaid omit to name an arbitrator within twenty-one days after receiving notice to do so, or if the two arbitrators do not within seven days from the appointment of the lastly named of the two arbitrators agree on a third arbitrator, or if any of the arbitrators refuse or neglect to act, the Judge of the County Court of the county in which the property is situated, on the application of either party, shall nominate as an arbitrator a fit person, resident without the limits of the municipality in which the property in question is situated, to act for the party failing to appoint, or as such third arbitrator, or in the stead of the arbitrator refusing or neglecting to act, and such arbitrators shall forthwith proceed to hear and determine the matters referred to them. 55 V. c. 42, s. 394.

Appointment of arbitrators not to be admission of liability.

455. The appointment of an arbitrator shall not be deemed to be an admission of any liability on the part of the corporation, and all defences and objections shall be open to either party as if an action had been brought. 55 V. c. 42, ss. 487 (6), 487*a*; c. 43, s. 30.

Time for making award.

456. In any of the cases herein provided for, the arbitrators shall make their award within one month after the appointment of the third arbitrator. 55 V. c. 42, s. 395.

Persons disqualified from acting as arbitrators.

457. No member, officer or person in the employment of any corporation which is concerned or interested in any arbitration, nor any person so interested, shall be appointed or act as an arbitrator in any case of arbitration under this Act; but nothing in this section contained shall prevent the appointment of or disqualify as an arbitrator any person by reason merely that such person is a ratepayer of or within any municipality concerned or interested in the arbitration, unless the arbitration relates to drainage under the provisions of this Act. 55 V. c 42, s. 396; 57 V. c. 56, s. 89 (1).

Division III.—Procedure.

Oath of arbitrator. *Sec.* 458.
Time of meeting. *Sec.* 459.
Filing of award. *Sec.* 459.
Costs. *Sec.* 460.
Majority to decide. *Sec.* 461.
Arbitrators to file evidence and certificate as to time occupied. *Sec.* 462 (1-2).
Arbitrators fees.—Taxation thereof. *Sec.* 462 (3).
Award, when adoption by by-law necessary. *Sec.* 463 (1).
Power of Courts to review after adoption. *Sec.* 463 (2).
Award, how made and jurisdiction of Courts. *Sec.* 464.
Appeals and motions against awards. *Sec.* 465.
Enforcing award. *Sec.* 466.
The Arbitration Act to apply. *Sec.* 467.

Arbitrators to be sworn.

458. Every arbitrator, before proceeding to try the matter of the arbitration, shall take and subscribe the following oath (or, in case of those who by law affirm shall make and subscribe the following affirmation) before any Justice of the Peace:

Form of oath or affirmation.

"I (*A.B.*) do swear (*or* affirm) that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises, according to the evidence and my skill and knowledge. So help me God." 55 V. c. 42, s. 397.

Time of meeting, etc.

459. The arbitrators shall, within twenty days after the appointment of the third arbitrator, meet at such place as they may agree upon, to hear and determine the matter in dispute, with power to adjourn from time to time, and shall make their award in writing, which shall be binding on all parties; and one copy thereof shall be filed with the clerk of each of the municipalities interested. 55 V. c. 42, s. 398; 60 V. c. 3, s. 3.

Costs.

Taxation thereof.

460. The arbitrators shall have power to award the payment by any of the parties to the other of the costs of the arbitration, or of any portion thereof, and may either direct the payment of a fixed sum, or that the costs should be taxed on either the scale of the High Court, or of the County Court, in which case the costs shall be taxed by the officer of the proper Court in the county without any further order, and the amount shall be payable within one week after taxation. Such costs when taxed by an officer of a County Court or by a local taxing officer of the High Court, shall be subject to revision by one of the taxing officers at Toronto upon one week's notice, and such revision shall be subject to appeal to a Judge of the High Court as in the case of appeals from a taxation of costs in an action. 55 V. c. 42, s. 399.

461. In case of a difference between the arbitrators, the decision may be given by the majority of them. 55 V. c. 42, s. 400. Majority to decide.

462.—(1) In case of an award under this Act, which does not require adoption by the council, or in case of an award to which a municipal corporation is a party, and which is to be made in pursuance of a submission containing an agreement that this section shall apply thereto, the arbitrator or arbitrators shall take, and immediately after making of the award shall file with the clerk of the council, for the inspection of all parties interested, full notes of the oral evidence given on the reference, and also all documentary evidence so given or a copy thereof; and in case they proceed partly on a view, or any knowledge or skill possessed by themselves or any of them, they shall also put in writing a statement thereof, sufficiently full to allow the Court to form a judgment of the weight which should be attached thereto. Notes of the evidence adduced to be taken and filed in certain cases. Arbitrators acting on their own knowledge, etc., to put statement thereof in writing.

(2) The arbitrator or arbitrators shall also at the same time file with the said clerk a certificate of each of the said arbitrators, showing the number of hours actually occupied by him or them in the said arbitration, and verifying in detail the number of hours so occupied at each sitting of the said arbitrator or arbitrators, with the date of each such sitting and the fees charged by the said arbitrators in respect of such sitting. 55 V. c. 42, s. 401. Arbitrators to file certificate shewing time occupied and fees charged.

(3) Either of the parties to the arbitration may pay into the office of the Clerk of the County Court of the county in which the land which is the subject matter of the arbitration is situated the fees of the arbitrators as demanded by them before delivery of their award, together with $10 as security for costs, and the said clerk shall give a receipt for the same, and shall enter such payment in a book to be kept by him for the purpose, and shall be entitled to receive from the said party as a fee to his own use, when the sum paid in does not exceed $50, a fee of fifty cents, and when the sum paid in exceeds $50 a fee of $1; and the said arbitrators, or any two of them, who may have made the award in such arbitration, upon the production of such receipt, shall forthwith deliver their said award to the party so paying in the said fees and the said $10. Payment of arbitrators' fees on taking up award.

(4) The party so paying in the said sum may have the arbitrators' fees taxed by the clerk on the latter's appointment without any Judge's order, upon giving two days' notice of such appointment by service of a copy thereof upon the arbitrators or upon the person named by them to receive service thereof for them; and if the said fees are found upon the taxation to be authorized by *The Arbitration Act*, the said fees so paid into the office of the said clerk as aforesaid, shall, unless there is a revision of the taxation as hereinafter provided, be forthwith paid out to the said arbitrators by the said clerk; but in case of a revision of the taxation, such payment out Taxation of arbitrators' fees by clerk. Rev. Stat. c. 62.

shall be postponed until such revision has been finally disposed of, and shall be subject to the result of such revision.

How costs to be taxed.

(5) The said clerk upon taxation shall have regard to the charges made by each arbitrator and shall tax the fees of each arbitrator separately; and the costs of the taxation shall be in his discretion, and he may order the same to be paid either by the applicant or by the arbitrators or by any one or more of them; and he shall make such order in the premises as to him appears just.

Revision of clerk's taxation.

(6) Either party to the taxation may, within two days after the completion of such taxation, upon giving four days' notice to the opposite party, require a revision of such taxation by one of the taxing officers of the High Court at Toronto, and may require the clerk to transmit all papers in the matter to such taxing officer; and upon payment of the necessary postage to the clerk, the latter shall forthwith transmit to such taxing officer such papers and his certificate of taxation or decision or a duplicate thereof.

(7) Upon such revision, the taxing officer shall revise the said taxation and the order or decision of the said clerk as well as to costs as to all other matters. The costs of the appeal shall be in his discretion and he may order the same to be paid either by the applicant or by any one or more of the arbitrators as to him seems just. His order shall be final and conclusive upon all parties; and such order when necessary may be enforced by execution to be issued out of the County Court wherein the money was deposited.

Payment of costs out of $10 paid in as security.

(8) The order of the clerk (or of the taxing officer upon a revision as aforesaid) may direct the $10 so paid in as security as aforesaid, or so much as may be necessary, to be applied toward the payment of any costs payable by the applicant, and the remainder, if any, to be returned to him, and that any costs payable by any arbitrator shall be deducted from any fees payable to him and so paid into Court as aforesaid. In the event of such moneys being insufficient in any case to pay such costs, the Clerk of the County Court may order that execution issue against the person ordered to pay any balance, and the same shall issue upon such order out of the County Court into which the fees were paid.

Either party may file affidavits.

(9) Upon such taxation either party may file affidavits, or upon the request of either party to the taxation the clerk may examine the parties and the said arbitrators and any other witnesses upon oath.

Scale of taxation of costs.

(10) When the amount of the fees paid in does not exceed $100, the costs of taxation or appeal shall be upon the Division Court scale, and where the fees paid in exceed $100, upon the County Court scale; but the clerk, or (upon revision) the taxing officer, may, in his discretion, fix a lump sum to be paid in lieu of taxation. 58 V. c. 42, s. 15.

Lump sum in lieu of taxation.

463.—(1) In case the award relates to property to be entered upon, taken or used as mentioned in subsection 1 of section 451, and in case the by-law did not authorize or profess to authorize any entry or use to be made of the property before an award has been made, except for the purpose of survey, or in case the by-law did give or profess to give such authority, but the arbitrators find that such authority was not acted upon, the award shall not be binding on the corporation unless it is adopted by by-law, within three months after the making of the award; and if the same is not so adopted, the original by-law shall be deemed to be repealed, and the property shall stand as if no such by-law had been made, and the corporation shall pay the costs of the arbitration. 55 V. c. 42, s. 402.

Award to be binding in certain cases, must be adopted by by-law within a certain time.

(2) An award not binding upon the council until adoption, as mentioned in the last preceding subsection, shall, if adopted, be subject to the jurisdiction of the Court, and to review on the merits, at the instance of the person whose property is affected or taken, in the same manner as is provided by the next following section of this Act in respect of any award not requiring adoption; and the provisions of sections 462 and 464 shall hereafter extend to every such award. 55 V. c. 42, s. 403 (1).

Power of courts to review awards adopted by councils, etc.

(3) The award may be moved against within one month (excluding vacations) next after the adoption thereof. 55 V. c. 42, s. 403 (2).

464. Every award made under this Act shall be in writing under the hands of all or a majority of the arbitrators, and shall be subject to the jurisdiction of the High Court of Justice, as if made on an ordinary submission in writing under *The Arbitration Act*; and in the cases provided for by subsection 1 of section 462, the Court shall consider not only the legality of the award but the merits as they appear from the proceedings so filed as aforesaid, and may call for additional evidence, to be taken in any manner the Court directs, and may, either without taking such evidence or after taking such evidence, set aside the award or remit the matters referred, or any of them, from time to time, to the consideration and determination of the same arbitrators, or to any other persons whom the Court may appoint, as prescribed in *The Arbitration Act*, and may fix the time within which such further or new award shall be made; or the Court may itself increase or diminish the amount awarded or otherwise modify the award, as the justice of the case may seem to require. 55 V. c. 42, s. 404.

Award to be made by at least two arbitrators, and subject to jurisdiction of High Court. Rev. Stat. c. 62.

Powers of the Courts in such matters.

Rev. Stat. c. 62.

465. In case the award does not require adoption, but is subject to an appeal to the High Court, the appeal shall lie to the High Court and from High Court to the Court of Appeal in the same manner, and subject to the same restrictions as in the case of a reference under an order of Court; and all applications (otherwise than by way of appeal) to set aside such

Appeals and motions against awards not requiring adoption.

award shall be made within six weeks (excluding vacations) after the publication of the award, but the High Court or a Judge thereof may under special circumstances allow the application to be made after the said time. 52 V. c. 13, ss. 2, 3, 5. *See* 60 V. c. 16, ss. 15, 45; 60 V. c. 3, s. 3.

Enforcing award by order of the High Court.

466. An award under this Act may, by leave of the High Court or a Judge thereof, be enforced in the same manner as a judgment or order to the same effect. 60 V. c. 16, s. 14; 60 V. c. 3, s. 3.

Sections of Rev. Stat. c. 62 to apply.

467. Sections 9 to 12, 15, 17 to 27 and 40 to 44, and section 48 of *The Arbitration Act* shall apply to arbitrators appointed under this Act and to arbitrations thereunder. 60 V. c. 16; 60 V. c. 3, s. 3.

TITLE VI.—ACTIONS AGAINST MUNICIPAL CORPORATIONS.

Acts done under illegal by-laws, etc. *Sec.* 468.
Tender of amends in actions therefor—Costs. *Sec.* 469.
Tender of amends in actions for negligence—Costs. *Sec.* 470.
Executions in action against municipal corporations. *Sec.* 471 (1).
Municipal officers to be deemed officers of the Court pro hac vice. *Sec.* 471 (2).

Municipality to be liable for acts done under illegal by-law.

Notice of action.

468. In case a by-law, order or resolution is illegal, in whole or in part, and in case anything has been done under it which, by reason of such illegality, gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing of the intention to bring the action has been given to the corporation: and every such action shall be brought against the corporation alone, and not against any person acting under the by-law, order or resolution. 55 V. c. 42, s. 338.

Tender of amends.

Costs.

469. In case the corporation tenders amends to the plaintiff or his solicitor, if such tender is pleaded and (if traversed) proved, and if no more than the amount tendered is recovered, the plaintiff shall have no costs, but costs shall be taxed to the defendant, and set off against the amount recovered; and the balance due to either party shall be recovered as in ordinary cases. 55 V. c. 42, s. 339.

Tender of compensation in actions for negligence.

470. The council of any municipality, upon any claim being made or action brought for damages for alleged negligence on the part of the municipality, may tender, or pay into

Court (as the case may be) such amount as they may consider proper compensation for the damage sustained; and in the event of the non-acceptance by the claimant of such tender or of the amount paid into court, and of the action being proceeded with, and no greater amount being recovered than the amount so tendered or paid into court, the costs of suit shall be awarded to the defendants, and set off against any amount recovered against them. 55 V. c. 42, s, 430. Costs.

Proceedings on writs of execution against municipalities.

471.—(1) Any writ of execution against a municipal corporation may be indorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings thereon shall then be the following;

Sheriff to deliver copy of writ and statement of claim to treasurer.

(*a*) The sheriff shall deliver a copy of the writ and indorsement to the treasurer of the municipality or leave such copy at the office or dwelling-house of that officer, with a statement in writing of the sheriff's fees, and of the amount required to satisfy the execution including in such amount the interest calculated to some day, as near as is convenient to the day of the service:

If claim not paid, rate to be struck by Sheriff.

(*b*) In case the amount, with interest thereon from the day mentioned in the statement, is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of the corporation, and shall, in like manner as rates are struck for general municipal purposes, strike a rate sufficient in the dollar to cover the amount due on the execution with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees, and the collector's percentage, up to the time when the rate will probably be available.

Sheriff's precept to collector, etc., to levy rate.

(*c*) The sheriff shall thereupon issue a precept or precepts, under his hand and seal of office, directed to the collector or respective collectors of the corporation, and shall annex to every precept the roll of such rate, and shall by the precept, after reciting the writ, and that the corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector or collectors, within their respective jurisdictions, to levy such rate at the time and in the manner by law required in respect to the general annual rates;

Rate rolls.

(*d*) In case at the time for levying the annual rates next after the receipt of such precept, the collectors have a general rate roll delivered to them for such year, they shall add a column thereto, headed "*Execution rate in A. B. vs. The Township*" (or as the case may be, adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which they are required to make the returns of the general annual rate, return to the sheriff the precept with the amount levied thereon, after deducting their percentage;

Surplus.

(*e*) The sheriff shall, after satisfying the execution and all fees thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the municipality, for the general purposes of the corporation. 55 V. c. 42, s. 428.

Clerk, assessors and collectors to be officers of the court from which writ issues.

(2) The clerk, assessors and collectors of the corporation shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such executions, be deemed to be officers of the Court out of which the writ issued, and as such shall be amenable to the Court, and may be proceeded against by attachment, *mandamus* or otherwise, in order to compel them to perform the duties hereby imposed upon them. 55 V. c. 42, s. 429.

TITLE VII.—WITNESSES.

Ratepayers, Officers, etc., Competent Witnesses. Sec. 472.

Ratepayers, members, officers, etc., of corporation competent witnesses.

472 In any prosecution, action or proceeding in any civil matter to which a municipal corporation is a party, no ratepayer, member, officer or servant of the corporation shall, on account of his being such, be incompetent as a witness. 55 V. c. 42, s. 425, *part.*

TITLE VIII.—RESPECTING THE ADMINSTRATION OF JUSTICE.

Div. I.—Justices of the Peace.
Div. II.—Police Office in Cities and Towns.
Div. III.—Board of Commissioners of Police and Police Force in Cities and Towns.
Div. IV.—Court Houses, Gaols, Reformatories and Places of Correction or Imprisonment.
Div. V.—Board of Audit—Criminal Justice, etc.

Division I.—Justices of the Peace.

Justice of the Peace—Who are ex officio. *Sec.* 473.
Jurisdiction of mayors of cities and towns. Sec. 474.
Qualification and oath of ex officio *Justices. Sec.* 475.
Jurisdiction of Justices in cases under by-laws. Secs. 476-478.

Certain persons to be *ex officio* Justices of the Peace.

473. The head of every council, all members of a county council, and the reeve of every town, township and village,

shall, *ex officio*, be Justices of the Peace for the whole county, or union of counties, in which their respective municipalities lie; and aldermen in cities shall be Justices of the Peace for such cities. 55 V. c. 42, s. 415; 60 V. c. 45, s. 8.

Jurisdiction of mayors over certain offences.

474. The mayor of a town or city where there is no Police Magistrate, shall have jurisdiction, in addition to his other powers, to try and determine all prosecutions for offences against the by-laws of the town or city, and for penalties for refusing to accept office therein or to make the necessary declarations of qualification and office. 55 V. c. 42, s. 416.

Qualification of certain officials.

475. No warden, mayor, reeve or alderman, after taking the oaths or making the declarations as such, shall be required to have any property qualification, or to take any further oath to enable him to act as a Justice of the Peace. 55 V. c. 42, s. 417.

Jurisdiction of justices under by-laws.

476. Every Justice of the Peace for a county shall have jurisdiction in all cases arising under any by-law of any municipality in the county for which there is no Police Magistrate. 55 V. c. 42, s. 418.

Justices not disqualified by being members of council.

477. A Justice of the Peace shall not, by reason of his being a member of a municipal council, be disqualified to act as a Justice in the case of a prosecution for an offence committed against a by-law of such council. 55 V. c. 42, s. 419, *part.*

Nor by reason of penalty being payable to municipality.

478. A Justice of the Peace shall not be disqualified to act as a Justice where in case of a conviction the fine or penalty or part thereof goes to a municipality in which he is a ratepayer. 55 V. c. 42, s. 419*a*; c. 43, s. 24.

Division II.—Police office in Cities and Towns.

(*See also Chapter* 87.)

Who to preside thereat. Sec. 479.
Who to be the clerk thereof. Sec. 480.

Police offices in cities and towns.

479.—(1) The council of every town and city shall establish therein a police office; and the Police Magistrate, or, in his absence, or where there is no Police Magistrate, the mayor of the town or city, shall attend at such police office daily or at such times and for such period as may be necessary for the disposal of the business brought before him as a Justice of the Peace; but any Justice of the Peace having jurisdiction in a

town or city may, at the request of the mayor thereof, act in his stead at the police office. 55 V. c. 42, s. 432.

Accommodation, etc., for police office.

(2) The council shall from time to time provide all necessary and proper accommodation, fuel, light, stationery and furniture for the police office, and for all officers connected therewith. 59 V. c. 51, s. 35; 60 V. c. 3, s. 3.

Clerk of police office, and his duties.

480. The clerk of the council of every city or town, or such other person as the council of the city or town appoints for that purpose, shall be the clerk of the police office thereof, and shall perform the same duties and receive the same emoluments as clerks of Justices of the Peace; and in case the said clerk is paid by a fixed salary, the emoluments shall be paid by him to the municipality and form part of its funds: and such clerk shall be the officer of and under the Police Magistrate. 55 V. c. 42, s. 433.

If paid by salary, fees to be paid over to municipality.

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Division III.—Boards of Commissioners of Police and Police Force in Cities and Towns.

Board, Members of. *Sec.* 481.
Powers as to witnesses. *Sec.* 482 (1, 2).
Chairman. *Sec.* 483 (1).
Quorum. *Sec.* 483 (2).
Meetings of Board in cities to be public *Sec.* 483 (3).
Powers as to second-hand and junk shops, livery stables, cabs, bands of music, etc. *Sec.* 484.
By-laws of, how authenticated and proved. *Sec.* 485.
Penalties, how recoverable. *Sec.* 486.
High Bailiffs. *Sec.* 487.
Police Force, appointment of. *Secs.* 488, 489.
Police regulations. *Sec.* 490.
Duties and powers of constables. *Sec.* 491.
Remuneration and expenses of police force. *Sec.* 492 (1).
Indemnification of, in certain cases. *Sec.* 492 (2).
Constables in towns where no police commissioners. *Sec.* 493
Constables in villages. *Sec.* 493.
Dissolution of boards in towns. *Sec.* 474.
Constables in counties and townships. *Sec.* 495.
Fees of salaried constables. *Sec.* 496.
Arrests without warrant. *Sec.* 497.
Suspension from office. *Secs.* 498, 499.

Board of Commissioners of Police.

Board of commissioners of police in cities and towns, of whom composed.

481.—(1) In every city there is hereby constituted a Board of Commissioners of Police, and in every town having a Police Magistrate the council may constitute a like board. Such board shall consist of the mayor, the Judge of the County Court of the county in which the city or town is situate, and

the Police Magistrate. In case the office of County Judge or that of Police Magistrate is vacant, the council of the city shall, and the council of the town may, appoint a person resident therein to be a member of the board, or two persons so resident to be members thereof, as the case may require, during such vacancy; but the council of such town may at any time, by by-law, dissolve and put an end to the board, and thereafter the council shall have and exercise all powers and duties previously had or exercised by the board. 55 V. c. 42, s. 434.

Person acting as mayor to act as police commissioner.

(2) In case of the illness or absence of the mayor, or of the office of mayor being vacant, the person appointed by the council under section 272 as their presiding officer shall also have authority during the time he acts as such presiding officer to act as a police commissioner in the place of the mayor. 55 V. c. 42, s. 239 (2); c. 43, s. 9

Payment of police commissioners.

(3) The council of any city with a population of 100,000 or over, may by by-law provide for the payment of the Police Commissioners or any of them. 55 V. c. 42, s. 434 (2).

Board may examine witnesses on oath.

482.—(1) The commissioners shall have power to summon and examine witnesses on oath on all matters connected with the administration of their duties, and shall have the same power to enforce the attendance of such witnesses and to compel them to give evidence as is vested in any Court of law in civil cases. A notice to attend before the Board shall be sufficient, if signed by the chairman of the Board, or by any one of the commissioners.

Privileges of witnesses.

(2) No party or witness shall be compelled to answer any question his answer to which might render him liable to a criminal prosecution. 55 V. c. 42, s. 435 (1), (2).

Chairman.

483.—(1) The Commissioners shall annually at their first meeting held after the mayor of the municipality has taken his oath of office, elect a chairman. 57 V. c. 50, s. 6.

Quorum.

(2) A majority of the Board shall constitute a quorum, and the acts of a majority shall be considered acts of the Board.

Meetings in cities to be open to public.

(3) All meetings of the Board of Commissioners of Police in cities shall be open to the press and the public, unless otherwise decided by the Board. 55 V. c. 42, s. 435 (3), (4).

Licensing and regulating second hand and junk shops, livery stables, cabs, etc., in cities.

484.—(1) The Board of Commissioners of Police shall in cities license and regulate second-hand shops and junk stores or shops and the owners of livery stables and of horses, cabs, carriages, carts trucks, sleighs, omnibuses and other vehicles regularly used for hire within the said city whether such owners are resident or non-resident therein, and shall establish the rates of fare to be taken by the owners or drivers of such vehicles for the conveyance of goods or pas-

sengers, either wholly within the limits of the city, or from any point within the city to any other point not more than three miles beyond said limits, and may provide for enforcing payment of such rates; and for such purposes shall pass by-laws and enforce the same in the manner in which and to the extent to which any municipal by-law passed under the authority of this Act may be enforced. 55 V. c. 42, s. 436 (1).

(2) The Board of Commissioners of Police in any city may pass by-laws defining areas or districts and localities in the city within the limits of which no livery stable or sale or boarding stable, or stable in which horses are to be kept for hire or for express purposes shall be established or maintained. 55 V. c. 42, s. 436 (2); c. 43, s. 25; 56 V. c. 35, s. 11; 59 V. c. 51, s. 9; 60 V. c. 15, *Sched.* C (116).

(3) The Board of Commissioners of Police in any city shall pass a by-law or by-laws for regulating the hours of labour of persons employed in livery or boarding stables, or as drivers of cabs, carriages or sleighs kept for hire within the said city, and may also pass by-laws for regulating the hours of labour of persons employed by the owners of horses, carts, trucks, omnibuses and other vehicles kept for hire within the said city, and for licensing drivers of cabs within the said city. 60 V. c. 45, s. 52.

Control of children.

(4) The Board of Commissioners of Police shall also regulate and control children engaged as,

(*a*) Express or despatch messengers;

(*b*) Vendors of newspapers and small wares;

(*c*) Bootblacks. 55 V. c. 42, s. 436 (3).

Bands of music.

(5) The Board of Commissioners of Police in any city, and the council of any town, may regulate or prohibit the playing of bands and of musical instruments on any street, highway, park or public place in the city; but this shall not apply to any military band attached to any regular corps of the militia of Canada when on duty under the command of its regular officer. 55 V. c. 42, s. 436 (5).

[*See as to additional powers of Boards of Police Commissioners in cities of 100,000 inhabitants or over. Secs.* 540 (1), 581, 583.]

How by-law of Board authenticated and proved.

485. All by-laws of any Board of Commissioners of Police shall be sufficiently authenticated by being signed by the chairman of the Board which passes the same; and a copy of such by-law, written or printed, and certified by any member of the Board to be a true copy, shall be deemed authentic, and be received in evidence in any Court of Justice without proof of such signature, unless it is specially pleaded or alleged that the signature to such original by-law has been forged. 55 V. c. 42, s. 437.

486. In all cases where any Board of Commissioners of Police are authorized to make by-laws, either under this or any other Act or law, they shall have power in and by such by-laws, to attach penalties for the infraction thereof; and such by-laws may be enforced, and such penalties may be recovered by summary proceedings before the Police Magistrate of the city for which the same are passed, or, in his absence, before any Justice of the Peace having jurisdiction therein, in the manner and to the extent that by-laws of city councils may be enforced under the authority of this Act; and the convictions in such proceedings may be in the form set forth in section 707 of this Act. 55 V. c. 42, s. 438.

May be enforced by penalties, etc.

How recovered.

HIGH BAILIFF AND POLICE FORCE.

487. The council of every city shall appoint a high bailiff; but may provide, by by-law, that the offices of high bailiff and chief constable shall be held by the same person. 55 V. c. 42, s. 439.

High bailiffs.

488. The police force in cities and in towns having a Board of Commissioners of Police, shall consist of a chief constable, and as many constables and other officers and assistants as the council from time to time deem necessary, but in cities, not less in number than the Board reports to be absolutely required; but this section shall not affect or apply to a city in which, by the special Act of incorporation thereof, provision is made for the appointment, control and management of the police by the council. 55 V. c. 42, s. 440.

Police force in cities and towns.

489. The members of the police force in cities and in such towns shall be appointed by and hold their offices at the pleasure of the Board, and shall take and subscribe the following oath:

Appointment of members of police force.

I, *A. B.*, do swear that I will well and truly serve our Sovereign Lady the Queen in the office of Police Constable for the of without favour or affection, malice or ill-will; and that I will, to the best of my power, cause the peace to be kept and preserved, and will prevent all offences against the persons and properties of Her Majesty's subjects; and that while I continue to hold the said office, I will, to the best of my skill and knowledge, faithfully discharge all the duties thereof according to law.

Oath of office.

55 V. c. 42, s 441.

490. The Board shall, from time to time, make such regulations as they may deem expedient for the government of the force, for preventing neglect or abuse, and for rendering the force efficient in the discharge of all its duties. 55 V. c. 42, s. 442.

Board to make regulations.

491. The constables shall obey all lawful directions of, and shall be subject to the government of the Board; and they shall be charged with the special duties of preserving the peace, pre-

Constables to be subject to the Board.

Duties of constables.

venting robberies and other crimes and offences, and apprehending offenders; and shall have generally all the powers and privileges, and be liable to all the duties and responsibilities, which belong by law to constables duly appointed. 55 V. c. 42, s. 443; 60 V. c. 15, *Sched.* C. (78).

Remuneration and contingent expenses.

492.—(1) The council shall appropriate and pay such remuneration for and to the respective members of the force, as may be required by the Board of Commissioners of Police; and shall provide and pay for all such offices, watch-houses, watch-boxes, arms, accoutrements, clothing and other necessaries and necessary expenses as the Board may from time to time deem requisite and require for the payment, accommodation, use and maintenance of the force; but this section shall not affect or apply to any city in which, by the special Act of incorporation thereof, provision is made for the appointment, control and management of the police by the council. 55 V. c. 42, s. 444; 58 V. c. 42, s. 16.

Indemnifying police officers.

(2) The council may in its discretion appropriate any sum necessary for and may pay for the protection, defence or indemnification of members of the police force in proper cases, where suits or prosecutions are brought against members of the force, and costs are necessarily incurred and damages recovered, and where the Board of Commissioners of Police certify to the council that the case is a proper one for such payment or indemnity. 59 V. c. 51, s. 10.

Constables in towns and villages.

493. The council of every town not having a Board of Commissioners of Police shall, and the council of every village may, appoint one chief constable and one or more constables for the municipality; and the persons so appointed shall hold office during the pleasure of the council. 55 V. c. 42, s. 445.

Dissolution of Boards of police commissioners in towns.

494. Where in a town there was on the 24th day of March, 1874, a Board of Commissioners of Police, constituted under the Acts then in force respecting municipal institutions in this Province, the council of the said town may, by by-law, dissolve and put an end to the Board, and thereafter the council shall have and exercise all powers and duties which might, under said Acts, have been had or exercised by the Board; and unless and until so dissolved and put an end to, the Board shall have and exercise all the powers and duties which, but for this section, would have been exercised or had by the Board. 55 V. c. 42, s. 446.

County and township constables.

495. The council of every county and township may appoint one or more salaried constables for the municipality, to hold office during the pleasure of the council. Every such constable, and any city, town or village constable, shall have

Their powers.

the same powers and privileges and be subject to the same liability and to the performance of the same duties, and shall

be subject also to suspension by the Judge of the County Court in the same manner, and may act within the same limits, as a constable appointed by the Court of General Sessions. 55 V. c. 42, s. 447.

Fees of salaried constable.

496. Where any salaried constable is appointed for any municipality, whether by the municipal council or by the Board of Commissioners of Police, the council may agree that such constable shall keep for his own use his fees of office; or may require that the said fees shall be paid to the municipal treasurer for the use of the municipality. 55 V. c. 42, s. 448.

Arrests by constables for alleged breaches of the peace not committed in their presence.

497. In case any person complains to a chief of police or to a constable in a town or city of a breach of the peace having been committed, and in case such officer has reason to believe that a breach of the peace has been committed, though not in his presence, and that there is good reason to apprehend that the arrest of the person charged with committing the same is necessary to prevent his escape, or to prevent a renewal of a breach of the peace, or to prevent immediate violence to person or property, then, if the person complaining gives satisfactory security to the officer that he will, without delay, appear and prosecute the charge before the Police Magistrate or before the mayor or sitting Justice, the officer may, without warrant, arrest the person charged, in order to his being conveyed as soon as conveniently may be before the Police Magistrate, Mayor or Justice, to be dealt with according to law. 55 V. c. 42, s. 449.

Until a board of police is organized, mayor, etc., may suspend chief constable, etc., from office, etc.

498. Until the organization of a Board of Commissioners of Police in a town, the mayor or Police Magistrate thereof may suspend from office, for any period in his discretion, the chief constable or any constable of the town, and may, if he chooses, appoint some other person to the office during such period; and in case he considers the suspended officer deserving of dismissal, he shall, immediately after suspending him, report the case to the council, and the council may dismiss such officer, or may direct him to be restored to his office after the period of his suspension has expired. 55 V. c. 42, s. 450; 60 V. c. 3, s. 3; c. 15, *Sched.* C. (79).

Incapacity of such officer to act.

Salary to cease.

499. During the suspension of such officer he shall not be capable of acting in his office, except by the written permission of the mayor or Police Magistrate who suspended him; nor during such suspension shall he be entitled to any salary or remuneration. 55 V. c. 42, s. 451.

Division IV.—Court Houses, Gaols, Reformatories and Places of Correction or Imprisonment.

Court houses and gaols. Establishment. Secs. 500-503.
Court houses and gaols. Care and expenses. Secs. 504-517.
Lock-up houses. Secs. 518-523.
Industrial Farms, Houses of Industry and Houses of Refuge. Secs. 524-526.
Houses of Correction. Sec. 527, 528.
Inebriate Asylums. Sec. 529.

COURT HOUSES, GAOLS, ETC.

Establishment.

County council may pass by-laws as to county buildings.

500. Every county council may pass by-laws for erecting, improving and repairing a court house, gaol, house of correction and house of industry, upon land being the property of the municipality, and shall preserve and keep the same in repair and provide the food, fuel and other supplies required for the same. 55 V. c. 42, s. 452.

Acquiring land for court houses in cities.

501. Every county council may, when a court house is required to be erected within the limits of a city, pass by-laws for entering upon, taking, using and acquiring such land as may be necessary or convenient for the purposes of such court house. 55 V. c. 42, s. 453.

Gaols and court houses in counties and cities, etc., not separated.

502. The gaol, court house and house of correction of the county in which a city or town not separated for all purposes from a county, is situate, shall also be the gaol, court house and house of correction of the city or town, and shall, in the case of such city, continue to be so until the council of the city otherwise directs; and the sheriff, gaoler and keeper of the gaol and house of correction shall receive and safely keep, until duly discharged, all persons committed thereto by any competent authority of the city or town. 55 V. c. 42, s. 454.

City councils may erect, etc., certain public buildings.

503. The council of any city may erect, preserve, improve and provide for the proper keeping of a court house, gaol, house of correction and house of industry, upon lands being the property of the municipality, and may pass by-laws for all or any of such purposes. 55 V. c. 42, s. 455.

Care of Court Houses and Gaols.

Custody of gaols.

Keepers.

504.—(1) The sheriff shall have the care of the county gaol, gaol offices and yard, and gaoler's apartments, and the appointment of the keepers thereof, whose salaries shall be fixed by the county council, subject to the revision or requirement of the Inspector of Prisons and Public Charities.

(2) Every appointment or dismissal of a gaoler shall be subject to the approval of the Lieutenant-Governor. 55 V. c. 42, s. 464. Appointment and dismissal of gaolers.

505. The salary of the gaoler shall be in lieu of all fees, perquisites or impositions of any sort or kind whatever; and no gaoler or officer belonging to the gaol shall demand or receive any fee, perquisite or other payment from any prisoner confined within the gaol or prison. 55 V. c. 42, s. 465. Gaoler to have a yearly salary in place of all fees, perquisites or impositions whatever.

506. The county council shall have the care of the court house and of all offices and rooms and grounds connected therewith, whether the same forms a separate building or is connected with the gaol, and shall have the appointment of the keepers thereof, whose duty it shall be to attend to the proper lighting, heating and cleaning thereof; and they shall from time to time provide all necessary and proper accommodation, fuel, light, stationery and furniture for the Courts of Justice other than the Division Courts, and for the library of the Law Association of the county (such last mentioned accommodation to be provided in the court house), and shall provide proper offices, together with fuel, light, stationery and furniture, for all officers connected with such Courts other than (1) officers of the Maritime Court of Ontario (not being in the County of York) and (2) official assignees. 55 V. c. 42, s. 466; c. 43, s. 26; 60 V. c. 3, s. 3. *As to Division Courts, see Cap. 60, Sec. 11.* County council to have care of court-house, etc.

507. In any city not being a separate county for all purposes, but having a gaol or court house separate from the county gaol or court house, the care of such city gaol or court house shall be regulated by the by-laws of the city council. 55 V. c. 42, s. 467. City gaols to be regulated by by-laws of city council.

508. In case of a separation of a union of counties, all rules and regulations, and all matters and things in any statute for the regulation of, or relating to court houses or gaols, in force at the time of the separation, shall extend to the court house and gaol of the junior county. 55 V. c. 42, s. 468. Upon separation of union of counties, gaol and court-house regulations to continue.

Costs and Expenses of Court Houses and Gaols.

509.—(1) Cities and separated towns shall, as parts of their respective counties for judicial purposes, bear and pay their just share or proportion of all charges and expenses from time to time incurred in erecting, building and repairing and maintaining, enlarging or improving the court house and gaol of their respective counties, and of the proper lighting, cleansing and heating thereof, and of providing all necessary and proper accommodation, fuel, light, stationery and furniture for the gaol and Courts of Justice, other than the Division Courts, and for the library of the Law Association of the county and of Liability of cities and towns separated from counties for erection and maintenance of court house, etc.

providing proper offices together with fuel light stationery and furniture for officers connected with such courts, where the same are required to be provided by the county council, and all other charges relating to criminal justice, payable by the county in the first instance, except constables' fees and disbursements and charges connected with coroners' inquests, and such other charges as the counties are entitled to be repaid by the Province. 55 V. c. 42, s. 469 (1), *part*; c. 43, s. 27; 60 V. c. 3, s. 3; c. 45, s. 9.

Reference to arbitration in case of disagreement.

(2) In case the council of the city or separated town and the council of the county in which, for judicial purposes, such city or town is situate cannot, by agreement from time to time, settle and determine the amount to be so payable by such city or town respectively, then the same shall be determined by arbitration, according to the provisions of this Act. 55 V. c. 42, s. 469 (1), *part*.

Purchase of lands and erection of buildings for municipal and judicial purposes.

(3) It shall be lawful for the council of any county and the council of any city or town situate in such county, but separated therefrom for municipal purposes, to enter into any agreement,

(a) For the purchase or acquisition of land within the county town for the purpose of erecting thereon buildings for the use of such county and city or town, for municipal and judicial purposes; and

(b) For the erection, maintenance, use, management and control of such buildings; and

(c) For fixing or ascertaining the amount which each municipality shall pay or contribute for the purposes aforesaid; and

(d) For the subsequent disposition of such land and buildings, and of any insurance or other moneys that may be received in respect thereof;

and to acquire such land as may be necessary for the erection thereon of such buildings;

and to pass all such by-laws as may from time to time be necessary for the purchasing of such land, and the carrying out of any such agreement. 55 V. c. 42, s. 469 (2).

When county has paid amount of town's interest in county buildings.

510. Where a city or separated town has before July 1st, 1897, been paid by the county after the separation for its interest in such court house and gaol, or in a house of correction or registry office, and where the city or town has not erected separate buildings, the award may determine what sum (if any) shall be annually paid to the county as the share or contribution of the city or town for or in respect of any enlargement or improvement made by the county after the separation. But no award shall provide for the purchase by the county from a city or town not separated from the county

for judicial purposes of the interest of such city or town in such buildings or in the enlargement or improvement thereof. 60 V. c. 3, s. 3; c. 45, s. 10, (469*a*).

City or town to pay 5 per cent. per annum upon sum received for its interest in the court house, gaol, etc.

511. Where under an agreement or award made before July 1st, 1897, upon the separation of a town from a county for municipal purposes, or under an award made or agreement entered into thereafter between the city or town and the county, the corporation of the county has paid to the corporation of the separated town or city compensation for the amount contributed by the separated town or city prior to its separation from the county for municipal purposes, towards the erection, enlargement or improvement of the court house, gaol or house of correction, or registry office, or any of them, and in case the town or city has not erected separate buildings, the corporation of the city or town shall annually pay to the county an amount equal to five per centum of the amount so paid to the city or town, and the amount so to be paid by the city or town shall be in addition to the amount to be contributed by the city or town under section 509 of this Act. 60 V. c. 45, s. 10, (469*b*).

Pending actions not affected.

512. Nothing in sections 510 or 511 shall affect any agreement or award in force on July 1st, 1897, or any action or proceedings at law pending on said date; but the said sections shall apply in case of any agreement or award thereafter made between any such county and city or separated town. 60 V. c. 45, s. 10, (469*c*).

Liability for furniture for county officials.

513. The council shall not be liable to pay for any furniture which they are required to provide under the provisions of sections 506 and 509 of this Act, unless the same has been ordered by the council or by some person duly authorized by them so to do. 55 V. c. 42, s. 470

Insurance of interests of corporations in certain cases.

514. The corporation of any county, city or town separated from the county, are hereby declared to have respectively, insurable interests in the court house and gaol of the county and the furniture thereof, in the proportions in which they shall, for the time being, be liable to contribute towards the erection, building, repairing and maintaining the same, and towards providing necessary accommodation and furniture for the said gaol and Courts of Justice, and for the officers connected with such Courts; and any such corporation may insure its said interest accordingly. 55 V. c. 42, s. 471.

Liability of city to contribute to court houses and gaols.

515.—(1) In all cases in which any city is required to contribute to the cost of erecting or building a court house or gaol not commenced before the 5th day of March, 1891, the council of such city shall not be bound to pay for any part of the expenditure thereafter incurred in respect thereof unless the same has been concurred in by the council of the city, or, in

case of dispute, has been determined by arbitration, according to the provisions of this Act; and the council of the city shall have a voice in the selection of the site of the court house and gaol.

(2) In case the council of the county and city fail to agree upon the selection of such site, the same shall be settled and determined by arbitration, according to the provisions of this Act. 55 V. c. 42, s. 472.

Compensation by city or town for use of court-house, etc.

516.—(1) While a city or town uses the court house, gaol or house of correction of the county, the city or town shall pay to the county such compensation therefor, and for the care and maintenance of prisoners, as may be mutually agreed upon, or settled by arbitration under this Act.

Matters to be considered in determining compensation.

(2) In case of arbitration under this section, in determining the compensation to be paid for the care and maintenance of prisoners confined in the gaol, the arbitrators shall, so far as they deem the same just and reasonable, take into consideration the original cost of the site and erection of gaol buildings and of repairs and insurance, so far as the same have been borne or sustained by one or other of the municipalities, and they shall also take into consideration the cost of maintaining and supporting the prisoners, as well as the salaries of all officers and servants connected therewith; but the provisions of this subsection shall apply only to the determining of the compensation to be paid for the care and maintenance of any such prisoners subsequent to the 1st day of January, 1886. 55 V. c. 42, s. 473.

When the amount of compensation may be reconsidered.

517. In case, after the lapse of five years from such compensation having been so agreed upon or awarded, or having been settled by statute, it appears reasonable to the Lieutenant-Governor in Council, upon the application of either party, that the amount of the compensation should be reconsidered, he may, by an Order in Council, direct that the then existing arrangement shall cease after a time named in the Order; and after such time the councils shall settle anew, by agreement or by arbitration under this Act, the amount to be paid from the time so named in the Order. 55 V. c. 42, s. 474.

LOCK-UP HOUSES.

Lock-up houses may be established by county councils.

518. The council of every county may establish and maintain a lock-up house, or lock-up houses, within the county, and may establish and provide for the salary or fees to be paid to the constable to be placed in charge of every such lock-up house; and may direct the payment of the salary out of the funds of the county. 55 V. c. 42, s. 456.

A constable to be placed in charge.

519. Every lock-up house shall be placed in the charge of a constable specially appointed for that purpose by the magis-

trates of the county at a General Sessions of the Peace therefor. 55 V. c. 42, s. 457.

Lock-up houses.

520.—(1) The council of every city, town, township, and village may, by by-law, establish, maintain and regulate lock-up houses for the detention and imprisonment of persons sentenced under any by-law of the council to imprisonment for not more than ten days; and of persons detained for examination on a charge of having committed any offence; and of persons detained for transmission to any common goal or house of correction, either for trial or in the execution of any sentence; and such councils shall have all the powers and authorities conferred on county councils in relation to lock-up houses. 55 V. c. 42, s. 458.

Joint lock-up houses.

(2) Two or more municipalities may unite to establish and maintain a lock-up house. 55 V. c. 42, s. 459.

Payment to be made to county when gaol used as a lock-up.

521.—(1) In case a county town has not a lock-up approved by the Inspector of Prisons and Public Charities, and the county gaol is used for the purposes of a lock-up, the municipal corporation of the county town shall pay yearly to the county treasurer for the use of the county a reasonable amount for the use of the gaol as a lock-up, and for the expenses incurred thereby and in connection therewith; and in the event of any dispute arising as to the amount which should be paid to the county as aforesaid, the same shall be settled by arbitration as provided for under this Act.

(2) This section shall not apply to cities or separated towns for which provision is made by section 516 of this Act. 55 V. c. 42, s. 474*a*.

Existing lock-up houses to continue.

522. Nothing herein contained shall affect any lock-up house heretofore lawfully established, but the same shall continue to be a lock-up house as if established under this Act. 55 V. c. 42, s. 475.

Expense of conveying and maintaining prisoners.

523. The expense of conveying any prisoner to, and of keeping him in a lock-up house, shall be defrayed in the same manner as the expense of conveying him to and keeping him in the common gaol of the county. 55 V. c. 42, s. 476.

[*Section 409 of 29-30 V. c. 51, (See 36 V. c. 48, s. 367, R. S. O. 1877, c. 174, s. 449, 46 V. c. 18, s. 476 and R. S. C. Sched. B.,) is as follows:—*

Who liable to confinement in lock-up.

409. Any Justice of the Peace of the county may direct by warrant in writing under his hand and seal, the confinement in a lock up house with in his county, for a period not exceeding two days, of any person charged on oath with a criminal offence, whom it may be necessary to detain until examined, and either dismissed or fully committed for trial to the common gaol, and until such person may be conveyed to such gaol; also the confinement in such lock-up-house, not exceeding twenty-four hours, of any person found in a public street or highway in a state of intoxication, or

any person convicted of desecrating the Sabbath; and generally may commit to a lock-up-house instead of the common gaol or other house of correction, any person convicted on view of the justice, or summarily convicted before any justice or justices of the peace of any offence cognizable by him or them, and liable to imprisonment therefor under any statute or municipal by-law. 29-30 V. c. 51, s. 409.

INDUSTRIAL FARMS, ETC.

Land may be acquired for industrial farms, house of industry, refuge, etc.

524.—(1) The council of every county, city or town separated from a county may acquire an estate in landed property for an industrial farm, and may establish a house of industry and a house of refuge, and may provide, by by-law, for the erection and repair thereof, and for the appointment, payment and duties of inspectors, keepers, matrons and other servants for the superintendence, care and management of such houses of industry or refuge, and may in like manner make rules and regulations (not repugnant to law) for the government of the same.

Proviso as to united or contiguous counties.

(2) Two or more united counties, or two or more contiguous counties, or a city and one or more counties, or a town and one or more counties, may agree to have only one house of industry or refuge for such united or contiguous counties, or city and counties, or town and counties, and may maintain and keep up the same in the manner herein provided.

Power to compel persons sent to industrial farms, etc., to work thereon.

(3) The council may provide, by by-law, for requiring persons sent to such industrial farm or other place, to work on the said farm, or at any work or service for the said municipality, at such times, and for such hours, and at such trade or labour as they may appear to be fit for, and for buying and selling material therefor, and for applying the earnings, or part of the earnings of such persons for their maintenance or the maintenance of the wife and child or wife and children (if any) of such persons, or for the general maintenance of the farm or other place as aforesaid, or towards aiding such persons to reach their friends (if any) or any place to which it may be deemed advisable to send them.

Industrial farms and houses of refuge for two or more municipalities.

(4) Any two or more local municipalities shall have the same powers and rights as to acquiring, holding and maintaining an industrial farm, or acquiring, erecting and maintaining a house of industry or refuge as any county or city or united or contiguous counties or city or town and county have under and by virtue of this Act or otherwise, and may arrange with any other local municipality or municipalities for the admission (upon such terms and conditions as may be agreed upon between them), of such other local municipality or municipalities to a joint ownership or occupancy or right of user by said other municipality or municipalities in or of said farm, house of industry or house of refuge. Any purchase or grant to or acquisition by two or more local municipalities of any such farm, or the erection of any such house of industry or

house of refuge, or any agreement or by-law therefor, or any agreement or by-law for the admission of any other local municipality to such joint ownership or right of user or occupation made, entered into or passed before the 23rd day of March, 1888, shall be as valid and binding for all purposes as though made, entered into or passed after the passing hereof.

(5) All the provisions of this Act relating to industrial farms, houses of industry or houses of refuge respectively, shall apply to any such local municipalities and to any industrial farm, house of industry or house of refuge acquired, erected, occupied or maintained thereby as fully as to any other municipality or municipalities in the preceding subsection mentioned, or to any industrial farm, house of industry or house of refuge acquired, owned, erected, occupied or maintained by them, or any of them.

Maintenance of patients sent by local municipalities to House of Refuge.

(6) The county council may provide by by-law that each local municipality within the county shall be required to pay a sum not exceeding the rate of one dollar and fifty cents per week for the maintenance and support of each person sent to the house of refuge by or from such local municipality and received therein. 55 V. c. 42, s. 460.

Detention of indigent persons.

(7) The county council may pass by-laws for committing to and detaining at any house of industry, indigent persons, for a period of not more than twelve months; and the warrant under the seal of the corporation of the warden or head of a council passing such by-law shall be sufficient authority to the keeper of such house of industry to detain the person therein mentioned for a period stated in such warrant not to exceed twelve months; but this shall not affect the powers of committal by law conferred on any other person or officer. 58 V. c. 42, s. 17.

Inspectors to keep and render accounts of expenses, etc.

525. The inspector of a house of industry or refuge appointed as aforesaid shall keep an account of the charges of erecting, keeping and maintaining the house of industry or house of refuge, and of all materials found and furnished therefor, together with the names of the persons received into the house, as well as of those discharged therefrom, and also of the earnings; and such account shall be rendered to the council or councils maintaining such house every year, or oftener when required by a by-law of the council; and a copy thereof shall be presented to the Legislature. 55 V. c. 42, s. 461.

Justices, etc., may commit certain persons to House of Industry, etc.

526.—(1) Any two of Her Majesty's Justices of the Peace or of the Inspectors appointed as aforesaid, may by writing under their hands and seals, commit to the house of industry or of refuge to be employed and governed according to the rules, regulations and orders of the house:

1. All poor and indigent persons who are incapable of supporting themselves,

2. All persons without means of maintaining themselves and able of body to work, and who refuse or neglect to do so,

3. All persons leading a lewd, dissolute, and vagrant life, and exercising no ordinary calling or lawful business sufficient to gain or procure an honest living,

4. And all such as spend their time and property in public-houses to the neglect of any lawful calling, and

5. Idiots.

46 V. c. 18, s. 479 *part.*

Punishment of refractory inmates.

(2) Every person committed to the house of industry or refuge, if fit and able, shall be kept diligently employed at labour during his confinement therein, and in case any such person is idle, and does not perform such reasonable task or labour as may be assigned, or is stubborn, disobedient, or disorderly, such person shall be punished according to the rules and regulations of the house of industry or refuge in that behalf. 46 V. c. 18, s. 479 *part.*

HOUSES OF CORRECTION.

By-laws may be passed establishing workhouses and houses of correction.

527. The council of every city and town may respectively pass by-laws:

1. For erecting and establishing within the city or town or on such industrial farm, or on any ground held by the corporation for public exhibitions, a workhouse or house of correction and for regulating the government thereof.

Who liable to be committed thereto.

2. For providing that the mayor, Police Magistrate, or any Justice of the Peace having jurisdiction in the municipality, may commit and send, with or without hard labour, to the workhouse or house of correction, or to the industrial farm, house of industry, house of refuge, or house for the poor, aged, and infirm, or lock-up, or to any work or service for the municipality as aforesaid, such disorderly persons, drunkards, vagrants, indigent persons, and such description of persons as are set forth or referred to in section 526 and as may by the council be deemed, and by by-law be declared expedient; and such farm, house of correction, house of industry, house of refuge, or house for the poor, aged, or infirm, lock-up house, or ground held as aforesaid, shall, for the purposes in this subsection mentioned, be deemed to be within the municipality and the jurisdiction thereof. 55 V. c. 42, s. 462 (1, 2).

Until houses of correction erected, the common gaols

528. Until separate houses of correction are erected in the several counties in Ontario, the common gaol in each county respectively shall be a house of correction; and every idle and

disorderly person, or rogue and vagabond, and incorrigible rogue, and any other person by law subject to be committed to a house of correction, shall, unless otherwise provided by law, be committed to any such common gaol respectively. 55 V. c. 42, s. 463.

are constituted houses of correction.

INEBRIATE ASYLUMS.

529. The council of every city having a population of 50,000 or over may pass by-laws:

Institutions for reclamation of habitual drunkards.

1. For erecting and establishing within the city an institution for the reclamation and cure of habitual drunkards.

2. For providing that the mayor, Police Magistrate or any Justice of the Peace having jurisdiction in the municipality, may commit or send, with or without hard labour, to the institution for the reclamation and cure of habitual drunkards, such drunkards as ~~are also persons set forth~~ or ~~referred~~ to ~~in~~ section 526 and as may ~~by~~ the ~~council~~ be deemed, and by by-law be declared to be expedient.

3. In the event of an institution for the reclamation and cure of habitual drunkards being established in any city, sections 97 to 108, both inclusive, of chapter 318 of the Revised Statutes shall be applicable thereto as if such institution had been named in said Act. 55 V. c. 42, s. 462 *part*; 60 V. c. 15, *Sched.* C (80, 81).

Rev. Stat. c. 318.

DIVISION V.—BOARD OF AUDIT—CRIMINAL JUSTICE, ETC.

County Boards of Audit. Sec. 530 (1).
Payment of members. Sec. 530 (2).

530.—(1) Every county council at its first meeting in each year shall appoint two persons, not more than one of whom shall belong to the council, to be members of the Board of Audit for auditing and approving accounts and demands preferred against the county, the approving and auditing whereof previous to the 19th day of December, 1868, belonged to the General Quarter Sessions. 55 V. c. 42, s. 513.

County Boards of Audit.

(2) The council may pay the members of the said Board of Audit any sum not exceeding $4 each per day for their attendance at such audit, and five cents for each mile necessarily travelled in respect thereof in going to and from such audit. 55 V. c. 42, s. 514.

Payment of members of Board.

PART VII.

POWERS OF MUNICIPAL COUNCILS.

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TITLE I.—IN GENERAL.
TITLE II.—AS TO HIGHWAYS AND BRIDGES.
TITLE III.—AS TO WORKS PAID FOR BY LOCAL RATE.
TITLE IV.—AS TO RAILWAY AND STREET RAILWAY COMPANIES.
TITLE V.—AS TO AIDING IRON SMELTING WORKS.
TITLE VI.—AS TO AIDING THE ESTABLISHMENT OF GRAIN ELEVATORS.

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TITLE I.—POWERS IN GENERAL.

DIV. I.—AS TO THE MUNICIPALITY ITSELF.

DIV. II.—AS TO MUNICIPAL ELECTIONS.

DIV. III.—AS TO MUNICIPAL OFFICERS.

DIV. IV.—AS TO PAYMENT OF MEMBERS OF THE COUNCIL.

DIV. V.—AS TO FINANCE.

DIV. VI.—AS TO THE PROTECTION OF LIFE AND PROPERTY.

Sub. Div. I.—Prevention of Accidents, etc.
Sub. Div. II.—Erection of Buildings and Elevators.
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Sub. Div. V.—Pounds.
Sub. Div. VI.—Miscellaneous.
Sub. Div. VII.—Police and Night Watchmen.

DIV. VII.—PUBLIC MORALS.

DIV. VIII.—PUBLIC HEALTH.

Sub. Div. I.—Food and Drink.
Sub. Div. II.—Sanitary Measures.
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DIV. IX.—HIGHWAYS AND BRIDGES.

DIV. X.—STATUTE LABOUR.

DIV. XI.—WHARFS, HARBOURS, RIVERS AND STREAMS, ETC.

DIV. XII.—WATER, LIGHT AND HEAT.

Div. XIII.—Street Railways, Telephone Service.

Div. XIV.—Trees, Planting, Protection and Removal of.

Div. XV.—Public Parks and Industrial Farms.

Div. XVI.—Cemeteries.

Div. XVII.—Fairs and Markets.

Div. XVIII.—Regulation of Trade.

Div. XIX.—Nuisances.

Div. XX.—Education.

Div. XXI.—Charities.

Div. XXII.—Aids, Bonuses and Loans.

Div. XXIII.—Bounties and Rewards.

Div. XXIV.—Entertaining Guests, Travelling Expenses, Diffusing Information.

Division I.—Powers as to the Municipality itself.

Landmarks and monuments. *Sec.* 531.
Establishing boundaries. *Sec.* 532 (1).
Surveying and naming streets. *Sec.* 532 (2).
Numbering houses and lots. *Sec.* 532 (3).
Keeping a record of streets and numbers. *Sec.* 532 (4).
Census. *Sec.* 533 (1).
Mortuary statistics, etc. *Sec.* 533 (2).
Acquiring property for public purposes. *Sec.* 534 (1).
Acquiring land outside of municipalities. *Sec.* 534 (2).
Town-Halls in townships. *Sec.* 534 (3).

Landmarks and Monuments.

Placing landmarks and monuments or marking boundaries of concessions, lots, etc.

531.—(1) In case the council of any township, city, town or village adopts a resolution on the application of one-half of the resident landholders to be affected thereby, or upon its own motion, that it is expedient to place durable monuments at the front or rear of any concession or range or part thereof in the municipality, or at the front or rear angles of the lots therein, the council may apply to the Lieutenant-Governor, in the manner provided for in sections 14, 15 and 16 of *The Surveys Act*, praying him to cause a survey to be made of such concession or range, or such part thereof, and to cause such monuments to be placed under the authority of the Commissioner of Crown Lands.

Rev. Stat. c. 181, ss. 14-16.

Cost of survey.

(2) The person or persons making the survey shall accordingly plant stones or other durable monuments at the front or at the rear of such concession or range, or such part thereof as aforesaid, or at the front and rear angles of every lot therein (as the case may be); and the limits of each lot so ascertained and marked shall be the true limits thereof; and the cost of the survey shall be defrayed in the manner prescribed by the said statute. 55 V. c. 42, s. 491.

By-laws for

532. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say:

Ascertaining and Establishing Boundaries.

By the councils of townships, cities, towns, and villages:—

Establishing boundaries of municipalities.

1. For procuring the necessary estimates, and making the proper application for ascertaining and establishing the boundary lines of the municipality, according to law, in case the same has not been done; and for erecting and providing for the preservation of the durable monuments required to be erected for evidencing the same. 55 V. c. 42, s. 489 (56).

Surveying and Naming Streets.

By the councils of cities, towns and villages:—

For marking the boundaries of and naming streets, etc.

2. For surveying, settling, and marking the boundary lines of all streets, roads, and other public communications, and for giving names thereto, and for affixing such names at the corners thereof, on either public or private property; but no by-law for altering the name of any street, square, road, lane, or other public communication, shall have any force or effect unless passed by a vote in favour thereof of at least three-fourths of the whole council, nor unless and until the by-law has been registered in the registry office of the proper registry division; and the registrar shall be entitled to a fee of $1 for every by-law so registered, and for the necessary entries and certificates in connection therewith.

(a) Every by-law changing the name of a street in a city or town, shall state the reason for the change, and shall not be finally passed until the same has been approved by the County Judge.

(b) The Judge, on an application by or on behalf of the municipal council, shall name a day, hour and place for considering the same, and for hearing the advocates of the change, and also any persons who deem themselves aggrieved thereby and desire to be heard, and any other persons as the Judge may think fit.

(c) A copy of the by-law and of the Judge's appointment shall be served on the registrar or deputy registrar of the registry division at least two weeks before the time named, and shall be published once in the *Ontario Gazette* at least two weeks before the time so named, and at least weekly for four weeks in such other newspaper or newspapers as the Judge directs.

(d) If the Judge approves of the change he shall certify to that effect, and his certificate shall be filed with the by-law in the registry office of the registry division in which the territory lies. The change shall take effect from the date of the registration of the certificate and not before. 55 V. c. 42, s. 496, (31.)

Numbering Houses and Lots.

Numbering houses, etc.

3. For numbering the houses and lots along the streets of the municipality, and for affixing the numbers to the houses, buildings, or other erections along the streets, and for charging the owner or occupant of each house or lot with the expense incident to the numbering of the same. 55 V. c. 42, s. 496 (29).

Record of Streets and Numbers.

Record of streets, numbers, etc.

4. For keeping (and every such council is hereby required to make and keep) a record of the streets and numbers of the houses and lots numbered thereon respectively, and for entering therein, (and every such council is hereby required to enter therein) a division of the streets with boundaries and distances for public inspection. 55 V. c. 42, s. 496, (30).

By-laws for

533. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say:

Census.

By the councils of counties, townships, cities, towns and villages:—

Local census.

1. For taking a census of the inhabitants, or of the resident male freeholders and tenants in the municipality. 55 V. 42, s. 479 (13); 60 V. c. 3, s. 3.

Mortuary Statistics.

By the councils of cities, towns and villages:—

Bills of mortality.

2. For directing the keeping and returning of bills of mortality; and for imposing penalties on persons guilty of default. 55 V. c. 42, s. 496 (8).

By-laws for

534. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say:

Obtaining Property.

By the councils of counties, townships, cities, towns and villages:—

Obtaining property, real and personal, etc.

1. For obtaining such real and personal property as may be required for the use of the corporation; and for erecting, improving and maintaining a hall, and any other houses and buildings required by and being upon the land of the corporation; and for disposing of such property when no longer required. 55 V. c. 42, s. 479 (1).

Acquiring Lands outside the limits for Public Purposes.

By the councils of townships, cities, towns and villages:—

Acquiring land outside of municipality.

2. For acquiring and holding, by purchase or otherwise for the public use of the municipality, lands situate outside the limits of the municipality; but such lands so acquired shall not form part of the municipality, but shall continue and remain as of the municipality where situate; and all by-laws passed by township councils for the purpose of acquiring land as provided by this subsection, are hereby declared as legal and binding where the by-laws have not been contested or impeached before the 23rd day of April, 1887, as if the lands were within the limits of the municipality the council of which passed the by-law. 55 V. c. 42, s. 489 (57).

Town Halls.

By the councils of townships:—

Acquiring land for a town hall in a town or village.

3. For acquiring lands in any town or village within, or partly within, the original boundaries of the township, for the purpose of erecting thereon a town hall, or for renting or acquiring a hall, within such town or village, for the purpose of a town hall.

Township and other meetings may be held and notices posted at such hall.

(*a*) Any township owning, renting or otherwise acquiring a town hall in any such town or village may hold at such town hall, any meeting, nomination or election, or may post at such town hall any notice, assessment roll, or voters' list, or may do thereat any other act required by law to be held, posted or done in the township at the town hall; and any meeting of any mutual insurance company, or upon the formation thereof, which is required by any statute to be held in the municipality, may lawfully be held in such hall. 55 V. c. 42, s. 521 (9) (10).

Division II. Municipal Elections.

Disqualification of electors for not paying taxes Sec. 535 (2).
Polling Subdivisions. Sec. 536 (1).

By-laws for

535. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say :—

Disqualification of Electors not paying Taxes.

By the councils of townships, cities, towns and villages :—

Disqualifying electors in arrear for taxes.

(1) For disqualifying any elector from voting at municipal elections who has not on or before the 14th day of December next preceding the election paid all municipal taxes due by him. 55 V. c. 42, s. 489 (2). *See also Secs.* 88, 137 (1) (*b*), 151 (2) (*b*).

Polling Subdivisions.

Dividing townships and villages and wards of cities or towns into polling subdivisions.

(2) For dividing the wards of the city or town, or for dividing the township or village into two or more convenient polling subdivisions, and for establishing polling places therein ; and for repealing or varying the same from time to time.

Boundaries of polling subdivisions, etc.

536.—(1) Polling subdivisions shall have well defined boundaries, such as streets, sidelines, concession lines or the like, in the most convenient manner, and in such manner that the number of qualified electors in the several polling subdivisions shall be as nearly equal as may be ; and such polling subdivisions shall be made or varied whenever the electors in any ward, township, village, or polling subdivision exceed 200, and shall be made and varied in such a manner that the number of electors in any polling subdivision shall not exceed at any time 200. 55 V. c. 3, s. 8 (1) ; c. 42, s. 489 (1).

(2) Where a municipality embraces parts of two or more electoral districts, a polling subdivision shall only include territory in one electoral district. 60 V. c. 15, *Sched.* A (48).

Alteration of subdivisions.

(3) Any alteration of existing polling subdivisions, or creation of new polling subdivisions, shall be made before the publication of the voters' lists. 55 V. c. 3, s. 8 (3).

(4) For the purpose of enabling the council to make the required alterations, the clerk of the municipality, as soon as he finds that the number of qualified voters in a subdivision exceeds 200, shall call the attention of the council to the fact. 55 V. c. 3, s. 8 (4).

(5) In case, through oversight or from other cause, such alterations have not been made prior to the publication of the voters' lists, the alteration in the polling subdivisions shall be made forthwith thereafter, but shall not take effect until the next voters' lists are being made out, and shall not affect the voting on or with respect to any previous voters' lists. 55 V. c. 3, s. 8 (5).

New subdivision to be made when necessary.

(6) Whenever the number of qualified voters in a polling subdivision increases so as to exceed 200 or whenever the municipal council consider that the convenience of the electors would be promoted by a new and different subdivision, the city, town, ward, township or village, shall be again in like manner divided into polling subdivisions so as to conform to the intent and meaning of this Act, and so again, from time to time, as like occasion shall require. 55 V. c. 3, s. 9.

Subdivisions to be made on assessment.

(7) Every division made under this section shall be based upon the then last revised and corrected assessment roll of the city, town, ward, township, or village. 55 V. c. 3, s. 10.

Appeal.

(8) At any time within two months after the filing of the by-law, an appeal shall lie from any subdivision, at the instance of five of the electors, to the Judge of the County Court, who shall promptly correct the subdivision so as to conform to the true intent and meaning of this Act. 55 V. c. 3, s. 11.

Subdivisions to be numbered.

(9) The polling subdivisions shall be numbered consecutively in and by the by-law by which they are established, and a copy of the by-law, certified under the seal of the corporation to be a true and correct copy, and signed by the head or clerk of the municipality, shall be, forthwith after the making thereof, transmitted to and filed in the office of the Clerk of the Peace of the county or union of counties within which the municipality is situate. 55 V. c. 3, s. 12.

Polling subdivisions to be the same for elections to Legislative Assembly and for municipal elections

(10) Where a municipality is divided into polling subdivisions, the same polling subdivisions shall be used both for the election of members of the Legislative Assembly and for municipal elections, except that the municipal council of every city, town or village, may by by-law unite, for the purpose of municipal elections, any two adjoining polling subdivisions. 55 V. c. 42, s. 489 (1*a*); c. 3, s. 8 (2).

In certain cases clerk may choose polling place.

(11) Where a polling place has been fixed by by-law for the holding of any election, or for the taking of any vote in any township, city, town or village, and it is afterwards found that the building named as such polling place cannot be obtained, or is unsuitable for the purpose, the clerk of the municipality may choose in lieu thereof as a polling place the nearest available building suitable for the purpose, and he shall post up and keep posted up a notice on the building fixed by the by-law, and in two other conspicuous places near by, directing the voters to the place chosen as aforesaid. 55 V. c. 42, s. 489 (1*b*).

(12) An election shall not be irregular or void or voidable, for the reason that a polling subdivision which contains more than 200 voters has not been divided, provided it does not contain more than 300 voters. 55 V. c. 42, s. 489 (1*c*) Election not to be voided if subdivision is wrongly formed.

(13) The council of any city having a population of 100,000 or over, may, by by-law, amalgamate, for voting at municipal and school trustee elections and upon questions submitted to the electors by the council, two polling subdivisions into one division, with one polling place therefor; and may by such by-law provide that three or less of such polling places shall be in a public school house or public building belonging to or controlled by the municipality in, or conveniently near to, such polling subdivisions. Uniting polling subdivisions in certain cities.

(14) Where any school house is so used the council shall forthwith pay to the public school board of the city a sufficient sum to cover any damage to the same and any expense for cleaning or otherwise caused by such use. Payment therefor.

(15) No school house shall be so used or taken without the consent of the public school board first had and obtained. Consent of public school board.

(16) The board of commissioners of police or the chief of police for the city shall cause a police constable to attend at each such polling place in a school house or public building where an election is being held, to perform the duties required by this Act of a constable appointed for that purpose by the returning officer. 59 V. c. 51, s. 14; 60 V. c. 15, *Sched.* C. (120). Constable to attend each such polling place.

Division III.—Municipal Officers.

Officers generally. *Sec.* 537, (1), (2).
Overseers of highways and pathmasters. *Sec.* 537, (3).
Inspectors of weeds and thistles. *Sec.* 537, (4).
Corporation surveyor. *Sec.* 537, (5).
Fire wardens, etc. *Sec.* 537, (6).
Engineers—Inspectors of house of industry—gaol surgeons. *Sec.* 538, (7).

537. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say: By-laws for

Appointing certain Officers.

By the councils of counties, townships, cities, towns and villages:— Appointing certain officers.

1. For appointing such—

Pound-keepers,	Road Commissioners,
Fence-viewers,	Valuators,
Overseers of Highways,	Inspectors of sheep worried
Road Surveyors,	or killed by dogs,

and such other officers as are necessary in the affairs of the corporation, or for carrying into effect the provisions of any Act of the Legislature or any by-law of the corporation; and for the removal of such officers.

Who may be appointed.

(*a*) Nothing in this Act shall prevent any member of a corporation from acting as commissioner, superintendent or overseer, over any road or work undertaken and carried on, in part or in whole, at the expense of the municipality; and it shall be lawful for the municipality to pay such member of the corporation acting as such commissioner, superintendent or overseer. 55 V. c. 42, s. 479 (2); 56 V. c. 35, s. 12; c. 49, s. 29.

Remuneration.

Fixing fees, duties and securities.

2. For regulating the remuneration, fees, charges and duties of such officers, and the securities to be given for the performance of such duties. 55 V. c. 42, s. 479 (3). *See* secs. 320-323.

[*See as to appointment of Clerk, sec.* 282. *Treasurer, sec.* 288. *Assessors and Collectors, sec.* 295. *Auditors, sec.* 299, *in Cities, secs.* 300-303. *Valuators in counties, sec.* 310. *Harbour master, sec.* 562 (7). *As to Engineers under "The Ditches and Watercourses Act," see Cap.* 285.]

Overseers of Highways and Pathmasters.

By the councils of townships :—

Appointing overseers of highways.

Powers.

3. For appointing overseers of highways or pathmasters to perform the duty of making and keeping open township roads during the season of sleighing in each year. Such overseers and pathmasters shall have full power to call out persons liable to perform statute labour within their respective municipalities, to assist in keeping open such roads, and they may give to persons so employed certificates of having performed statute labour to the amount of the days' work done; and such persons shall be allowed for such work in their next season's statute labour. 55 V. c. 42, 521 (7) *part.*

Inspector of Highways, etc.

By the councils of cities, townships, towns and villages :—

Inspectors of highways.

4. For the appointment of an inspector with power to enforce the provisions of any by-law of the municipality for preventing the growth of Canada thistles and other weeds detrimental to husbandry and compelling the destruction thereof; for regulating his duties, and determining the amount of remuneration, fees or charges he is to receive for the performance of such duties. 55 V. c. 42, s. 489 (22) *part. See also sec.* 547 (2) *and Cap.* 279.

[*As to Inspectors under "The Yellows and Black Knot Act," see Cap.* 280. *As to food inspectors, sec.* 550 (1). *Inspectors under "The Ontario Tree Planting Act," See Cap.* 243.]

Corporation Surveyor.

By the councils of cities and towns:—

5. For appointing any Ontario land surveyor to be the corporation surveyor. 55 V. c. 42, s. 504 (12). Corporation surveyor.

Fire Wardens, Fire Engineers, Firemen, etc.

By the councils of cities, towns and villages:—

6. For appointing fire wardens, fire engineers and firemen, and for promoting, establishing, and regulating fire companies, hook-and-ladder companies, and property saving companies. 55 V. c. 42, s. 496 (11). Fire companies, etc.

[*As to inspectors to enforce regulations respecting fires. See Sec.* 542 (11).]

By the councils of counties, cities and separated towns:—

Engineers—Inspectors—Gaol Surgeons, etc.

7. For appointing, in addition to other officers, one or more engineers, and also one or more inspectors of the house of industry; also one or more surgeons of the gaol and other institutions under the charge of the municipality; and for the removal of such officers. 55 V. c. 42, s. 495 (1.) [*And see Sec. 525*] Appointing engineers, inspectors, gaol surgeons, etc.

[*As to Veterinary Examination of Horses or Stallions, see Chapter* 274. *High Bailiff and Chief Constable in Cities, see sec.* 487. *Constables and Chief Constable in Towns and Villages, sec.* 493. *Constables in Counties and Townships, sec.* 495.]

DIVISION IV.—PAYMENT OF MEMBERS OF THE COUNCIL.

In Townships and Counties. Sec. 538 (1.)
In Cities of 100,000 or over. Sec. 538 (2).

538. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say: By-laws for

By the councils of counties and townships:—

Remuneration to councillors and committee-men.

1. For paying the members of the council for their attendance in council, or for paying any member while attending on committee of the council, at a rate not exceeding $3 *per diem*, and five cents per mile necessarily travelled (to and from), for such attendance. 55 V. c. 42, s. 231.

By the councils of certain cities:—

Remuneration of aldermen in certain cities.

2. In cities having a population of 100,000 or over the council may by by-law determine that an annual remuneration, not exceeding $300, may be paid to aldermen, and that an annual remuneration not exceeding $100 in addition may be paid to the chairmen of the standing committees and of the Court of Revision and the Local Board of Health, and it shall be thereby provided that in the case of such aldermen or chairmen there shall be deductions from such remuneration on account of absence from meetings of the council or committees or of the Court of Revision or the Local Board of Health. 57 V. c. 50, s. 3.

Division V.—As to Finance.

Borrowing money for drainage purposes. Sec. 539 (1).
Sewer rents. Sec. 539 (2).
Reduction of rates on by-laws passed before March 11th, 1879. Sec. 539 (3).
Guaranteeing debentures. Sec. 539 (4).

By-laws for

539. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say:

Borrowing Money for Drainage Purposes.

Drainage.

By the councils of townships, towns and villages:—

Rev. Stat. c. 41.

1. For borrowing money and issuing debentures therefor, for the purpose and subject to the provisions of the *The Tile, Stone and Timber Drainage Act.* 55 V. c. 42, s. 509 (1).

Sewer Rents.

Charging rent for sewers.

By the councils of cities, towns and villages:—

2. For charging all persons who own or occupy property which is drained into a common sewer, or which by any by-law of the council is required to be drained into such sewer, with a reasonable rent for the use of the same; and for regulating the time or times and manner in which the same is to be paid. 55 V. c. 42, s. 496 (34).

Reduction of Sinking Fund Rate on by-laws passed before March 11th, 1879.

By the councils of townships, cities, towns and villages:—

For authorizing the reduction of the annual sinking fund rate or amount required to be collected under local improvement by-laws passed by the council prior to the 11th day of March, 1879; and for making allowance for the interest accrued from the investment of the amounts of sinking fund thereto-for collected under such by-laws. Reduction of sinking fund.

Provided that in settling the sum to be raised annually for the remaining years which any such by-law has to run for the payment of the debt, in lieu of the sinking fund rate fixed by the original by-law, the rate of interest on future investments shall not be estimated at more than five per cent. per annum, to be capitalized yearly.

Provided also that no by-law reducing the sinking fund rate fixed by any such local improvement by-law shall become valid or effectual until assented to by the Lieutenant-Governor in Council. 55 V. c. 42, s. 489 (5).

Guaranteeing Debentures.

By the councils of counties:—

4 For guaranteeing debentures of any municipality within the county, as the council may deem expedient. 55 V. c. 42, s. 511 (2). Guaranteeing debentures.

DIVISION VI.—PROTECTION OF LIFE AND PROPERTY.

Sub-Division I.—Prevention of Accidents, etc.

Dogs running at large. *Sec.* 540 (1) (3).
Tax on dogs.
Cruelty to animals. *Sec.* 540 (4).
Children running behind vehicles. *Sec.* 540 (5).
Tobogganing. *Sec.* 540 (6).
Bicycles. *Sec.* 540 (7).

540. By-laws may be passed by the councils of the municipalities or Boards of Commissioners of Police and for the purposes in this section respectively mentioned, that is to say; By-laws for

Dogs.

By the councils of townships, towns and villages, and of cities having less than 100,000 inhabitants, and by the Board of Commissioners of Police in cities having 100,000 inhabitants or more:

For restraining and regulating the running at large of dogs, and for seizing, and impounding dogs running at large Regulations as to dogs.

contrary to the by-laws; and for selling the dogs so impounded or any of them at such time or times and in such manner as may be directed by any by-law in that behalf. 55 V. c. 42, s. 489 (15); 56 V. c. 35, s. 17.

Killing dogs.

2. For killing dogs running at large contrary to the by-laws. 55 V. c. 42, s. 489 (16).

Tax for dogs.

3. For imposing a tax on the owners, possessors or harbourers of dogs. 55 V. c. 42, s. 489 (15) *part*; 60 V. c. 45, s. 22.

Cruelty to Animals.

By the councils of townships, cities, towns and villages:—

Preventing cruelty to animals, and destruction of birds.

4. For preventing cruelty to animals; and for preventing the destruction of birds; the by-laws for these purposes not being inconsistent with any statute in that behalf. 55 V. c. 42, s. 489 (14).

Children Riding behind Vehicles.

By the councils of cities, towns and villages:—

Preventing children from riding behind waggons, etc.

5. For preventing children from riding on the platforms of cars, or behind waggons and other vehicles, and for preventing accidents arising from such causes. 55 V. c. 42, s. 496 (40).

Coasting and tobogganing.

6. For prohibiting or regulating the practice of coasting or tobogganing on the public streets. 55 V. c. 42, s. 496 (37).

Bicycles.

Regulating bicycles.

By the councils of cities having 100,000 inhabitants or more:—

7. For regulating and governing (but not licensing) persons using bicycles and other vehicles not drawn by horses. 58 V. c. 42 s. 24.

[*As to Vestibules for Motormen on Electric Street Railways. See sec.* 569 (4).]

[*As to leading, riding or driving Horses or Cattle on Sidewalks. See. s.* 559 (9).]

[*As to racing or immoderate or dangerous driving on Highways or Bridges. See. s.* 559 (8).

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Division VI.—Protection of Life and Property.

Sub-Division II.—Erection of buildings, hoists and elevators.

Erection of buildings, scaffolding. *Sec.* 541 (1).
do. *do.* *Egress from, etc.* *Sec.* 541 (2) (3).
do. *do.* *Size and strength of walls, etc.* *Sec.* 541 (4).
Hoists and elevators. *Sec.* 541 (5) (6).

541. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say ; By-laws for

By the councils of townships, cities, towns and villages ;—

1. For inspecting and regulating the construction and erection of hoists, scaffoldings and other constructions used in erecting, repairing, altering or improving buildings, chimneys, or other structures ; and for making all necessary regulations for the protection and safety of workmen and other persons employed thereon ; and for appointing inspectors of scaffolding. 55 V.c. 42, s. 489 (16*a*). Construction of hoists, scaffolding, etc.

Egress from and Construction of Buildings.

By the councils of counties, townships, cities, towns and villages :—

2. For regulating the size and number of doors in churches, theatres, halls, or other buildings used for places of worship, public meetings or places of amusement, and the street gates leading thereto ; and the construction and width of stairways in churches, theatres, halls or other places used for public worship, public meetings or places of amusement, and in factories, warehouses, hotels, boarding and lodging-houses ; and also the size and number of doors, halls, stairs and other means of egress from all hospitals, schools, colleges and other buildings of a like nature, and also the structure of stairs and stair-railings in all such buildings, and the strength of walls, beams and joists and their supports, and for compelling the production of the plans of all such buildings for inspection and for enforcing observance of such regulations. 55 V. c. 42, s. 479 (16) ; *and see Cap.* 263. Doors, of public buildings.

3. For preventing the obstruction of the halls, aisles, passage-ways, alleys or approaches in any such buildings or leading thereto during the occupation of the same by any public assemblage. 58 V. c. 42, s. 18. Regulating means of egress, etc., from public buildings.

(*a*) During the time that any church, theatre, hall, or other building situated in any city or town and used for a place of worship, public meeting or place of amusement is occupied by an assemblage of persons, the Powers of police officers as to seeing that by laws enforced.

chief constable or any police officer or member of the police force of the city or town may enter any such church or other building to see that the by-laws of the municipality for preventing the obstruction of the halls, aisles, passage-ways, alleys or approaches in such building or leading thereto are not being violated, and to require the removal therefrom of any obstructions which may be placed in such halls, aisles, passage-ways, alleys or approaches thereto. 58 V. c. 42, s. 19.

Size and strength of walls, etc., and production of plans.

4. For regulating the size and strength of brick walls, beams, joists, rafters, roofs and their supports of all buildings to be erected or repaired within the municipality, and for compelling the production of the plans of all buildings for inspection: and for enforcing observance of such regulations. 55 V. c. 42, s. 479 (16*a*.)

Hoists and Elevators.

Licensing and inspecting hoists, elevators, etc.

5. For licensing and inspecting elevators and hoists for passengers or freight, used by the public or by employees, and for imposing and enforcing penalties for infringement of such by-laws, and for prohibiting and preventing the use of elevators or hoists contrary to the provisions of such by-law. But the provisions in this clause contained shall be subject to those of *The Ontario Factories Act* and of any other Act making provisions applicable to elevators and hoists. 60 V. c. 45, s. 11.

Rev. Stat. c. 256.

By the councils of cities, towns and villages:—

Erection of hoists and elevators.

6. For regulating the construction of cranes, hoists and elevators, and for determining the manner in which elevators in buildings shall be constructed and worked (whether automatically or otherwise) and for providing for the inspection of all cranes, hoists and elevators: but none of the provisions of such by-laws shall be inconsistent with *The Ontario Factories Act* so far as the same provides for the regulation or construction of cranes, hoists and elevators. 55 V. c. 42, s. 496 (9*a*.)

Rev. Stat. c. 256.

Division VI.—Protection of Life and Property.

Sub-Division III.—Prevention of Fires.

Regulating erection of buildings. *Sec.* 542 (1*a*).
Preventing erection of wooden buildings and fences. *Sec.* 543 (1*b*.)
Establishing fire limits. *Sec.* 542 (1*b*), (1*c*.)
Repairs of existing buildings. *Sec.* 542 (1*d*.)
Pulling down buildings, etc., illegally erected. *Sec.* 542 (1*e*.)
Fire and lights. *Sec.* 542 (2).
Dangerous trades. *Sec.* 542 (3).

Chimneys, ovens, boilers, etc. *Sec.* 542 (4).
Cleaning chimneys. *Sec.* 542 (5.)
Safe-keeping of ashes. *Sec.* 542 (6.)
Party walls. *Sec.* 542 (7.)
Scuttles, stairs and ladders. *Sec.* 542 (8.)
Fire protection. *Sec.* 542 (9.)
Fire buckets. *Sec.* 542 (10.)
Inspection of premises. *Sec.* 542 (11.)
Pulling down buildings. *Sec.* 542 (12)
Assistance of inhabitants at fires, etc. *Sec.* 542 (13.)
Fire escapes. *Sec.* 542 (14) (15.)
Burning stumps, etc. *Sec.* 542 (16.)
Storing and transporting gunpowder. *Sec.* 542 (17.)
Portable steam engines. *Sec.* 542 (18) (19.)
Water for fire purposes. *Sec.* 543.
Fire engines and water therefor. *Sec.* 544.

542. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say : By-laws for

By the councils of cities, towns and villages :—

1. (*a*) For regulating the erection of buildings ; Erection of buildings, etc.

(*b*) For preventing the erection of wooden buildings, or additions thereto, and of wooden fences in specified parts of the city, town, or village ;

(*c*) For prohibiting the erection or placing of buildings, other than with main walls of brick, iron or stone, and roofing of incombustible material within defined areas of the city, town or village ;

(*d*) For regulating the repairing or alteration of roofs or external walls of existing buildings within the said areas, so that the said buildings may be made more nearly fire-proof ; Repairs to existing buildings.

(*e*) For authorizing the pulling down or removal, at the expense of the owner thereof, of any building or erection which may be constructed repaired or placed in contravention of any by-law. 55 V. c. 42, s. 496 (10.) Pulling down, etc., buildings illegally erected.

2. For preventing or regulating the use of fire or lights in stables, cabinet makers' shops, carpenters' shops, and combustible places. 55 V. c. 42, s. 496 (13). Fire in stables, etc.

3 For preventing or regulating the carrying on of manufactories or trades dangerous in causing or promoting fire. 55 V. c. 42, s. 496 (14.) Dangerous manufactories.

4. For preventing, and for removing, or for regulating the construction of any chimney, flue, fire-place, stove, oven, boiler, or other apparatus or thing which may be dangerous in causing or promoting fire. 55 V. c. 42, s. 496 (15.) Chimneys, stoves, etc.

Regulating construction, etc., of chimneys.

5. For regulating the construction of chimneys as to dimensions and otherwise, and for enforcing the proper cleaning of the same. 55 V. c. 42, s. 496 (16), *part.*

Ashes.

6. For regulating the mode of removal and safe keeping of ashes. 55 V. c. 42, s. 496 (17.)

Party walls.

7. For regulating and enforcing the erection of party walls. 55 V. c. 42, s. 496 (18).

Scuttles, ladders, etc., to houses.

8. For compelling the owners and occupants of houses to have scuttles in the roof thereof, with approaches; or stairs or ladders leading to the roof. 55 V. c. 42, s. 496 (19).

Guarding buildings against fire.

9. For causing buildings and yards to be put in other respects into a safe condition to guard against fire or other dangerous risk or accident. 55 V. c. 42, s. 496 (20).

Fire buckets.

10. For requiring the inhabitants to provide as many fire buckets, in such manner and time as may be prescribed; and for regulating the examination of them, and the use of them at fires. 55 V. c. 42, s. 496 (21.)

Inspection of premises.

11. For authorizing appointed officers to enter at all reasonable times upon any property subject to the regulations of the council, in order to ascertain whether such regulations are obeyed, and to enforce or carry into effect the same. 55 V. c. 42, s. 496 (22.)

Preventing spreading of fire.

12. For making regulations for suppressing fires: and for pulling down or demolishing adjacent houses or other erections, when necessary to prevent the spreading of fire. 55 V. c. 42, s. 496 (23.)

Enforcing assistance at fires.

13. For regulating the conduct, and enforcing the assistance of the inhabitants present at fires: and for the preservation of property at fires. 55 V. c. 42, s. 496 (24.)

By the councils of townships, cities, towns and villages:—

Providing against accidents by fire.

14 For making provision

(a) For securing the inmates and employees in all factories, hotels, boarding and lodging houses, warehouses, theatres, music halls, opera houses and other public buildings and places of amusement, against accident by fire;

(b) For the adoption and erection of proper fire escapes upon all such buildings more than two storeys in height. 55 V. c. 42, s. 493 (2); 60 V. c. 15, *Sched.* C. (86.)

Compelling use of fire escapes.

15. *(a)* For compelling the owners of, and other persons interested in all buildings more than two storeys in height (except private dwellings and buildings in respect of which provision is made for requiring the construction of fire escapes thereon or in connection therewith in *The Ontario Factories Act, The Ontario Shops Regulation Act* or *The Liquor License Act*, or any other Act of the Legislature now in force or hereafter to be passed) to provide proper fire escapes thereon;

Rev. Stat. cc. 256, 257 245.

(*b*) For preventing the occupation of such buildings unless such fire escapes are provided. 60 V. c. 45, s. 13.

Burning Stumps, Brush, etc.

By the councils of townships, cities, towns and villages:

Regulating the burning of stumps, trees, brush, etc.

16. For regulating the times during which stumps, wood logs, trees, brush, straw, shavings, or refuse, may be set on fire or burned in the open air, and for prescribing precautions to be observed during such times: and for preventing such fires from being kindled at other times. 55 V. c. 42, s. 489 (24); *See also Cap. 268.*

Storing and Transporting Gunpowder.

Storing and transportation of gunpowder.

17. For regulating the keeping and transporting of gunpowder and other combustible or dangerous materials; for regulating and providing for the support by fees, of magazines for storing gunpowder belonging to private persons; for compelling persons to store therein; for acquiring land, as well within as without the municipality, for the purpose of erecting powder magazines; and for the selling and conveying such land when no longer required therefor. 55 V. c. 42, s. 489 (24*a*); c. 43, s. 32.

Portable Steam Engines.

By the councils of townships:—

Portable steam engines.

18. For fixing the distance from any public highway within the municipality within which unenclosed portable steam engines may not be used for running a saw-mill or shingle mill; and for preventing the use of the same for either of such purposes within such distance. 55 V. c. 42, s. 521 (19).

Penalties.

19. For imposing penalties on persons setting up or operating a portable steam-engine for either of such purposes in contravention of such by-law. 55 V. c. 42, s. 521 (20).

Water for Fire Purposes.

Council may contract for supply of water.

543.—1. Every municipal council shall have power to contract for a supply of water within the municipality for fire purposes and other public uses, from hydrants or otherwise as may be deemed advisable; and for the renting of such hydrants for any number of years not, in the first instance, exceeding ten; and for renewing such contract from time to time for such period, not exceeding ten years, as the council may desire; and every council shall also have power to purchase hydrants necessary for any of the purposes or uses aforesaid; and also to erect the same; and to purchase or rent for a term of years or otherwise, fire apparatus of any kind, and fire appliances and appurtenances belonging thereto respectively. 55 V. c. 42, s. 480 (1) *part.* *See sec. 566.*

Fire Engines and Water therefor.

Fire protection in defined area in towns or incorporated villages.

544.—(1) Upon a petition of a majority of the ratepayers entitled to vote on money by-laws in any defined area or portion of a town or village representing in value more than one-half of the assessed real property within such portion or area, the council of every town and village may pass a by-law or by-laws for the purchase of a fire engine and other appliances, and the supply of water therefor, for the purposes of fire protection; and they may by the same or any subsequent by-law define, by metes and bounds or otherwise, what real property within such area will be benefited by the proposed fire protection and is to be charged with the cost thereof; and may also by such by-law or any subsequent by-law, make provision for assessing and levying on the real property so defined by the by-law the cost of managing and maintaining the said fire engine and appliances and of providing the necessary water supply. 58 V. c. 42, s. 28 (3).

Issuing debentures.

(2) Debentures issued under this section shall be issued in conformity with section 386 of this Act. 58 V. c. 42, s. 28 (4).

Costs of such engine, etc.

(3) The said council may levy in any one year upon the real property to be benefited the cost of such engine and appliances and of the water supply, or may issue the debentures of the town or village payable in annual proportions during a period not exceeding ten years, with interest as to the said council may seem meet and proper; and may levy the amount payable thereon from time to time upon the real property to be benefited as aforesaid. 58 V. c. 42, s. 28 (5).

Assent of electors not required.

(4) It shall not be necessary to submit any of the said by-laws to a vote of the electors, nor to comply with the formalities required only for the purposes of such submission. 58 V. c. 42, s. 28 (6).

Division VI.—Protection of Property.

Sub-Division IV—Fences.

Enclosure of vacant lots. *Sec.* 545 (1).
Lawful fences. *Sec.* 545 (2).
Division fences. *Sec.* 545 (3).
Barbed wire fences. *Sec.* 545 (4).
Snow fences. *Sec.* 545 (5).
Water gates. *Sec.* 545 (6).
Marking boundaries of marsh lands. *Sec.* 545 (7).
Powers of counties as to fences. *Sec.* 545 (8).

By-laws for

545. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say:

Enclosure of Vacant Lots.

By the councils of cities, towns, and villages:— Vacant lots.

1. For causing vacant lots to be properly enclosed. 55 V. c. 42, s. 496 (4).

Fences.

By the councils of townships, cities, towns, and villages:— Fences.

2. For settling the height and description of lawful fences, and for regulating and settling the height, description and manner of maintaining, keeping up and laying down fences along highways or any part or parts thereof; and for making compensation for the increased expenses, if any, to persons required so to maintain, keep up or lay down such last mentioned fences or any part thereof. 55 V. c. 42, s. 489 (17).

Division Fences.

3. For regulating the height, extent and description of lawful division fences; and for determining how the cost thereof shall be apportioned; and for directing that any amount so apportioned shall be recovered in the same manner as penalties not otherwise provided for may be recovered under this Act; but until such by-laws are made, *The Line Fences Act* and *The Ditches and Watercourses Act*, shall continue applicable to the municipality. 55 V. c. 42, s. 489 (18). Division fences, and cost thereof. Provisions until by-laws made. Rev. Stat. cc. 284, 285.

Barbed Wire Fences.

4. For providing proper and sufficient protection against injury to persons or animals by fences constructed wholly or in part of barbed wire or any other material; and in towns and cities for wholly prohibiting the construction or erection, along streets and public places, of fences made wholly or in part of barbed wire or any other barbed material. 55 V. c. 42, s. 489 (19). Barbed wire fences.

Snow Fences.

5. For requiring the owners or occupiers of lands bordering upon any public highway, to take down, alter, or remove any fence or fences, subject to the provisions of *The Act respecting Snow Fences*. 55 V. c. 42, s. 489 (20). Snow fences. Rev. Stat. c. 240.

Water Gates.

6. For compelling the owners of lands through which any open drain or water-course passes to erect and keep up water gates where fences cross such drain or water course. 55 V. c. 42, s. 489 (21) *part*. Water courses.

Boundaries of Marsh Lands.

By the councils of townships:—

Boundaries of marsh lands.

7. For declaring that in the case of any lands, the boundary line, or any part of the boundary line whereof passes through a marsh or swamp, or any land covered with water, the same shall, so far as respects that part of such boundary line which so passes through a marsh or swamp, or land covered with water, be deemed to be wholly enclosed within the meaning of section 1 of *The Act respecting Petty Trespasses*, if posts are put up and maintained along such part of such line at distances which will permit of each being clearly visible from the adjoining post. 55 V. c. 42, s. 521 (13).

Rev. Stat. c. 120.

Fences.

By the councils of counties:—

Fences.

8. For the exercise, in repect of fences along highways, or parts thereof which it is the duty of the council to maintain, of the powers conferred upon the council of townships, cities, towns and villages, by subsections 2 and 5 of this section.

(*a*) The council of every county shall be deemed and held to have had and possessed on, from, and since the first day of February, 1883, the powers conferred by the preceding clause 8, and also the power to assist, aid, and compensate, either by payment of money or otherwise, any owner or occupier of land bordering upon any public highway within the county, for the taking down, altering or removing any fence or fences, which in the opinion of the council would be likely to cause such an accumulation of snow or drift as would impede or obstruct travel on such highway or any part thereof, or for the erection and construction of some other description of fence, approved of, or designated by the council, and subject to such terms and conditions in that behalf as by such council may be fixed and prescribed. 55V. c. 42, s. 511 (3).

DIVISION VI.—PROTECTION OF PROPERTY.

Sub-Division V.—*Pounds.* *Sec.* 546.

Pounds, etc.

By-laws for

546. The council of every township, city, town and village, may pass by-laws (not inconsistent with the Statutes of Canada respecting Cruelty to Animals):—

1. For providing sufficient yards and enclosures for the safe keeping of such animals as it may be the duty of the pound-keeper to impound. 55 V. c. 42, s. 490 (1). Providing pounds.

2. For restraining and regulating the running at large or trespassing of any animals, and for providing for impounding them; and for causing them to be sold, in case they are not claimed within a reasonable time, or in case the damages, fines and expenses are not paid according to law. 55 V. c. 42, s. 490 (2). Animals running at large.

3. For appraising the damages to be paid by the owners of animals impounded for trespassing, contrary to the laws of Ontario or of the municipality. 55 V. c. 42. s. 490 (3). Appraising the damages.

4. For determining the compensation to be allowed for services rendered in carrying out the provisions of any Act, with respect to animals impounded or distrained and detained in the possession of the distrainor. 55 V. c. 42, s. 490 (4). *See Cap. 272.* Compensation with respect to impounding animals.

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Division VI.—Protection of Property.

Sub-Division VI.—*Miscellaneous.*

Protection of graves. *Sec.* 547 (1).
Weeds and Canada thistles. *Sec.* 547 (2).
Shade and ornamental trees. *Sec.* 547 (3).
Posters. *Sec.* 547 (3).
Sign boards and notices. *Sec.* 547 (4).
Protection of booms. *Sec.* 547 (5).

547. By-laws may be passed by the councils of the municipalities and for the purpose in this section respectively mentioned, that is to say; By-laws for

Protection of Graves.

By the councils of townships, cities, towns and villages:—

1. For preventing the violation of cemeteries, graves, tombs, tombstones, or vaults where the dead are interred. 55 V. c. 42, s. 489 (13). Protecting graves.

Weeds.

2. For preventing the growth of Canada thistles and other weeds detrimental to husbandry and for compelling the destruction thereof. 55 V. c. 42, s. 489 (22) *part.* *See also Cap. 279.* Prevention of growth of thistles and weeds.

Shade, etc. Trees.—Posters.

Ornamental trees.

3. For preventing the injuring or destroying of trees or shrubs planted or preserved for shade or ornament.

Posters.

4. For preventing the defacing of private or other property by printed or other notices. 55 V. c. 42, s. 489 (28).

Signs and notices.

5. For preventing the pulling down or defacing of sign-boards, or of printed or written notices lawfully affixed. 55 V. c. 42, s. 489 (29).

Protecting Booms.

By the councils of counties :—

Protecting booms.

6. For protecting and regulating booms on any stream or river for the safe keeping of timber, saw-logs and staves within the municipality. 55 V. c. 42, s. 511 (1).

DIVISION VI.—PROTECTION OF LIFE AND PROPERTY.

Sub-Division VII.—Police and Night watchmen.

Police. *Sec.* 548 (1).
Night watchmen. *Sec.* 548 (2).

By-laws for

548. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say ;

Police.

By the councils of cities and towns :—

Police.

1. For establishing, regulating and maintaining a police but subject to the other provisions of this Act. 55 V. c. 42, s. 504 (6).

Night Watchmen.

By the councils of cities, towns and villages :—

Appointment of night-watchmen.

(2) For appointing employing and paying a night-watchman or watchmen, for the purpose of patrolling at night or between certain hours of the night, any street or any portion thereof within the municipality to be defined by such by-law, and of guarding and protecting the property, real and personal, within the limits thereby defined.

Special rate to be levied.

(*a*) For levying in the same manner and at the same time as payment of the other rates or taxes within the municipality is enforced, by special rate upon all

the real property within the limits defined by the by-law, except vacant lots, all the expenses of or incidental to such employment of such night-watchman or watchmen.

(*b*) No such by-law shall be passed except upon petition therefor by two-thirds of the freeholders and householders who, upon the passing thereof, would become liable to be charged with the expenses to be incurred thereunder, and who represent in value at least two-thirds of the assessed real property on the street or portion thereof liable to be charged with such expenses. Petition by ratepayers.

(*c*) No such petition shall be received or acted on by the council unless, and until all the signatures thereon are proved by the affidavit of a reliable and competent witness to be the genuine signatures of the persons whose signatures they purport to be, and that the contents thereof were made known to each person signing the same before signature. Proof of signatures.

(*d*) As between the landlord and tenant of any premises comprised within the limits defined by the by law, the tenant shall be liable for the expenses to be levied thereunder, for the period or time of his occupation, unless there is an express agreement to the contrary. 55 V. c. 42, s. 496, (43). Liability of tenant.

Division VII.—Public Morals.

Indecent placards, etc., on walls and fences. *Sec.* 549, (1).
Vice, drunkenness, profanity, etc. *Sec.* 549, (2).
Disorderly and bawdy houses. *Sec.* 549, (3).
Gambling houses, faro-banks, roulette tables, etc. *Sec.* 549, (4).
Horse racing. *Sec.* 549, (5).
Vagrants and persons drunk or disorderly in public. *Sec.* 549, (6).
Indecent exposure. *Sec.* 549, (7).
Bathing in public water. *Sec.* 549, (8).
Giving liquor to minors. *Sec.* 549, (9).
Inspection of bathing- and boat-houses. *Sec.* 549, (10).

549. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say: By-laws for

Public Morals.

By the councils of townships, cities, towns and villages:—

1. For preventing the posting of indecent placards, writings or pictures, or the writing of indecent words, or the mak- Indecent placards, etc.

ing of indecent pictures or drawings, on walls or fences in streets or public places. 55 V. c. 42, s. 489, (33).

Vice, drunkenness, etc

2. For preventing vice, drunkenness, profane swearing, obscene, blaphemous or grossly insulting language, and other immorality and indecency. 55 V. c. 42, s. 489, (34).

Lewdness.

3. For suppressing disorderly houses and houses of ill-fame. 55 V. c. 42, s. 489, (35).

Gaming.

4. For suppressing gambling houses, and for seizing and destroying faro-banks, *rouge et noir*, roulette tables, and other devices for gambling found therein. 55 V. c. 42, s. 489, (36).

Horse-racing.

5. For preventing horse racing. 55 V. c. 42, s. 489, (37).

Vagrants.

6. For restraining and punishing vagrants, mendicants, and persons found drunk or disorderly in any street, highway or public place; and in cities and towns any such by-law may provide that the chief constable of the municipality, or the inspector or other member of the police force in charge of any police station to which any person is brought on the charge of being drunk without being disorderly, may release such person without bringing him before a Justice of the Peace or Police Magistrate. 55 V. c. 42, s. 489, (38); c. 43, s. 34; c. 14, s. 1; 58 V. c. 42, s. 23; 59 V. c. 51, s. 15.

Release without trial of persons arrested for drunkenness.

Indecent exposure.

7. For preventing indecent public exposure of the person, and other indecent exhibitions. 55 V. c. 42, s. 489, (39).

Bathing.

8. For preventing or regulating the bathing or washing the person in any public water in or near the municipality. 55 V. c. 42, s. 489, (40).

Giving Intoxicating Liquors to Minors, etc.

Sale of intoxicating drink to children, etc.

9. For preventing the sale or gift of intoxicating drink to a child, apprentice or servant, without the consent of a parent, master or legal protector. 55 V. c. 42, s. 489, (32).

Inspection of Bathing- and Boat-Houses.

By the councils of cities, towns and villages:—

Inspection of bathing and boat houses.

10. For inspecting public bathing-houses and boat-houses or premises wholly or partly used for boat-house purposes; and for preventing the use thereof for illegal or immoral purposes; 55 V. c. 42, s. 496 (42).

[*As to prohibiting children being on the streets at night without proper guardianship, etc., see Cap. 259, s. 21.*]

Division VIII.—Public Health.

Sub.-Division 1.—Food and Drink.

Inspection of milk, meat, etc. *Sec.* 550 (1).
Seizing and destroying if unfit for food. *Sec.* 550 (2).
Seizing carcasses of cattle unfit for food. *Sec.* 550 (3).
Bread made of deleterious materials. Seizing, etc. *Sec.* 550 (4).
Pure well-water, examining. 550 (5).
" " " *compelling use of.* *Sec.* 550 (6).

550. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say: By-laws for

By the councils of townships, cities, towns and villages:—

1. For appointing inspectors, and for providing for the inspection of milk, meat, poultry, fish and other natural products offered for sale for human food or drink, whether on the streets or in public places, or in shops. 55 V. c. 42, s. 489 (53); Inspection of milk and provisions.

2. For seizing and destroying all tainted and unwholesome meat, poultry, fish, or other articles of food; 55 V. c. 42, s. 489, (50). Tainted provisions.

[*And see as to inspection of meat and milk supplies in cities and towns. See Cap. 250.*

And as to frauds in sale of milk in cities and towns. See Cap. 252.]

By the councils of cities having 100,000 inhabitants or more:—

3. For authorizing the seizure of unslaughtered cattle, sheep, calves and hogs which have died on any railway car, or on any market, or within the municipality, in order to prevent such animals from being used as food, and for disposing of the carcasses of such animals in such a way as not to produce any harm to the public health, and to secure to the owner such value as remains over and above the expenses incurred in disposing of such carcasses; 59 V. c. 51, s. 30; 60 V. c. 15, *Sched. C.* (122). Seizure of cattle, etc., unfit for human food.

By the councils of townships, cities, towns and villages:—

4. For preventing the use of deleterious materials in making bread; and for providing for the seizure and forfeiture of bread made contrary to the by-law. 55 V. c. 42, s. 489, (52). *See also Sec.* 580 (11). Bread.

5. For establishing, protecting, regulating and cleansing public and private wells, reservoirs and other public and pri- By-laws for cleansing wells, etc.

vate conveniences for the supply of water; and for closing public and private wells; for preventing the fouling of the same and the wasting of water therein or therefrom; for procuring an analysis of such water, and for providing for the payment of the expense thereof, and for making reasonable charges for the use of public water. 55 V. c. 42, s. 489 (42).

For compelling use of water supply.

6. For compelling the use of water, supplied by the waterworks of the city, town, township or village, for drinking and domestic purposes, within certain areas to be defined by by-law; and for prohibiting the use of spring or well water within such areas for such purposes. 55 V. c. 42, s. 489 (4).

Division VIII.—Public Health.

Sub.-Division II.—Sanitary Measures.

Drainage of cellars, privies, etc. *Sec.* 551 (1), (2), (3).
Filling up water-closets, privies, etc. *Sec.* 551 (4).
Dry earth closets. *Sec.* 551 (5).
Lavatories and urinals, *Sec.* 552.
Dwellings on narrow streets. *Sec.* 553 (1).
Contagious diseases, reports and precautions to prevent spread of. *See.* 553 (2).
Interments. *Sec.* 553 (3).

By-laws for

551. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say:

Drainage of Cellars, Privies, etc.

By the councils of townships, cities, towns and villages:—

Construction of cellars, drains, etc.

1. For regulating the construction of cellars, sinks, cesspools, water-closets, earth closets, privies and privy vaults; and for compelling and regulating the manner of draining, cleaning, clearing, and disposing of the contents of the same. 55 V. c. 42, s. 489, (47).

Filling up, draining, etc., grounds, yards, etc.

2. For compelling or regulating the filling up, draining, cleaning, clearing, altering, relaying or repairing of any grounds, yards, vacant lots and private drains. 55 V. c. 42, s. 489, (48).

Regulations for sewerage, etc.

3. For making any other regulations for sewerage or drainage that may be deemed necessary for sanitary purposes. 55 V. V. c. 42, c. 489 (49).

And see as to obstruction of drains, etc. *Sec.* 562 (11).

Filling up Water-Closets, Privy Vaults, etc.

4 For compelling owners, lessees and occupants of real property within any defined area to fill up or close any water-closets, privies, privy-vaults, wells or cess-pools, the continuance of which may, in the judgment of the council, be dangerous to health. 55 V. c. 42, s. 489 (43). Closing and filling up cess-pools, etc.

Dry Earth Closets.

By the councils of townships:—

5. For regulating the construction of dry earth closets and compelling the use of the same within such limits within the municipality as may be defined by the by-law. 55 V. c. 42, s. 521 (15). Dry earth closets.

552. The councils of cities or towns may provide and maintain lavatories, urinals and water-closets and like conveniences in situations where they deem such accommodation to be required, either upon the public streets or elsewhere, and may supply the same with water, and may defray the expense thereof and of keeping the same in repair and good order. 59 V. c. 51, s. 37. Maintaining public conveniences in cities and towns.

553. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say: By-laws for

Dwellings on Narrow Streets.

By the councils of cities, towns and villages:—

1. For regulating the erection or occupation of dwellings on narrow streets, lanes or alleys, or in crowded or unsanitary districts. 55 V. c 42, s. 496, (10*a*). Dwellings on narrow streets.

Contagious Diseases.

By the councils of townships, cities, towns and villages:—

2. For making provision for supplying blanks for the notification and recording of cases of contagious or infectious disease; for giving public notice of houses wherein such cases exist; and for taking such measures as by *The Public Health Act*, or any other Act, are required to be taken in that behalf, and such other measures as may be necessary for preventing the spread of such diseases. 55 V. c. 42, s. 489, (55). Contagious diseases. Rev. Stat. c. 248.

Interments.

By the councils of cities, towns and villages:—

3. For regulating the interment of the dead, and for preventing interments from being made within the municipality. 55 V. c. 42, s. 496, (7). Interments.

Division VIII.—Public Health.

Sub-Division III.—Sewers and Drains.

Drainage—General powers as to. Sec. 554 (1).
Ascertaining levels of cellars. Sec. 554, (2).
Plans of buildings to be furnished. Sec. 554, (3).
Acquiring lands in other municipalities for drainage purposes. Sec. 554, (4).
Extension of sewers into or through adjoining municipality. Sec. 555.

By-laws for

554. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say:

Drainage.

By the councils of counties, cities, towns and villages:—

Opening or stopping up drains and water-courses, etc.

1. For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up and pulling down, drains, sewers or water-courses, within the jurisdiction of the council; and for entering upon, breaking up, taking or using any land in or adjacent to the municipality in any way necessary or convenient for the said purposes; and for entering upon, taking or using any land in or adjacent to the municipality for the purpose of providing an outlet for any sewer or of establishing works or basins for the interception or purification for sewage; and for making all necessary connections therewith; but subject always to the payment of compensation to persons who may suffer injury therefrom, and to any restrictions and liabilities imposed by this Act in that respect or otherwise. 55 V. c. 42, s. 479, (15); 59 V c. 51, s. 11.

Levels of Cellars—Plans.

By the councils of cities, towns and villages:—

Ascertaining levels of cellars, etc.

2. For ascertaining and compelling owners, tenants and occupants to furnish the council with the levels of the cellars heretofore dug or constructed, or which may hereafter be dug or constructed along the streets of the municipality; such levels to be with reference to a line fixed by the by-laws. 55 V. c. 42, s. 496 (32).

Compelling the furnishing of ground or block plan of buildings to be erected.

3. For compelling to be deposited with an officer, to be named in the by-law, before commencing the erection of any building, a ground or block plan of such building, with the levels of the cellars and basements thereof, with reference to a line fixed by the by-laws. 55 V. c. 42, s. 496 (33).

4. For accepting or purchasing any land in any other municipality which may be required for preventing such city, town or village, or any part thereof, from being flooded by the surface or other waters flowing from such other municipality into such city, town or village; and for providing an outlet for such waters through any other municipality; and for opening, making, preserving and improving drains, sewers and water courses in the lands so acquired; Acquiring land in another municipality for drainage purposes.

Provided always that the consent of the municipality in which the lands to be taken are situate shall be obtained before the powers conferred by this clause are exercised. 55 V. c. 42, s. 496 (35). Proviso.

Extension of Sewers.

555.—(1) In case any township, city, town or village is so situated that in the construction of any sewer therein it becomes necessary in order to procure an outlet therefor, to extend the same into or through a contiguous municipality, the township, city, town or village so situated, shall have power subject as hereinafter provided, to so extend such sewer into or through such contiguous municipality, and shall have power to unite and connect the same to any already existing sewer or sewers of such contiguous municipality, upon such terms and conditions as may be agreed upon between the respective municipalities, and, in case of a difference, then upon such terms and conditions as may be determined by arbitration, under the provisions of this Act. Extension of sewers into adjoining municipality.

(2) In any case where the council of any municipality objects to allow an adjoining municipality to connect a sewer with any existing sewer, or to extend a sewer through its territory, as above provided, the arbitrators shall not only determine the terms and conditions upon which the connection or extension is to be made, but also whether the connection or extension should, under the circumstances, be permitted or allowed to be made; but nothing in this section contained shall authorize the making of an open drain or sewer, nor shall anything herein contained affect the provisions of *The Ditches and Water-courses Act*, Rev. Stat c. 285.

(3) Nothing in this section contained shall be construed as limiting or abridging any of the powers conferred on township councils by this Act. 55 V. c. 42, s. 492.

Division VIII.—Public Health.

Subdivision IV.—*Wet Lands. Sec.* 556 (1).

By-laws for

556. By-laws may be passed by the councils of townships,

Purchasing Wet Lands.

Purchase of wet lands from Government, etc.

1. For purchasing from the Government or from any corporation or person, at a price (in case of Crown Lands, to be fixed by the Lieutenant-Governor in Council, and which price the Lieutenant-Governor in Council is hereby authorized to fix), all the wet lands at the disposal of the Crown or of such corporation or person in such township; and such lands may be sold accordingly to the corporation of such township;

Raising money for purchasing and draining same.

(a) The purchase and draining of such lands shall be one of the purposes for which any such corporation may raise money by loan or otherwise, or for which they may apply any of their funds not otherwise appropriated.

May hold or dispose of such land.

(b) The township may possess and hold the land so purchased, and may, whenever they deem it expedient, sell or otherwise depart with or dispose of the same by public auction, in like manner as they may by law sell or dispose of other property, and upon such terms and conditions, and with such mortgages upon the land so sold, or such other security for the purchase money or any portion thereof, as they may think most advantageous.

Proceeds sale.

(c) The proceeds of the sale of such lands shall form part of the general funds of the municipality. 55 V. c. 42, s. 521 (12).

Division IX.—Highways and Bridges.

Incumbering, injuring or fouling roads, bridges, etc. Sec. 557 (1).
Removal of obstructions from highways. Sec. 557 (1-3).
Expense of removal. Sec. 557 2) (4).
Pathmasters to enforce by-laws for removal. Sec. 557 (5).
Depositing rubbish, etc., on streets. Sec. 557 (6).
Interference with sleighing. Sec. 558.
Removal of snow, ice and dirt Sec. 559 (1).
Removal of snow, ice and dirt in cities having 100,000 inhabitants or more. Sec. 559 (2).

Cabs, stands and booths. *Sec.* 559 (3).
Electric light, telegraph and telephone poles. *Sec.* 559 (4).
Conveyance of traffic, driving of cattle, etc. *Sec.* 559 (5).
Width of sleigh runners. *Sec.* 559 (6).
Driving or riding horses and cattle on roads and bridges. *Sec.* 559 (7).
Racing and immoderate driving. *Sec.* 559 (8).
Horses and cattle on sidewalks. *Sec.* 559 (9).
Vehicles on sidewalks. *Sec.* 560.

557. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say: By-laws for

Obstruction of Roads or Streets.

By the councils of cities, towns and villages:—

1. For regulating or preventing the incumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any road, street, square, alley, lane, bridge or other communication. 55 V. c. 42, s. 496 (27). Preventing obstruction and fouling of streets, etc.

2. For directing the removal of door-steps, porches, railings or other erections, or obstructions projecting into or over any road or other public communication, at the expense of the proprietor or occupant of the property connected with which such projections are found. 55 V. c. 42, s. 496 (28). Removal of door-steps, etc.

By the councils of townships, cities, towns and villages:—

3. For directing the removal of any fence, timber, stone, firewood, or any other obstruction placed upon any highway under the control of the council, excepting material that is to be used for road or bridge purposes. By-laws for removal of certain obstructions from roads.

4. For providing that the person placing any such obstructions or materials upon any highway shall, after notice to remove the same, and upon default for five days after such notice, be liable for the expense of the removal of the same.

5. For providing that the pathmasters, in their several road divisions, or other officers appointed for the purpose, shall enforce the provisions of such by-law.

Provided always that unless the by-law otherwise expressly provides, a worm fence which is not for more than one half its width upon a road allowance, shall not be deemed an obstruction within the meaning of the three preceding clauses 3, 4 and 5. 57 V. c. 50, s. 15.

Depositing Rubbish, etc., on Streets.

6. For preventing persons from throwing any dirt, filth, carcasses of animals, or rubbish, upon any street, road, lane, or highway. 55 V. c. 42, s. 489 (23). Preventing throwing of dirt, etc., upon streets, etc.

Repair of Roads.

Stone or gravel on roads.

558. No stone, gravel or other material shall be put upon the roads for repairs during the winter months so as to interfere with sleighing. 55 V. c. 42, s. 523.

By-laws for

559. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say:

Removal of Snow, Ice, Dirt.

By the councils of towns, villages and cities, except cities having 100,000 inhabitants or more.

Removal of snow, etc.

1. For compelling persons to remove all snow and ice from the roofs of the premises owned or occupied by them; and to remove and clear away all snow, ice and dirt and other obstructions, from the sidewalks, streets and alleys adjoining such premises; and also to provide for the cleaning of sidewalks and streets adjoining vacant property, or the property of persons who, for twenty-four hours, neglect to clean the same; and to remove and clear away all snow and ice, and other obstructions, from such sidewalks and streets, at the expense of the owner or occupant in case of his default; and in case of non-payment, to charge such expenses as a special assessment against such premises, to be recovered in like manner as other municipal rates.

Cleaning of sidewalks, streets, etc.

(*a*) The council may, in the by-law passed for the purposes of the preceding clause, define certain areas or streets within the municipality, within or upon which the by-law shall be operative. 55 V. c. 42, s. 496, (25), 57 V c. 50, s. 10.

By the councils of cities having 100,000 inhabitants or more:—

Removal of snow, etc.

2. For compelling persons to remove all snow and ice from the roofs of the premises owned or occupied by them; and to remove and clear away all snow, ice and dirt and other obstructions from the sidewalks, streets and alleys adjoining such premises; and also to provide for the cleaning of sidewalks and streets adjoining vacant property or the property of persons who neglect to clean the same within five hours after eight o'clock in the morning where the storm ceased at any time before the hour of eight o'clock in the morning; and to remove and clear away all snow and ice and other obstructions from such sidewalks and streets at the expense of the owner or occupant in case of his default; and in case of non-payment to charge such expenses as a special assessment against such premises, to be recovered in like manner as other municipal rates. 58 V. c. 42, s. 26; 60 V. c. 15, *Sched.* C (117).

Hours within which sidewalks must be cleaned.

Cab Stands and Booths.

By the councils of cities, towns and villages :—

3. For authorizing, and for assigning stands for vehicles kept for hire on the public streets and places; and for authorizing the erection and maintenance of covered stands or booths on the streets, highways and public places, for the protection or shelter of the drivers of such vehicles. Cab stands.

Provided that no such booth or covered stand shall be placed upon any sidewalk without the previous consent of the owner or lessee of the property fronting, abutting or adjoining such stand or booth. 55 V. c. 42, s. 496. (38). Proviso.

Electric Light, Telegraph and Telephone Poles.

4. For regulating the erection and maintenance of electric light, telegraph and telephone poles and wires within their limits. 55 V. c. 42, s. 496 (39). Telegraph poles.

Conveyance of Traffic, Driving of Cattle, etc.

5. For regulating the conveyance of traffic in the public streets and the width of the tires and wheels of all vehicles used for the conveyance of articles of burden, goods, wares or merchandise; and for prohibiting heavy traffic, and the driving of cattle, sheep, pigs and other animals in certain public streets and places to be named in the by-law. 55 V. c. 42, s. 496 (36). Regulating traffic on streets and width of wheels.

Width of Sleigh Runners.

By the councils of counties :—

6. For providing that no sled, sleigh, or other vehicle upon runners (except cutters or pleasure sleighs) drawn by horses or other animals, shall be used by any person residing within the county for the conveyance of persons or goods on any of the roads or highways within the county, unless the runners thereof are apart from each other at the bottom 3 feet 9 inches at least; Width of sleigh-runners.

Provided that no such by-law shall apply to any sled, sleigh or other vehicle upon runners owned or used by any person not resident within the said county.

(*a*) The council in passing such by-law may exempt from its operation all sleds, sleighs or vehicles on runners owned at the time of the passing of such by-law, by persons resident within the county. Power to exempt from by-law.

(*b*) The by-law shall not come into force until the expiration of one year from the time of the passing thereof, or of such further time as the council may determine upon. 55 V. c. 42, s. 511*a*. When by-law to come in force.

Driving or Riding on Roads and Bridges.

By the councils of counties, townships, cities, towns and villages:—

To regulate driving on roads and bridges.

7. For regulating the driving and riding of horses and other cattle on highways and public bridges.

8. For preventing racing, immoderate or dangerous driving or riding on highways or public bridges. 55 V. c. 42. s. 479 (14).

Setting apart streets for fast driving.

Provided that in cities having 100,000 inhabitants or more, the council thereof may by by-law set apart a street or streets on which horses may be driven or ridden more rapidly than is permitted upon the other streets of the city; and may pass by-laws for regulating and governing the use of such street for the aforesaid purposes. But if a majority of the property owners on any such street petition against such by-law, it shall be repealed. 59 V. c. 51, s. 32.

Horses and Cattle upon Sidewalks.

By the council of cities, towns and villages:—

Driving, etc., upon sidewalks.

9. For preventing the leading, riding or driving of horses or cattle upon sidewalks or other places not proper therefor. 55 V. c. 42, s. 496 (5).

Vehicles on Sidewalks.

By-laws regulating vehicles on sidewalks, etc.

560. The council of every municipality may, by by-law, prohibit carriages, waggons, bicycles, sleighs, and other vehicles and conveyances of every description, and whatever the motive power, or any particular kind or class of such vehicles and conveyances from being upon, or being used, drawn, hauled or propelled along or upon any sidewalks, pathways or footpaths, used by or set apart for the use of pedestrains, and forming part of any street, avenue, boulevard, bridge or other means of public communication or in or upon any avenue, boulevard, park, park-plot, garden or other place set apart for ornament or embellishment of the municipality, or for public recreation. 60 V. c. 45, s. 51.

Division X.—Statute Labour.

Commutation of. *Sec.* 561 (1).
Rate of. *Sec.* 561 (2).
Fixing the number of days of statute labour. *Sec.* 561 (3).
Enforcing its performance or payment of commutation. *Sec.* 561 (4).
Regulating mode and place of performance. *Sec.* 561 (5).
Reducing or abolishing statute labour. *Sec.* 561 (6).
Reducing or varying within defined areas. *Sec.* 561 (7).
Keeping township roads open during sleighing. *Sec.* 561 (8).
Application of S. L. Commutation Fund therefor. *Sec.* 561 (9).

561. The council of every township may pass by-laws— By-laws for

Statute Labour.

1. For empowering any person (resident or non-resident) liable to statute labour within the municipality, to compound for such labour, for any term not exceeding five years, at any sum not exceeding $1 for each day's labour; Commutation of statute labour.

2. For providing that a sum of money, not exceeding $1 for each day's labour, may or shall be paid in commutation of such statute labour; Rate of commutation.

3. For increasing or reducing the number of days' labour, to which the persons rated on the assessment roll or otherwise shall be liable, in proportion to the statute labour to which such persons are liable in respect of the amounts at which they are assessed, or otherwise respectively; Fixing number of days of statute labour.

4. For enforcing the performance of statute labor, or the payment of a commutation in money in lieu thereof, when not otherwise provided by law; Enforcing statute labour.

5. For regulating the manner and the divisions in which statute labour or commutation money shall be performed or expended; Regulating performance, etc.

6. For reducing the amount of statute labour to be performed by ratepayers or others within the municipality, or for entirely abolishing such statute labour. 55 V. c. 42, s. 521 (1-6). Reducing or abolishing.

7. For reducing or varying the amount of statute labour to be performed by the ratepayers or others within certain defined areas in the municipality when, in the opinion of the council, exceptional circumstances exist rendering such reduction or variation equitable, and upon such conditions as may be imposed by the by-law. 58 V. c. 42, s. 29. Reducing or varying statute labour in defined localities.

8. For providing for the making and keeping open of township roads during the season of sleighing in each year; Keeping roads open in winter.

9. For providing for the application of so much of the commutation of the Statute Labour Fund, as may be necessary for keeping open such roads as last aforesaid, within such respective municipalities. 55 V. c. 42, s. 521 (7 *part*, 8.) Application of commutation.

Div. XI.—Wharfs, Harbours, Rivers, Streams, etc.

Wharfs, docks, slips, etc. *Sec.* 562 (1).
Regulating harbours. *Sec.* 562 (2).
Preventing incumbering and filling up of. *Sec.* 562 (3).
Beacons. *Sec.* 562 (4).
Wharfs, piers, docks, elevators etc. *Sec.* 562 (5).
Regulating vessels and rafts. *Sec.* 562 (6).
Harbour dues. *Sec.* 562 (7).
Incumbering wharfs, docks, slips, etc. *Sec.* 562 (8).
Removal of obstructions therefrom. *Secs.* 562 (9,) 10).
Obstruction of drains, streams and watercourses. *Secs.* 562 (11), (14).
Notice to adjoining municipality in such cases. *Sec.* 563.

By-laws for

562. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say :—

By the councils of counties, townships, cities, towns and villages :—

Making, etc., of wharfs, docks, etc.

1. For making, opening, preserving, altering, improving and maintaining public wharfs, docks, slips, shores, bays, harbours, rivers or waters and the banks thereof. 55 V. c. 42, s. 479 (6).

Regulating harbours.

2. For regulating harbours. 55 V. c. 42, s. 479 (7) *part.*

3. For preventing the filling up or incumbering of harbours. 55 V. c. 42, s. 479 (7) *part.*

Beacons.

4. For erecting and maintaining necessary beacons. 55 V. c. 42, s. 479 (7) *part.*

Wharfs, elevators.

5. For erecting and renting wharfs, piers and docks in harbours, and also floating elevators, derricks, cranes and other machinery suitable for loading, discharging or repairing vessels. 55 V. c. 42, s. 479 (7) *part.*

Vessels, etc.

6. For regulating vessels, craft and rafts arriving in any harbour. 55 V. c. 42, s. 479 (7) *part.*

Harbour dues.

7. For imposing and collecting such reasonable harbour dues thereon as may serve to keep the harbour in good order, and to pay a harbour master. 55 V. c. 42, s. 479 (7) *part.*

Cleanliness of wharfs, docks, etc.

8. For regulating or preventing the incumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water. 55 V. c. 42, s. 479 (4).

Removal of door steps, etc, obstructing wharfs, etc.

9. For directing the removal of door steps, porches, railings or other erections, or obstructions projecting into or over any wharf, dock, slip, drain, sewer, bay, harbour, river or water, or the banks or shores thereof, at the expense of the owner or occupant of the property connected with which such projections are found. 55 V. c. 42, s. 479 (5).

Removal of obstructions from wharfs, waters, etc.

By the councils of cities, towns and villages :—

10. For regulating and compelling the removal from any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water, of all sunken, grounded or wrecked vessels, barges, craft, cribs, rafts, logs or other obstructions or incumbrances, by the owner, charterer or person in charge, or any other person who ought to remove the same. 55 V. c. 42, s. 496 (26). By-laws to regulate the cleanliness of wharfs, docks, etc.

Obstructions to Streams and Watercourses.

By the councils of townships, cities towns and villages :—

11. For preventing persons from obstructing any drain or watercourse. 55 V. c. 42, s. 489 (21) *part*. Preventing obstruction of drains.

By the councils of townships :—

12. For preventing the obstruction of streams, creeks and water-courses, by trees, brushwood, timber or other materials, and for clearing away and removing such obstructions at the expense of the offenders or otherwise. 55 V. c. 42, s. 521 (16). Preventing obstruction of streams, etc.

13. For levying the amount of such expense, in the same manner as taxes are levied. 55 V. c. 42, s. 521 (17). Levying expenses.

14. For imposing penalties on persons causing such obstructions. 55 V. c. 42, s. 521 (18). Penalties.

563. Wherever any stream or creek in any township is cleared of all logs, brush or other obstructions to the town line between such township and any adjoining township into which such stream or creek flows, the council of the township in which the creek or stream has been cleared of obstruction may serve a notice in writing on the head of the council of the adjoining township into which the stream or creek flows, requesting such council to clear such stream or creek through their municipality ; and it shall be the duty of such last named council, within six months after the service of the notice as aforesaid, to enforce the removal of all obstructions in such creek or stream within their municipality, to the satisfaction of any person whom the council of the county in which the municipality whose council served the notice is situate, shall appoint to inspect the same ; and if the council receiving such notice neglects the said duty, and by reason of such neglect any public road, street, bridge or highway in either of the said townships becomes out of repair, the corporation in default, but not the corporation which served the notice, shall, (besides being subject to any punishment or proceeding provided by law), be civilly responsible for all damages sustained by any person by reason of such want of repair ; but the action shall be brought within three months after the damages have been sustained. 55 V. c. 42, s. 522. When stream in any township cleared of obstructions, notice may be served on council of adjoining municipality, requiring them to clear such stream within their municipality.

Division XII.—Water, Light and Heat.

Acquiring water rights. *Sec.* 564, 565.
Constructing and maintaining waterworks. *Sec.* 566 (1).
Supplying light and heat. *Sec.* 566 (2).
Authorizing gas or water companies to use streets. *Sec.* 566 (3).
Constructing gas or water works. *Sec.* 566 (4).
Acquiring gas, electric light and waterworks. *Sec.* 567.
Contracts with gas and electric light companies. *Sec.* 568.

Acquiring Water Rights.

Power to acquire water rights. Rev. Stat. c. 235.

564. In addition to the powers given by *The Municipal Waterworks Act* and subject to all the provisions of the said Act, including those relating to the making of compensation and otherwise, every municipal corporation may acquire by purchase, demise or gift the right or title to any stream, river, creek, waters, water power, water course or lands situate, being or flowing in or through any such municipality, or within three miles thereof; and may build, erect, make, preserve, improve, renew, widen or alter any dam or dams, water gates, waste gates, weirs or flumes upon, over or across any such stream, river, creek, waters, water course or lands, and make, dig, widen, preserve, alter or improve any raceway or raceways leading to or from any such dam or dams for the purpose of obtaining power to run or drive the necessary machinery for supplying electric light within the municipality. 55 V. c. 42, s. 479*a*

Town or village may acquire water power and lands adjacent.

565.—(1) The corporation of any town or village may acquire by lease or purchase any water privilege or water privileges situate within its limits, together with sufficient lands adjacent thereto, for the proper user of such water privilege or water privileges, and may from time to time expend thereon such sums of money as are necessary for the development, repairs and user of such water privilege or water privileges; and they may for the purpose of such acquisition, development, repairs and user borrow upon the debentures of the corporation such sums as are required for the same, for such periods and at such rates of interest as the corporation may by by-law determine.

By-law to be submitted to ratepayers.

(2) Before acquiring any such water privilege or water privileges and lands, a by-law shall be submitted to the ratepayers of the municipality setting forth the agreement for such acquisition which shall have been previously entered into, subject to ratification by the ratepayers, the amount required to be borrowed for the purpose of such acquisition and containing generally all such matters as are required by this Act in relation to money by-laws.

(3) The vote of the ratepayers upon such by-law shall be taken in the manner provided by sections 338 to 365, both inclusive, of this Act, and the persons entitled to vote thereon shall be the persons named in the said sections, and in case a majority of such persons vote in favour of the by-law the council shall pass the same. Proceedings for taking vote.

(4) Upon the acquisition of such water privilege or water privileges the corporation may use the same for their own purposes, and may grant leases of the whole or any parts thereof upon such terms and conditions as may be agreed upon and may otherwise deal with the same as fully and effectually to all intents and purposes as might be done by an individual; but no sale of any part of the said water privileges or lands so acquired shall be made until a by-law authorizing the same has been submitted to the ratepayers and passed by a vote of the same class of persons as voted upon the by-law authorizing the acquisition of said water privileges and lands; and no lease shall be granted for a longer period than thirty years with right of renewal and renewals. 60 V. c. 45, s. 14. Power to use water privileges and lease same.

566. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say; By-laws for

Water and Waterworks.

By the councils of townships, cities, towns and villages:—

1. For constructing, building, purchasing, improving, extending, holding, maintaining, managing and conducting waterworks and all buildings, materials, machinery and appurtenances thereto belonging in the municipality and in the neighbourhood thereof, subject to the provisions contained in *The Municipal Waterworks Act*. 55 V. c. 42, s. 489 (3). Constructing water-works. Rev. Stat. c. 235.

Light and Heat.

By the councils of cities, towns and villages:—

2. For manufacturing and supplying light and heat under *The Municipal Light and Heat Act*. 55 V. c. 42, s 496 (1). Rev. Stat. c. 234.

Gas, Electric Light and Water.

By the councils of townships, cities, towns and villages:—

3. For authorizing any gas or water company to lay down pipes or conduits for the conveyance of water or gas under streets or public squares, subject to such regulations as the council sees fit. 55 V. c. 42, s. 489 (30). Authorizing gas and water companies to lay down pipes, etc.

Construction of gas and water works.

By the councils of cities and towns:—

4. For constructing gas and water works and for levying an annual special rate to defray the yearly interest of the expenditure therefor, and to form an equal yearly sinking fund for the payment of the principal within a time not exceeding 30 years, nor less than 5 years. 55 V. c. 42, s. 504 (13). *See also sections 567, 569 (5).*

Provisions where there is a water company incorporated for the municipality.

(a) In case there is any water company incorporated for the municipality, the council shall not levy any water rate until such council has, by by-law, fixed a price to offer for the works or stock of the company; nor until after 30 days have elapsed after notice of such price has been communicated to the company without the company's having accepted the same, or having, under the provisions of this Act as to arbitrators, named and given notice of an arbitrator to determine the price, nor until the price accepted or awarded has been paid, or has been secured to the satisfaction of the company; and in case the Company and the municipality do not agree the said price shall be determined by arbitration under this Act. 55 V. c. 42, s. 507; 60 V. c. 15, *Sched.* C. (88); 60 V. c. 3, s. 3.

Proviso as to provisions in special Acts.

(b) The provisions of the two preceding clauses 3 and 4 shall not be construed to apply to, or affect the provisions contained in, any special Act obtained, or to be obtained, by any company or municipal corporation. 55 V. c. 42, s. 508.

Powers in respect of lighting and construction of gas works.

(c) Subject to the provisions of this Act, of or any special Act so far as the same may be applicable, the powers of a municipal corporation for lighting the municipality, or for constructing gas works, whether by this or by any special Act, shall include the powers conferred on gas companies by sections 14 and 15 of *The Act respecting Joint Stock Companies for supplying Cities, Towns, and Villages with Gas and Water.*

Rev. Stat. c. 199.

Municipal corporation constructing works to supply with gas or water buildings on line of supply on request.

(d) Where any municipal corporation has constructed any gas or water works for supplying the municipality with gas or water, and where there is a sufficient supply thereof, it shall be the duty of the corporation to supply with gas or water all buildings within the municipality situate upon land lying along the line of any supply pipe of the said corporation, upon the same being requested by the owner, occupant, or other person in charge of such building.

Corporation may require security from consumer.

(e) The corporation before supplying gas or water to any building, or as a condition of continuing to

supply the same, may require any consumer to give reasonable security for the payment of the proper charges of the company therefor or for carrying the gas or water into such building.

Liability for failure of supply not affected.

(f) Nothing in the preceding two clauses *(d)* and *(e)* contained shall be construed in any way to affect the liability of any corporation in respect of damages on account of any failure of supply through mischance, accident or mismanagement, but the position of the corporation in respect thereto shall remain as if said two clauses had not been enacted. 55 V. c. 42, s. 480 (2-5.)

Construction of electric light works in towns of 5,000 inhabitants or less.

567.—(1) In the case of towns having a population of 5,000 or less as ascertained by the latest census of Canada, subsection 4 of section 384, subsection 1 of section 386, clause 4 of section 566, and subsection 5 of section 569, shall be read as if the words "electric light" were added after the word "gas" wherever it appears in the said clause and subsections.

By-laws passed before July 1st, 1897, for creating debts for electric light works.

(2) No by-law of any such town creating or intended to create a debt for the erection or purchase of, or for otherwise acquiring an electric light plant, passed before the 1st day of July, 1897, and otherwise legal, shall be quashed or shall be deemed to be invalid or illegal by reason only that the period fixed in and by the said by-law for the repayment of the debt thereby created exceeds twenty years; provided always that such period does not exceed the period of thirty years.

By-law may include gas, electric light and water-works.

(3) It shall not be necessary for the council of any such town to pass separate by-laws creating debts for the acquirement of gas, electric light or water works in case the town desires to acquire at the same time more than one of the said conveniences, but all or any two thereof may be united in one by-law and one debt, or separate by-laws creating separate debts, in respect of the said subject matters, may at the option of the council be submitted and passed, subject to the provisions of this Act; and in case the by-law embraces two or more subject matters, the procedure shall be that of this Act and not that of *The Municipal Water Works Act*. 60 V. c. 45, ss. 3, 85; 60 V. c. 3, s. 3.

Rev. Stat. c. 235.

Contracts for the supply of gas or electric light.

568. Every municipal council shall have power to contract for a supply of gas or electric light for street lighting and other public uses for any number of years not in the first instance exceeding ten, and for renewing such contract from time to time for such period not exceeding ten years, as the council may desire. 55 V. c. 42, s. 480 (1) *part*.

DIVISION XIII.—STREET RAILWAYS, TELEPHONE SERVICE.

Building, equipping, maintaining and operating. *Sec.* 569 (1).
Powers and liabilities of municipality so doing. *Sec.* 569 (1)(2).
Extension into adjoining municipality. *Sec.* 569 (3).
Vestibules for motor-men. *Sec.* 569 (4).
By-laws for street railways or gas or water works, how to be passed. *Sec.* 569 (5) (6).
Special Acts not affected. *Sec.* 569 (7).
Telephone Service. *Sec.* 570-573.

Street Railways.

By-laws for

569.—(1) By-laws may be passed by the councils of cities and towns:—

Street railways.

For building, equipping, and maintaining and operating street railways in, along and over such streets of the city or town and subject to and upon such terms as the Lieutenant-Governor in Council may approve; and for leasing the same from time to time on such terms as may be determined on; and for levying an annual special rate to defray the yearly interest on the expenditure therefor, and to form an equal yearly sinking fund for the payment of the principal within a time not exceeding 30 years.

Provided that the powers conferred by this subsection shall not apply to a municipality in which there is an existing street railway constructed or operated under any agreement or contract between the municipality and any street railway company. 55 V. c. 42, s. 504 (14).

(2) A municipal corporation which builds, constructs, owns, or manages a street railway shall have and exercise the same rights and powers and be subject to the same liabilities as street railways and companies under *The Street Railway Act*, except where the same conflict or are inconsistent with or are repugnant to the rights, powers, liabilities or duty of a municipal corporation as provided by law. Nothing herein contained shall relieve any municipality from its obligations and liabilities in respect of roads, streets, highways or bridges as provided by this Act. 55 V. c. 42, s. 504 (15).

Rev. Stat. c. 208.

Power to operate extension of street railway in adjoining municipality.

(3) In addition to the powers given and contained in subsection 1 of this section any city or town operating or proposing or intending to build or operate a street railway within its own limits may also pass by-laws for building, equipping, maintaining and operating any extension of any such street railway in any adjoining municipality (with the consent of such adjoining municipality by by-law, and subject to and upon such terms as the Lieutenant-Governor in Council may

approve) upon the same terms and subject to the same conditions and provisions of law as any street railway company may build, maintain or operate any street railway under *The Street Railway Act*; and such city or town building, constructing, owning or managing a street railway extending beyond its territorial limits (and authorized as aforesaid and with the consent aforesaid) shall not be held to be illegally expending money, merely because it is expended upon or in connection with such portion of said street railway as extends beyond its territorial limits. 55 V. c. 42, s. 504 (16).

Rev. Stat. c. 208.

Electric Street Railways.

(4) By-laws may be passed by the councils of cities:—

By-laws compelling street railway companies to provide shelter for motormen.

For compelling every electric railway company, operating its railway within the limits of such city, to provide proper and sufficient enclosed vestibules upon its street cars to protect the motormen and persons in charge of such cars, from exposure to cold, snow, rain or sleet, during the months of November, December, January, February and March in every year, while engaged in operating the cars. 57 V. c. 50, s. 11.

Provisions applicable to By-laws relating to Street Railways or Gas or Water-works.

(5) No by-law under clause 4 of section 566 or under subsection 1 of this section shall be passed—

Estimates to be published, and notice of holding poll on by-law.

Firstly:—Until estimates of the intended expenditure have been published for one month, and notice of the time appointed for holding a poll of the electors on the proposed by-law has been published for two months, and until a copy of the proposed by-law at length, as the same is to be ultimately passed, and a notice of the day appointed for finally considering the same in council, have been published for one month in some newspaper in the municipality, or (if no newspaper is published therein, then) in some newspaper in the county in which the municipality is situate; nor,

Poll to be held and majority must be in favour.

Secondly:—Until, at a poll held in the same manner and at the same places and continued for the same time as at elections for councillors, a majority of the electors, voting at the poll, vote in favour of the by-law; nor,

By-law to be passed within three months.

Thirdly:—Unless the by-law is passed within three months after holding the said poll.

R. S. O. c. 235.

Provided always that—where any city or town has constructed gas or water works under the authority of this Act, or under the authority of *The Municipal Water Works Act*, or under the authority of any special Act or Acts, or hereafter constructs such works under the authority of the said Acts or any future amendments of the same, and

has raised the money for the purchase or construction of such works, or hereafter so raises the same by a general rate on the whole of the assessable property of the said corporation under a by-law or by-laws lawfully passed or to be passed, it shall be lawful for the council of the city or town from time to time to raise on the credit of the said corporation such further sums as may be necessary to extend or improve the said works or to pay the expense of any extensions or improvements thereof already made or completed, wholly or in part, and to pass by-laws for levying on the whole rateable property of the said corporation an annual special rate sufficient to defray the yearly interest upon the sums so expended, and to form an equal yearly sinking fund for the payment of the principal within a time not exceeding thirty years nor less than five years; and in such cases it shall not be necessary to comply with the preceding requirements of this section, or to obtain the assent of the electors or ratepayers to such by-law or by-laws, provided the same are first approved of by the Lieutenant-Governor in Council, it being first shewn to the satisfaction of the Lieutenant-Governor in Council that the said extensions are or were necessary, and that a sufficient additional revenue will be derived therefrom to meet the annual special rate required to pay the new debt and interest; and provided also that on the final passing of such by-law or by-laws, three-fourths of all the members of the council vote in favour of the same. 55 V. c. 42, s. 505; 59 V. c. 51, s. 18; 60 V. c. 15, *Sched.* C (87.)

If by-law rejected.

(6) If the proposed by-law is rejected at such poll, no other by-law for the same purpose shall be submitted to the electors during the current year. 55 V. c. 42, s 506.

Proviso as to provisions in special Acts.

(7) The foregoing subsections or any of them shall not be construed to apply to or affect the provisions contained in, any special Act obtained, or to be obtained, by any company or municipal corporation. 55 V. c. 42, s. 508.

Telephone Service.

Cities and towns empowered to carry on telephone service.

570. The council of every city and town shall have power to construct, build, own, purchase, lease, rent, improve, extend, maintain, manage, conduct and carry on a telephone business and service, and all works, land, buildings, plant, machinery, conduits, materials, equipment, apparatus and appurtenances necessary therefor or thereto belonging or appertaining or that may be properly used therewith in the municipality or within two miles thereof, and for supplying the corporation or persons in the municipality or in the neighborhood thereof with a telephone service and connection therewith, and may make a rate, charge or rent for such service and connections and for the use of transmitters and other apparatus therewith, and may require such payment to be made in advance, and may discontinue such service or the subscriber's

connection therewith in default of such payment and may forthwith thereafter remove all transmitters, wires and other apparatus from the premises of such subscriber; and such rate, charge or rent may be collected by action as an ordinary debt, against the person owing the said rate, rent or charge or may be collected in the same manner as municipal taxes are collected against the person liable to pay the same; and the council may pass by-laws for levying an annual special rate to defray the yearly interest of the expenditure therefor and to form an equal yearly sinking fund for the payment of the principal at any time within a time not exceeding thirty years nor less than five years. 60 V. c. 45, s. 16, (504 *a*.)

Carrying works over streets and private property.

571. Such corporations, or their servants under their authority, may for the purpose of laying down, taking up, erecting, constructing, examining or keeping in repair the plant, machinery, conduits, materials, poles, wires, rods, equipment, apparatus or other appliances for conducting, distributing or otherwise carrying on the said telephone business or service or connections therewith, break up, dig and trench in, upon, through, over, under and along the highways, streets, lanes, roads, squares and other public ways, passages and places in the municipality, or in, upon, through, over, under and along any private property, or may by means of conduits or upon poles or otherwise conduct or carry such plant, materials, equipment, apparatus, wires or rods through, over, under, along or across such streets, lanes, roads, squares and other public ways, passages and places in the municipality or upon private property, and may also break up, dig and trench all passages common to adjoining owners or tenants for the purpose of laying down conduits or erecting poles therein. But such corporations shall make satisfaction or compensation to the owners or proprietors of buildings or other property for all damages by them sustained in or by the exercise of any of the powers by this section granted. 60 V. c. 45, s. 16, (504 *b*.)

By-laws, etc., for management.

572. Such corporations may from time to time make and enforce all necessary by-laws, rules and regulations for the general maintenance and management of all works, plant, machinery, conduits, materials, equipment, apparatus and appliances constructed, maintained and used for or with such telephone business and service, and of the connections therewith, and designating or limiting the amount or extent of transmitters, apparatus or other appliances to be furnished to persons desiring connection with the said telephone service, and for regulating and defining the duties of the officers and others employed in connection with such business or service, and for the imposition and collection of the rates or charges for supplying such service or for connection therewith and for the rent of fittings, machines, apparatus, transmitters or other things leased or supplied to subscribers, and for fixing such rates, charges and rents and the times and places when and

where the same shall be payable; and the corporation may allow for prepayment or punctual payment such discount as they deem expedient. 60 V. c. 45, s. 16, (504 *c.*)

Protection of corporation and officers and limitation of actions.

573. Such corporations and their officers and agents shall in such telephone business and service have the like protection in the exercise of their respective offices and in the execution of their duties as municipalities or their officers now have under the laws of this Province, and if any action is brought or claim made by way of arbitration or otherwise against such corporations or against any person or persons for anything done in pursuance of such telephone business or service or the powers given for the purposes thereof, whether tort or contract, the same shall be brought within six calendar months next after the committing of the act or the discovery of the injury or damage by the injured party or the owner of the property damaged, or in case there is a continuation of damage, then within one year after the first committing of the said act or the discovery as aforesaid. 60 V. c. 45, s. 16, (504 *d.*)

Div. XIV.—Trees, Planting, Protection and Removal of.

Encouraging planting of fruit or shade trees Sec. 574 (1),
Removal of trees growing on streets, etc. Sec. 574 (2).
Trees on boundary lines. Sec. 574 (3).
Authorizing planting and trimming of trees in certain cities. Sec. 574 (4).
Compensation to owners of trees trimmed or removed. Sec. 575.

By-laws for

574. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say:

Trees.

By the councils of townships, cities, towns and villages:—

Encouraging planting of certain trees, etc.

1. For allowing to any person who plants fruit trees or trees, shrubs or saplings, suitable for affording shade on any highway within the municipality, in abatement of statute labour, or out of the general fund, a sum of not less than twenty-five cents for every tree so planted. 55 V. c. 42, s. 489 (27). *See also Cap.* 243.

By the councils of counties, cities, townships, towns and villages:—

Trees on streets.

2. For causing any tree, shrub or sapling, growing or planted on any public place, square, highway, street, lane, alley

or other communication under its control, to be removed, if and when such removal is deemed necessary for any purpose of public improvement; but

(a) Any owner of adjoining property shall be entitled to ten days' notice of the intention of the council to remove such tree, shrub or sapling, and shall be entitled to be recompensed for his trouble in planting and protecting the same.

(b) No owner of adjoining property nor any pathmaster or other public officer, nor any other person, shall remove or cut down or injure such tree, shrub or sapling, on pretence of improving the public place, square, highway, street, road, lane, alley or other communication or otherwise, without the express permission of the municipal council having the control of the public place, square, highway, street, road, lane, alley or other communication.

(c) Any council may expend money in planting and preserving shade and ornamental trees upon any public place, square, highway, street, road, lane, alley or other communication within the municipality, and may grant sums of money to any person or association of persons to be expended for the same purposes. 55 V. c. 42, s. 479 (20).

Regulations as to trees on boundaries between private properties.

3. For regulating the planting of trees, shrubs or saplings upon or near the boundary lines between the lands of different owners or occupants, and the distance from said boundary lines at which trees, shrubs or saplings may without the consent of the owner or occupant of the adjoining land be planted. 55 V. c. 42, s. 479 (20*a*).

By the councils of cities, towns and villages having a population of 40,000 or more:—

Authorizing Park Commissioners to plant and trim trees on streets.

4. For authorizing the park commissioner, or other officer appointed by the council in that behalf, to plant trees upon the streets of the municipality and to trim all trees, the branches of which extend over the streets thereof; and no such municipality shall be liable for injury to trees occasioned thereby when reasonable care, skill, and judgment have been exercised in such trimming. 60 V. c. 45, s. 12.

[*See also for power to grant bonuses for planting of trees and regulating the planting of trees on highways, Cap.* 243, *secs.* 3 *and* 8.]

Limit of compensation to be paid to owners of adjoining lands for cut-

575. Nothing contained in *The Ontario Tree Planting Act* shall render the municipal corporation of any city, town or village, liable to compensate the owner of property adjoining any public highway in the city, town or village for the

ting or removing trees from highways. Rev. Stat. c. 243.

cutting or trimming or removal of any tree upon such highway, further than as provided by subsection 2 of section 574 of this Act, provided that such cutting, trimming or removal is done under the provisions of a by-law duly passed in accordance with the powers by this Act conferred. 59 V. c. 51, s. 36.

Div. XV.—Public Parks and Drives, Industrial Farms, Etc.

Acquiring land for parks, boulevards, drives, etc. Sec. 576 (1).
When lands so acquired are in an adjoining municipality. Sec. 576 (2).
Lands for industrial farm, walk, garden, etc. Sec. 576 (3).
Erecting buildings, etc., thereon. Sec. 576 (4).
Management thereof. Sec. 576 (5).
Power to lease. Sec. 576 (6).

By-laws for

576. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say:

By the councils of counties, cities, townships, towns and villages:—

Acquiring land for Parks, etc.

Acquiring land for parks, etc.

1. For entering upon, taking and using and acquiring so much real property as may be required for the use of the corporation, for public parks, squares, boulevards, and drives in the municipality and adjoining local municipalities, without the consent of the owners of such real property, making due compensation therefor to the persons entitled thereto, to be determined under the provisions of this Act, by arbitration, where the parties do not agree. 55 V. c. 42, s. 479 (22).

Where land expropriated is in an adjoining municipality.

2. In every case in which any municipality expropriates for such purpose lands in an adjoining municipality, the municipality so expropriating such lands shall put the same in an efficient state to be used as, and shall open the same to the general public, for the purposes of, such public parks, squares, boulevards and drives, within a reasonable time after such expropriation, and shall maintain and keep the same in an efficient state of repair; and shall provide and maintain such police protection for such public parks, squares and drives as shall be necessary for the safety of the public frequenting and using the same and the residents whose lands adjoin the lands so expropriated. 55 V. c. 42, s. 479 (23).

Industrial Farm—Exhibitions.

By the councils of cities and towns :—

3. For acquiring any estate in landed property within or without the city or town for an industrial farm, or for a public park, garden or walk, or for a place for exhibitions, and for the disposal thereof when no longer required for the purpose ; and for accepting and taking charge of landed property, within or without the city or town, dedicated for a public park, garden or walk for the use of the inhabitants of the city or town. 55 V. c. 42, s. 504 (8). Industrial farms, parks, etc.

4. For the erection thereon of buildings and fences for the purposes of the farm, park, garden, walk or place for exhibitions as the council deems necessary. 55 V. c. 42, s. 504 (9). Buildings thereon.

5. For the management of the farm, park, garden, walk or place for exhibitions and buildings. 55 V. c. 42, s. 504 (10). Managing the same.

6. For the granting of any lease or leases to any person, firm or corporation for any period not exceeding three years from the making of any such lease, of any portion of the lands so acquired, under the next preceding three clauses numbered 3, 4 and 5, but not immediately required for the purposes therein set forth. 56 V. c. 35, s. 21. Leasing property acquired for industrial farms, etc.

Division XVI.—Cemeteries.

Accepting or purchasing land for Sec. 577 (1).
Selling or leasing lots. Sec. 577 (1).
As to cemeteries in villages. Sec. 577 (1) *(b).*
Expenses of Provincial Board of Health as to. Sec. 577 (1) *(c).*
Enlargement of cemeteries. Sec. 577 (2).
In case owners of land refuse to sell. Sec. 577 (2) *(a).*
Powers of arbitrators. Sec. 577 (2) *(b).*
Award to become a title deed. Sec. 577 (2) *(c).*
Certain lands not to be compulsorily taken. 577 (2) *(d).*
Award, requisites of. Sec. 577 (2) *(e).*
Section 496 (1) *to apply to such lands. Sec.* 577 (2) *(f).*

577. By-laws may be passed by the councils of townships, cities, towns and villages :— By-laws for

Cemeteries.

1. For accepting or purchasing land for public cemeteries as well within as without the municipality, but not within any city, town or village, except as hereinafter provided, and for laying out, improving and managing the same; but no land shall be accepted or purchased for such purpose except by a by-law declaring in express terms that the land is appro- Acquiring land for cemeteries, etc. Proviso.

priated for a public cemetery, and for no other purpose; and thereupon such land, although without the municipality, shall become part thereof, and shall cease to be a part of the municipality to which it formerly belonged; and such by-law shall not be repealed; and the trustees of any burying ground or cemetery, or the cemetery company owning any burying-ground or cemetery, may agree for the sale or transfer thereof to the municipality which desires to acquire the same; and in cases where such grounds have not been used for burials, the municipality may dispose thereof, and acquire other ground instead thereof;

Selling portion of such land for certain purposes.

(a) For selling or leasing portions of such land for the purpose of interment, in family vaults or otherwise, and for declaring in the conveyance the terms on which such portion shall be held;

As to cemeteries in villages.

(b) Provided, however, that the municipal council of a village may pass a by-law for accepting or purchasing land for a public cemetery within the territorial limits of the village upon the by-law being first approved of by the Local Board of Health, and ratified by the Provincial Board of Health; and the by-law shall thereupon be as valid and effectual as if the land was situated without the municipality;

Expenses of Provincial Board of Health.

(c) All expenses incurred by the Provincial Board of Health in respect of and incidental to the by-law, and whether the by-law be ratified by the Board or not, shall be paid by the village municipality to the Secretary of the Board. 55 V. c. 42, s. 489 (11); *See also Cap.* 213.

Enlargement of Cemeteries.

For taking lands for enlarging cemeteries.

2. For the acquiring and expropriation of lands to be used for enlarging any existing public cemetery or burying-ground, but no expropriation of any land within the limits of a city shall be authorized, and as to any such enlargement in a village or town the consent of the Provincial Board of Health shall be first obtained;

Reference to arbitration.

(a) In case the owner of the land required refuses to sell the same, or refuses to take the price the council of the municipality is willing to pay, then in either of such cases the matter in dispute shall be referred to arbitration, and shall be proceeded with under the provisions of this Act respecting arbitrations as to compensation for lands taken.

Powers of arbitrators.

(b) The arbitrators shall decide whether it is necessary in the public interests that the lands should be expropriated for the aforesaid purposes or any of them,

and if so decided they shall award as to the price to be paid to the owner of said lands, but the costs shall be in the discretion of the arbitrators.

(c) If the arbitrators award that the lands shall be taken for such cemetery, or burying-ground, one copy of the award shall be deposited with the registrar of the county or city, as the case may be, in which the lands are situate, and shall be a valid title to the said lands. Registration of award.

(d) Lands used as an orchard, pleasure ground or garden, and lands within two hundred yards of any dwelling house, shall not be expropriated without the consent of the owner or owners. Certain lands not to be taken except with consent of owner.

(e) The award shall be in writing and the boundaries of the lands or premises taken shall be fully described therein. Boundaries to be described in award.

(f) All the provisions of clause 1 of section 547 and of the clause 1 of this section shall, as far applicable, apply to the lands acquired under this clause. Certain sections to apply.

55 V. c. 42, s. 489 (12).

Division XVII.—Fairs and Markets.

When by-law may be passed authorizing fairs. *Sec.* 578 (1).
Purposes for which fairs may be held. 578 (1) *(a).*
Rules and regulations governing. *Sec.* 578 (1) *(b).*
Appointment of an officer to carry these out. *Sec.* 578 (1) *(b).*
Fixing fees to be paid *Sec.* 578 (1) *(b).*
Notice of by-law to be given. *Sec.* 578 (1) *(c).*
Market fees not to be levied on certain articles. *Sec.* 579 (1),(2).
Market fees not to be levied in certain cases. *Sec.* 579 (3),(4).
By-laws requiring weighing and measuring when not to apply. *Sec.* 579 (5).
Limit of time for attendance at market. *Sec,* 579 (6).
Limit of fees which may be imposed. *Sec.* 579 (7), (8), (14).
Sales by retail, and traffic on streets, etc. *Sec.* 579 (9); *Sec.* 580 (4).
Subsection 1-9 *not to apply in certain cases.* *Sec.* 579 (10-13).
Further restriction as to fees which may be imposed. *Sec.* 579 (14). *See sec.* 579 (7), (8).
Fees not to be charged for markets on public streets. *Sec.* 579 (15).
Except in certain municipalities. *Sec.* 579 (16).
Power to regulate sales when no market fees imposed. *Sec.* 579 (17).
Inconsistent enactments to be of no effect. *Sec.* 579 (18).
Right to lease market fees. *Sec.* 579 (19).

Establishing markets. Sec. 580 (1).
Regulating existing markets. Sec. 580 (2).
Regulating buying and selling of articles or animals. Sec. 580 (3).
Preventing or regulating sales in streets. Sec. 579 (9); Sec. 580 (4).
Regulating sale of grain, meat, farm produce, etc. Sec. 580 (5).
Criers and vendors of small wares. Sec. 580 (6).
Forestalling and regrating of certain articles. Sec. 580 (7).
Hucksters, grocers, butchers and runners. Sec. 580 (8).
Measuring and weighing lime, shingles, laths and fuel. Sec. 580 (9).
Penalties for light weight and short count. Sec. 580 (10).
Seizing bread, etc., of light weight or short measure. Sec. 580 (11).
Regulating vehicles, vessels, etc., used in markets. Sec. 580 (12).
Selling butchers' meat distrained for rent of stalls. Sec. 580 (13)
Sale of fresh meat by retail. Sec. 581 (1), (2).
Weighing machines. Sec. 582 (1).

By-laws for

578. By-laws may be passed by the councils of counties cities and separated towns :—

Public Fairs.

Authorizing the holding, etc., of public fairs.

1. For authorizing, on petition of at least fifty qualified electors of the municipality, the holding of public fairs at one or more of the most public and convenient places not separated from the municipality for municipal purposes;

Purpose of such fairs restricted.

(a) The purpose for which such fairs may be held shall be restricted to the sale, barter and exchange of cattle, horses, sheep, pigs and articles of agricultural production or requirement.

Rules to be made for governing same.

(b) The by-law to authorize the establishment of any such fair shall establish rules and regulations for the government of the same, and appoint a person whose duty it shall be to have them carried out, and shall also fix the fees to be paid him by persons attending the said fair.

Public notice of by-law establishing same.

(c) The council authorizing the establishment of a public fair shall, immediately after the passing of a by-law for that purpose, give public notice of the same. 55 V. c. 42, s. 495 (10).

Markets, etc.

No market fees to be imposed on certain products.

579.—(1) No municipality shall impose, levy or collect a market fee upon any wheat, barley, rye, corn, oats, or upon any other grain or upon any hay or other seed, or wool, lumber, lath,

or shingles, or cordwood or other firewood, or upon dressed hogs, or cheese, or upon hay, straw or other fodder, that may be brought to market, or to the market place, for sale or other disposal, or upon the person bringing, or the vehicle in which the same is or shall be brought. 55 V. c. 42, s. 497 (1).

When fees may be charged on butter, etc., brought to market.

(2) No market fee shall be charged, levied, or imposed upon or in respect of butter, eggs or poultry brought to market, or upon the market place, for sale, unless a convenient and fit place in which to offer or expose the same for sale is provided by the municipality, which shall afford shelter in summer, and shelter and reasonable protection from the cold in winter. 55 V. c. 42, s. 497 (2).

Fees not to be charged on articles delivered in pursuance of prior contract.

(3) Where the vendor of any article brought within the municipality in pursuance of a prior contract for the sale thereof, proceeds directly to the place of delivery thereof, under such contract, without hawking the same upon the streets or elsewhere in the municipality, it shall not be lawful to impose, levy or collect a market fee thereon, or in respect thereof, or on the vehicle in which the same is so brought. 55 V. c. 42, s. 497 (3).

When fees not to be charged, though no prior contract.

(4) Where there is no prior contract as mentioned in the preceding subsection, no market fee shall be imposed, levied or collected upon or in respect of any article brought into any municipality after the hour of ten o'clock in the forenoon, nor on or in respect of any vehicle in which such article is so brought, unless such article is offered or exposed for sale upon the market place of the municipality. 55 V. c. 42, s. 497 (4).

Restriction as to by-laws requiring articles to be weighed or measured.

(5) No by-law shall require hay, straw or other fodder to be weighed, or wood to be measured, where neither the vendor nor purchaser desires to have the same so weighed or measured. 55 V. c. 42, s. 497 (5).

Limit of time for enforced attendance to sell goods on market.

(6) After nine o'clock in the forenoon, between the 1st day of April and the 1st day of November, and after ten o'clock in the forenoon, between the 1st day of November and the 1st day of April, no person shall be compelled to remain on any market place with any article which he may have been exposing or offering for sale in such market place, but may, after the expiration of such hour, proceed to sell such article elsewhere than in or on said market place; Provided that such person has paid the market fee on or in respect of such article, or the vehicle in which the same is contained. 55 V. c. 42, s. 497 (6).

Scale of market fees.

(7) No market fees shall be imposed by any municipality higher than those contained in the following scale:

Upon articles brought to the market place in a vehicle drawn by two horses, upon which fees may be imposed, not more than.....10 cents.

Upon articles brought to the market place in a vehicle drawn by one horse, not more than .....5 cents.

Upon articles brought to the market place by hand or in any basket or vessel, not more than ....2 cents.
Upon or in respect of live stock driven to or upon the market place for sale, as follows:
Every horse, mare, or gelding, not more than ..10 cents.
Every head of horned cattle, not more than.....5 cents.
Every sheep, calf, or swine, not more than .....2 cents.
55 V. c. 42, s. 497 (7).

Scale of fees for weighing or measuring.

(8) No fee shall be imposed or levied by any municipality for weighing or measuring greater than as follows:
For weighing a load of hay .....15 cents.
For weighing slaughtered meat, or grain, or other articles exposed for sale, under one hundred pounds..... 2 cents.
Over one hundred pounds, and up to one thousand pounds .....5 cents.
Over one thousand pounds .....10 cents.
For weighing live animals, other than sheep or pigs, per head .....3 cents.
Sheep or pigs, if more than five, per head.....1 cent.
If less than five, for the lot .....4 cents.
For measuring a load of wood .....5 cents.
55 V. c. 42, s. 497 (8).

Regulation of sale and traffic.

(9) Subject to the other provisions of this section, the municipality may regulate the sale by retail in the public streets, or on vacant lots adjacent thereto, of any of the articles herein mentioned, and may regulate traffic in the streets, and may prevent the blocking up of the same by vehicles or otherwise. 55 V. c. 42, s. 497 (9), and *see* s. 515 (4).

Preceding section not to apply where by-law in force allowing sale, except at the market, without payment of fees;

(10) The preceding nine subsections shall not apply to any municipality which passes, and so long as it keeps in force, a by-law providing that the vendors of any articles in respect of which a market fee may, under this Act, be lawfully imposed, may, without paying market fees, offer for sale and sell or otherwise dispose of any such articles, at any place within the municipality, excepting only at and upon the market place or places thereof. 55 V. c. 42, s. 498 (1).

but such by-law may impose fees on persons voluntarily using market;

(11) Such by-law may, nevertheless, provide for the imposition and collection of market fees from such vendors of articles in respect of which a market fee may now be imposed, under this Act, as voluntarily use the market place for the purpose of selling such articles. 55 V. c. 42, s. 498 (2).

and on others taking advantage of market.

(12) The by-law may also provide for the imposition upon and collection of market fees from any person who shall remain, or cause his vehicle to remain upon that part of any street immediately adjoining or surrounding or being within 100 yards of the market place, for the purpose of selling upon such street or streets such articles, so as to obtain the advantages of the said market place, but driving through or across such

portions of streets shall not of itself be deemed sufficient ground for the imposition of any fee; but this subsection shall not apply to grain, seeds, dressed hogs or wool. 55 V. c. 42, s. 498 (3).

By-law not to interfere with sales to persons carrying on business in vicinity of market.

(13) The by-law shall not prevent the sale of any such articles to any person carrying on business and having an actual and *bona fide* store, shop or other similar place of business, on those portions of the streets in the next preceding subsection mentioned; nor shall the by-law authorize the imposing or levying of any fee in respect of any article so sold, or of any vehicle in which the same is contained. 55 V. c. 42, s. 498 (4).

Restriction on fees.

(14) It shall not be lawful for any municipality passing such by-law to impose a higher tariff or greater fee upon any article or vehicle than is provided for in subsection 7 of this section. 55 V. c. 42, s. 498 (5); 60 V. c. 45, s. 15 (1).

Where municipality has sold or leased market fees.

(*a*) In any municipality which under subsection 19 of this section, has, on or before the 30th day of March, 1897, leased, assigned or sold its market fees, the preceding subsection 14 shall come into force and operation only upon the termination of the period for which such fees have been leased, assigned or sold. In all other municipalities the said subsection shall come into force and operation on the 1st day of January, 1898. 60 V. c. 45, s. 15 (2).

Fees not to be charged on markets made in streets.

(15) No market fee shall be levied, collected or imposed by any municipality in respect of any market place or market, or any portion of any such market place or market hereafter established, declared or made in, on, or out of any street or part of any street within said municipality:

Provided always that this subsection shall not apply to so much of any street as immediately adjoins and abuts upon any market square, either now or hereafter established as a market place. 55 V. c. 42, s. 498 (6).

Preceding section not to apply when no fees are charged.

(16) The preceding 6 subsections shall not apply to any municipality where no market fees were charged or imposed on the 10th day of March, 1882, but subsections 1 to 9, and 17 and 18 of this section shall apply to such municipality in the event of market fees being thereafter charged or imposed therein. 55 V. c. 42, s. 499.

Power to regulate sales when no fees are charged.

(17) Nothing in the preceding 16 subsections contained shall prevent any municipality wherein no market fees are imposed or charged from regulating the sale and the place of sale of any articles within the municipality to the same extent as it might do before the 10th day of March, 1882:

Provided always that market fees within the meaning of this subsection shall not include fees for weighing or measuring;

Provided further, that after nine o'clock in the forenoon, between the 1st day of April and the 1st day of November, and after ten o'clock in the forenoon, between the 1st day of November and the 1st day of April, no person shall be compelled to remain on, or resort to, any market place with any articles which he may have for sale, but may, after the expiration of such hour, sell or dispose of such articles elsewhere than in or on said market-places. 55 V. c. 42, s. 500.

Inconsistent enactments to be of no effect.

(18) When and so long as subsections 1 to 9 or subsections 10 to 15 of this section are in force and apply to any municipality, so much of any Act or law as may be contrary to, and as conflicts with the same, shall not be in force in or apply to such municipality. 55 V. c. 42, s. 501.

Right to lease market fees.

(19) Subject to the provisions of the last preceding 18 subsections, every municipality shall have the power to sell, assign, or lease its market fees. 55 V. c. 42, s. 502.

Market by-laws.

580. Subject to the restrictions and exceptions contained in the last preceding section, the council of every city, town and village may pass by-laws:

Establishing markets.

1. For establishing markets;

Regulating markets.

Old markets continued.

2. For regulating all markets established and to be established; the places, however, already established as markets in the municipality, shall continue to be markets, and shall retain all the privileges thereof until otherwise directed by competent authority; and all market reservations or appropriations heretofore made in any such municipality shall continue to be vested in the corporation thereof. 55 V. c. 42, s. 503 (1, 2).

Regulating sales, etc.

3. For preventing or regulating the buying and selling of articles or animals exposed for sale or marketed. 55 V. c. 42, s. 489 (51); 60 V. c. 15, *Sched.* C (85).

Regulating vending in streets, etc.

4. For preventing or regulating the sale by retail in the public streets, or vacant lots adjacent thereto, of any meat, vegetables, grain, hay, fruit, beverages, small-ware, and other articles offered for sale. 55 V. c. 42, s. 503 (3). *See also sec. 579 (9).*

Sale of grain, meat, farm produce, small-ware, etc.

5. For regulating the place and manner of selling and weighing grain, meat, vegetables, fish, hay, straw, fodder, wood, lumber, shingles, farm produce of every description, small-ware and all other articles exposed for sale, and the fees to be paid therefor. 55 V. c. 42, s. 503 (4) *part.*

Criers and vendors of smallwares.

6. For preventing criers and vendors of small-ware from practising their calling in the market place, public streets and vacant lots adjacent thereto. 55 V. c. 42, s. 503 (4) *part.*

Preventing forestalling, etc.

7. For preventing the forestalling, regrating or monopoly of market grains, wood, meats, fish, fruits, roots, vegetables, poultry and dairy products, eggs and all articles required for family use, and such as are usually sold in the market.

Provided always that farmers and other producers may sell such produce and articles at stores and shops in the municipality at any hour of the day. 55 V. c. 42, s. 503 (6); 59 V. c. 51, s. 17. Proviso.

8. For preventing and regulating the purchase of such things by hucksters, grocers, butchers or runners. 55 V. c. 42, s. 503 (7). Regulating hucksters, etc.

9. For regulating the measuring or weighing (as the case may be) of lime, shingles, laths, cordwood, coal and other fuel. 55 V. c. 42, s. 503 (8). Measuring, etc., certain articles.

10. For imposing penalties for light weight or short count or short measurement in anything marketed; 55 V. c. 42, s. 503 (9). Penalties for light weight, etc.

11. For seizing and forfeiting bread or other articles when of light weight or short measurement. 55 V. c. 42, s. 479 (21); 60 V. c. 15, *Sched.* C (83). Light weight and short measure.

12. For regulating all vehicles, vessels, and all other things in which anything is exposed for sale or marketed and for imposing a reasonable duty thereon, and establishing the mode in which it shall be paid. 55 V. c. 42, s. 503 (10). Regulating vehicles used in market vending.

13. For selling, after six hours' notice, butchers' meat distrained for rent of market stalls. 55 V. c, 42, s. 503 (11). Sale of meat, distrained.

581.—(1) Subject to the restrictions and exceptions contained in section 579, the council of every town and village, and of every city having less than 100,000 inhabitants, and the Board of Commissioners of Police in every city having 100,000 inhabitants or more, may pass by-laws Regulating sale of meat.

For granting annually, or oftener, licenses for the sale of fresh meat in quantities less than by the quarter carcass, and for regulating such sale, and fixing and regulating the places where such sale shall be allowed, and for enforcing the payment of the sums fixed by the by-laws of the council of the municipality to be paid for such licenses, and for preventing the sale of fresh meat in quantities less than by the quarter carcass, unless by a person holding a valid license and in a place authorized by the council; but nothing herein contained shall affect the powers conferred in clauses 5 and 6 of section 580.

Provided that this subsection shall not be qualified as respects shops or stalls occupied by butchers or others, for the sale of fresh meat in quantities less than by the quarter carcass within the said municipality by anything contained in clauses 1 to 9 and 17 of section 579 of this Act. 55 V. c. 42, s. 503 (5); 59 V. c. 51, s. 31; 60 V. c. 45, s. 22; c. 15, *Sched. C* (122). Proviso.

(2) Subject to the restrictions and exceptions contained in section 579, the councils of every city, town and village may pass by-laws:

For fixing the sums to be paid for licenses required under by-laws passed under the preceding subsection, not exceeding $50 in cities and $25 in towns and villages for each such license. (*Ib.*)

Weighing Machines.

By-laws for

582. The councils of townships, cities, towns and villages may pass by-laws:—

Erecting and maintaining weighing machines.

1. For erecting and maintaining weighing machines in villages or other convenient places, and charging fees for the use thereof, not being contrary to the limitations provided by subsection 8 of section 579 of this Act. 55 V. c 42, s. 489 (58).

Division XVIII.—Regulation of Trade.

Assize of bread. *Sec.* 583 (1).
Auctioneers. *Sec.* 583 (2), (3).
Bagatelle and billiard tables. *Sec.* 585 (4, 5).
Bill posters. *Sec.* 583 (6, 7).
Exhibitions of Wax-work, Menageries, Circuses, Roller-rinks, etc. *Sec.* 583 (8, 9).
Exhibitions for hire and profit—Bowling Alleys. *Sec.* 583 (10, 11).
Ferries. *Sec.* 583 (12, 13).
Hawkers, Pedlars and Petty Chapmen. *Sec.* 583 (14, 15, 16).
Intelligence Offices. *Sec.* 583 (17)-(21).
Junk shops. *Sec.* 583 (22).
Milk Dealers. *Sec.* 583 (23, 24).
Plumbers. *Sec.* 583 (25, 26).
Runners for vehicles, vessels, taverns, etc. *Sec.* 583 (27).
Tobacconists. *Sec.* 583 (28, 29).
Transient Traders. *Sec.* 583 (30)-(33).
Victualling houses. 583 (34)-(36).
Vehicles used for hire—Livery Stables, etc. *Sec.* 583 (37, 38), 584.
As to Cities of 100,000 and over. *Sec.* 585.

By-laws for

583. By-laws may be passed by the councils of the municipalities or Boards of Commissioners of Police and for the purposes in this section respectively mentioned, that is to say:

Assize of Bread.

By the councils of cities, towns and villages:—

Assize of bread.

1. For regulating the assize of bread. 55 V. c. 42, s. 503 (12). *See sec. 580 (11).*

Auctioneers.

By the councils of counties and separated towns and of cities having less than 100,000 inhabitants, and by the Boards of Commissioners of Police in cities having 100,000 inhabitants or more :—

Licensing, etc., auctioneers.

2. For licensing, regulating and governing auctioneers and other persons selling or putting up for sale goods, wares, merchandise or effects by public auction, and for prohibiting the granting of such license to any applicant who is not of good character, or whose premises are not suitable for the business or upon residential or other streets in which in the opinion of the council or board it is not desirable that the business of auctioneer should be carried on, such disqualifications to be determined by such means as the by-law provides; and for determining the time such license shall be in force; but no such by-law shall apply to or affect a bailiff offering for sale goods or chattels seized as a distress for rent; and such bailiff shall not require any license to entitle him to sell such distrained goods or chattels by public auction to satisfy such rent and the cost of seizure and sale. 55 V. c. 42, s. 495 (2) *part*; 56 V. c. 35, s. 19; 57 V. c. 50, s. 8; 59 V. c. 51, s. 31; 60 V. c. 45, s. 22; c. 15, *Sched.* C. (122); *and see sec. 585.*

By the councils of counties, cities and separated towns :—

Fees.

3. For fixing the sums to be paid for licenses required under by-laws passed under the preceding clause 2. *(Ib.)*

Bagatelle and Billiard Tables.

By the councils of townships, cities, towns and villages, and of cities having less than 100,000 inhabitants, and by the Board of Commisssoners of Police in cities having 100,000 inhabitants or more :—

Billiard and bagatelle tables.

4. For licensing, regulating and governing all persons who for hire or gain, directly or indirectly keep, or have in their possession, or on their premises any billiard or bagatelle table, or who keep or have a billiard or bagatelle table in a house or place of public entertainment or resort, whether such billiard or bagatelle table is used or not, and for determining the time during which licenses shall be in force. 55 V. c. 42, s. 489 (6); 59 V. c. 51, s. 31; 60 V. c. 45, s. 22; c. 15, *Sched.* C. (122); *and see sec. 585.*

By the councils of townships, cities, towns and villages :—

Fees.

5. For fixing the sums to be paid for licenses required under by-laws passed under the preceding clause 4. *(Ib.)*

Bill Posters.

By the councils of counties and separated towns and of cities having less than 100,000 inhabitants and by the Board of Commissioners of Police in cities having 100,000 inhabitants or more :—

Bill-posters.

6. For licensing, regulating, and governing bill posters, and for determining the time during which licenses shall be in force. 55 V. c. 42, s. 495 (2) *part* ; 59 V. c. 51, s. 31 ; 60 V. c. 45, s. 22 ; c. 15, *Sched.* C. (122) ; *and see sec. 585.*

By the councils of counties, cities and separated towns :—

Fees.

7. For fixing the sums to be paid for licenses required under by-laws passed under the preceding clause 6. *(Ib.)*

Exhibitions, Places of Amusement, etc.

By the councils of townships, towns and villages and of cities having less than 100,000 inhabitants and by the Board of Commissioners of Police in cities having 100,000 inhabitants or more :—

Regulating public shows, and licensing same.

8. For preventing or regulating and licensing exhibitions of wax work, menageries, circus-riding and other such like shows usually exhibited by showmen, and for regulating and licensing roller skating rinks and other places of like amusement ; and for imposing fines, to an amount not exceeding the amount of the license fee, on persons infringing such by-laws ; and for levying the same by distress and sale of the goods and chattels of such showman or belonging to or used in such exhibition, whether owned by such showman or not, or for the imprisonment of such offenders for any term not exceeding one month ;

Fines for infraction.

Licenses not to be granted for certain times and places.

(a) It shall not be lawful to grant licenses or license certificates to persons having exhibitions of any work or circus-riding, or other shows of a like character, or places of gambling, or to those engaged in traffic for gain in fruits, goods, wares, or merchandise of any description, on the days of the exhibition of any district or township agricultural society, either on the grounds of such society, or within the distance of 300 yards from such grounds. 55 V. c. 42, s. 489 (25) ; c. 43, s. 33 ; 59 V. c. 51, s. 31 ; 60 V. c. 45, s. 22 ; c. 15, *Sched.* C. (122) ; *See* 58 V. c. 11, ss. 2 (4,) (5), 6 (1), 46, 47, *Sched.* B. ; *and see sec. 585.*

By the councils of townships, cities, towns and villages :—

Fees.

9. For fixing the sums to be paid for licenses required under by-laws passed under clause 8 not exceeding $500 for each such license. *(Ib.)*

By the councils of townships, towns and villages and of cities having less than 100,000 inhabitants, and by the Board of Commissioners of Police in cities having 100,000 inhabitants or more:—

10. For preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling alleys and other places of amusement. 55 V. c. 42, s. 489 (26), *and see sec. 585.* Exhibitions. Bowling alleys.

By the councils of townships, cities, towns and villages:—

11. For fixing the sums to be paid for licenses required under by-laws passed under the preceding clause 10. *(Ib.)* Fees.

Ferries.

By the councils of counties, townships, separated towns and of cities having less than 100,000 inhabitants, and by the Boards of Commissioners of Police in cities having 100,000 inhabitants or more:—

12. For licensing and regulating ferries subject to the provisions of *The Act respecting Ferries.* 55 V. c. 42, s. 495 (4); s. 521 (11); *and see Cap. 139, Secs. 14 and 15.* Ferries.

By the councils of counties, townships, cities and separated towns:—

13. For fixing the sums to be paid for licenses required under by-laws passed under the preceding clause 12. *(Ib.)* Fees.

Hawkers and Pedlars.

By the councils of counties and towns, and of cities having less than 100,000 inhabitants, and by the Board of Commissioners of Police in cities having 100,000 inhabitants or more:—

14. For licensing, regulating and governing hawkers, pedlars or petty chapmen, and other persons carrying on petty trades, or who go from place to place or to other men's houses, on foot, or with any animal, bearing or drawing any goods, wares, or merchandise for sale or in or with any boat, vessel, or other craft, or otherwise carrying goods, wares, or merchandise for sale, and for determining the time during which the license shall be in force; Hawkers, petty chapmen, etc.

Provided always that no such license shall be required for hawking, peddling or selling from any vehicle or other conveyance any goods, wares or merchandise to any retail dealer, or for hawking or peddling any goods, wares or merchandise, the growth, produce or manufacture of this Province, not being liquors within the meaning of the law relating to taverns or tavern licenses, if the same are being hawked or peddled by the manufacturer or producer of the goods, wares or merchandise, or by his *bona fide* servants or employees having written authority in that behalf; and such servant or employee Proviso.

shall produce and exhibit his written authority when required so to do by any municipal or peace officer:

Proviso. And provided also that nothing herein contained shall affect the powers of any council to pass by-laws, under the provisions of sections 579 to 582 and clause 30 of this section.

Interpretation "Hawkers." *(a)* The word "hawkers" in this clause shall include all persons who, being agents for persons not resident within the county, sell or offer for sale tea, dry goods, watches, plated ware, silver ware, furniture, carpets, upholstery, millinery or jewellery, or carry and expose samples or patterns of any of such goods to be afterwards delivered within the county to any person not being a wholesale or retail dealer in such goods, wares or merchandise.

(b) The provisions of any by-law passed or enacted by any municipal council prior to the first day of October, 1885, shall not be held as extending to any persons who, by this clause are to be held as included within the meaning of the word "hawkers."

Powers of towns not separated from counties as to hawkers' and pedlars' licenses. *(c)* The council of any town not separated from a county for municipal purposes, may pass by-laws to carry into effect the purposes or objects of this clause, and may therein declare that the county by-laws passed under this clause, shall not apply to or be in force in said town while the said by-law of the town remains in force, and thereafter no such county by-law shall have effect in the said town during such time. 55 V. c. 42, s. 495 (3); c. 43, s. 36; 56 V. c. 35, s. 20; 59 V. c. 51, ss. 16, 31, *part.* 60 V. c. 45, s. 22; c. 15, *Sched.* C (122). *See sec. 585.*

By the councils of counties:—

Supplying licenses. 15. For providing at the discretion of the council, either the treasurer or clerk of the county, or the clerk of any municipality within the county with licenses required under by-laws passed under clause 14, for sale to persons applying for the same under such regulations as may be prescribed in such by-laws: *(Ib.)*

By the councils of counties, cities and towns:—

Fees. 16. For fixing the sums to be paid for licenses required under by-laws passed under clause 14, but the license fee shall not be more than $50 for a two-horse waggon, $30 for a one-horse waggon, $15 for a push-cart and $1 for one carrying a basket. *(Ib.)*

Intelligence Offices.

By the councils of counties, townships, towns, and villages, and of cities having less than 100,000 inhabitants and by the Board of Commissioners of Police in cities having 100,000 inhabitants or more:—

17. For licensing and regulating suitable persons to keep intelligence offices, for registering the names and residences of, and giving information to, or procuring servants, labourers, workmen, clerks or other employees for employers in want of the same, and for registering the names and residences of, and giving information to, or procuring employment for domestic servants and other labourers and any other class of servant, workman, clerk or person seeking employment, and for fixing the fees to be charged and recovered by the keepers of such offices; Licensing intelligence offices.

18. For the regulation of such intelligence offices; Regulation of.

19. For limiting the duration of or revoking any such license; Duration of license.

20. For prohibiting the opening or keeping of any such intelligence office within the municipality without license. 55 V. c. 42, s. 479 (24-28); 59 V. c. 51, s. 31; 60 V. c. 45, s. 22; c. 15, *Sched.* C (122); *and see sec. 585.* Prohibition if no license.

By the councils of counties, townships, cities, towns and villages:—

21. For fixing the fee (not exceeding $10 for one year) to be paid for every license required under by-laws passed under clauses 17 to 20. *(Ib.)* Fees.

Junk Shops.

By the councils of counties and separated towns:

22. For licensing and regulating junk stores or shops, and for fixing the sum to be paid for a license so to have or keep a junk store or shop. 55 V. c. 42, s. 495 (11); 60 V. c. 3, s. 3. Licensing and regulating "junk" shops.

[*As to cities see sec. 484.*]

Milk Dealers.

By the councils of townships, towns and villages, and of cities having less than 100,000 inhabitants and by the Board of Commissioners of Police in cities having 100,000 inhabitants or more:—

23. For licensing and regulating milk vendors; 55 V. c 42, s. 489 (54); 59 V. c. 51, s. 31; 60 V. c. 45, s. 22; c. 15, *Sched.* C. (122); *and see sec. 585.* Licensing milk dealers.

By the councils of counties, townships, cities, towns and villages:—

24. For fixing the fee (not to exceed $1 for one year) to be paid for every license required under by-laws passed under the preceding clause 23. *(Ib.)* Fees.

[*As to frauds in sale of milk, see Cap. 252.*]

Plumbers.

By the councils of townships, towns and villages, and of cities having less than 100,000 inhabitants, and by the Board of Commissioners of Police in cities having 100,000 inhabitants or more :—

Licensing plumbers.

25. For licensing and regulating plumbers; 55 V. c. 42, s. 493 (1); 60 V. c. 45, s. 22; c. 15, *Sched.* C (86), (122).

By the councils of townships, cities, towns and villages :—

Fees.

26. For fixing the sums to be paid for licenses required under by-laws passed under the preceding clause 25. (*Ib.*)

Runners.

By the councils of cities, towns and villages :

Importuning travellers.

27. For preventing persons in streets or public places from importuning others to travel in or employ any vessel or vehicle, or go to any tavern or boarding house, or for regulating persons so employed ; 55 V. c. 42, s. 496 (6).

Tobacconists.

By the councils of towns and villages, and of cities having less than 100,000 inhabitants, and by the Board of Commissioners of Police in cities having 100,000 inhabitants or more:—

Regulating sale of tobacco.

Rev. Stat. c. 245.

28. For licensing and regulating the owners and keepers of stores and shops other than taverns and shops holding licenses under *The Liquor License Act* where tobacco, cigars or cigarettes are sold by retail. 55 V. c. 42, s. 496 (41); 59 V. c. 51, s. 31 ; 60 V. c. 45, s. 22; c. 15, *Sched.* C (122); *and see sec. 585.*

By the councils of cities, towns and villages :—

Fees.

29. For fixing the sums to be paid for licenses required under by-laws passed under the preceding clause 28. (*Ib.*)

Transient Traders.

By the councils of townships, towns and villages, and of cities having less than 100,000 inhabitants, and by the Board of Commissioners of Police in cities having 100,000 inhabitants or more :—

Regulating transient traders.

30. For licensing, regulating and governing transient traders and other persons who occupy premises in the city town, village, or township, for temporary periods, and whose names have not been duly entered on the assessment roll of the municipality in respect of income or personal property for the then current year ; and who may offer goods or merchandise

of any description for sale by auction, or in any other manner conducted by themselves or by a licensed auctioneer or otherwise.

(*a*) No such by-law shall affect, apply to, or restrict the sale of the stock of an insolvent estate which is being sold or disposed of within the county in which the insolvent carried on business therewith at the time of the issue of an attachment or of the execution of an assignment. 55 V. c. 42, s. 489 (9); 59 V. c. 51, s. 31; 60 V. c. 45, s. 22; c. 15, *Sched.* C (122); *and see sec. 585.*

Licensing transient traders.

31. For requiring all transient traders who occupy premises in the municipality, and are not entered upon the assessment roll or who may be entered for the first time upon the assessment roll of such municipality, in respect of income or personal property, and who may offer goods or merchandise of any description for sale by auction, or in any other manner, conducted by themselves or by a licensed auctioneer, or by their agent or otherwise, to pay a license fee before commencing to trade.

(*a*) No such by-law shall affect, apply to, or restrict the sale of the stock of an insolvent estate which is being sold or disposed of within the local municipality in which the insolvent carried on business therewith, at the time of the issue of an attachment or of the execution of an assignment. 55 V. c. 42, s. 489 (9*a*); c. 43, s. 31; 56 V. c. 35, s. 16; 57 V. c. 50, s. 7; 58 V. c. 42, s. 21; 59 V. c. 51, s. 31; 60 V. c. 45, s. 22; c. 15 *Sched.* C (122), *and see sec. 585.*

Meaning of words "transient traders."

(*b*) The words "transient traders" wherever they occur in clauses 30 and 31 of this section, shall extend to and include any person commencing in the municipality the business in the said clauses mentioned, who has not resided continuously in such municipality for a period of at least three months next preceding the time of the commencement by him of such business therein. 58 V. c. 42, s. 22.

By the councils of townships, cities, towns and villages:—

Fees.

32. For fixing the sums to be paid for licenses required under by-laws passed under the preceding clause 30. (*Ib.*)

Fees.

33. For fixing the sums to be paid for licenses required under by-laws passed under the preceding clause 31, not exceeding in cities and towns $250 and in other municipalities $100 for each license; and for providing that the sum so paid for a license shall be credited to the trader paying the same upon and on account

of taxes for the unexpired portion of the then current year, as well as any subsequent taxes, should such trader remain in the municipality a sufficient time for taxes to become due and payable by him, and in any other event to be taken and used by the municipality as a portion of the license fund of such municipality;

Provided, nevertheless, that the license fee imposed by any by-law of any village situate within any territorial district may be a sum not exceeding $200. (*Ib.*)

Victualling Houses, etc.

By the councils of townships, towns and villages, and of cities having less than 100,000 inhabitants, and by the Board of Commissioners of Police in cities having 100,000 inhabitants or more :—

Victualling houses, etc., number and regulation of.

34. For limiting the number of and regulating victualling houses, ordinaries, and houses where fruit, oysters, clams or victuals are sold to be eaten therein, and all other places for lodging, reception, refreshment or entertainment of the public;

Licensing same.

35. For licensing the same where no other provision exists therefor. 55 V. c. 42, s. 489 (7-8); 59 V. c. 51, s. 31; 60 V. c. 45, s. 22; c. 15 *Sched.* C (122), *and see sec.* 585.

By the councils of townships, cities, towns and villages :—

Fees.

36. For fixing the sums to be paid for licenses required under by-laws passed under the preceding clause 35, not exceeding $20 for each license. (*Ib.*)

Vehicles used for Hire—Livery Stables.

By the councils of towns and villages.

By-laws for regulating teamsters, etc.

37. For regulating and licensing teamsters, carters and draymen, and regulating the charges for the conveyance of goods or for other services. 55 V. c. 42, s. 510*a*; 60 V. c. 15, *Sched.* C (89).

Regulating and licensing livery stables, cabs, etc.

38. For regulating and licensing the owners of livery stables, and of horses, cabs, carriages, omnibuses and other vehicles for hire; for establishing the rates of fares to be taken by the owners or drivers, and for enforcing payment thereof, and for defining localities or districts within the limits of which no livery or boarding stable shall thereafter be established. 55 V. c. 42, s. 510.

[*As to the regulating, etc., of livery stables and vehicles in cities, see sec. 484.*]

Regulating and licensing, livery stables etc.

584. The council of every county, having county gravel or macadamized roads within its jurisdiction, and under its immediate control, which are being kept up and repaired by

municipal taxation, and upon which no toll is collected, shall have power to pass by-laws,

(*a*) For regulating and licensing the owners of livery stables and of horses, cabs, carriages, omnibuses, and all other vehicles used or kept for hire;

(*b*) For issuing and regulating teamsters' licenses;

(*c*) For enforcing the payment of the fees for such licenses;

(*d*) For establishing and regulating the rates of fare that may be collected or taken by the owners or drivers of such vehicles for the conveyance of goods or passengers and; Rates of Fare.

(*e*) For regulating and enforcing the width of tire that may be used on such vehicles, when travelling on the aforesaid county gravel or macadamized roads. 55 V. c. 42, s. 512. Tires.

585. In cities having a population of 100,000 or more, the Board of Commissioners of Police shall have full power to license, regulate and govern each person engaged in any of the businesses or employments in respect to which the Board has power under this Act to pass by-laws whether the full power to license, regulate and govern was prior to April 7th, 1896, possessed by the councils of such cities or not; but the council of every such city shall subject to the limitations contained in this Act have the power, by by-law, to fix the fees to be paid for licenses required under the by-laws of the Boards of Commissioners of Police passed under sections 581 and 583 of this Act; and any moneys derived from such licenses shall be handed over by such Board to the treasurer of the city to form part of the revenue thereof. 59 V. c. 51, s. 31; 60 V. c. 15, *Sched.* C (122); c. 45, s. 22. *See also sec.* 329. Transferring licensing powers from council to police commissioners.

Division XIX.—Nuisances.

Nuisances generally. *Sec.* 586, (1), (2).
Gas works, tanneries, distilleries. *Sec.* 586, (3).
Slaughter houses. *Sec.* 586, (3), (4).
Tanneries, rag, bone or junk shops. *Sec.* 586, (5).
Smoke from manufactories. *Sec.* 586, (6).
Cows, goats, pigs, etc. *Sec.* 586, (7).
Noises and disturbances of the peace. *Sec.* 586, (8), (9).
Beggars. *Sec.* 586 (10).

586. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say: By-laws respecting

Nuisances.

By the councils of townships, cities, towns and villages.

Nuisances.

1. For preventing and abating public nuisances. 55 V. c. 42, s. 489 (41).

2. For regulating manufactures or trades which may prove to be nuisances. 55 V. c. 42, s. 489 (44); 521 (14) *part*; 60 V. c. 15, *Sched.* C. (84), (90).

Slaughter houses, gas-works, distilleries, etc.

3. For preventing and regulating the erection or continuance of slaughter houses, gas works, tanneries, or distilleries or other manufactories or trades which may prove to be nuisances. 55 V. c. 42, s. 489 (44).

Slaughter houses.

4. For establishing public slaughter houses and for preventing, regulating and inspecting the erection or continuance of slaughter houses, and for prohibiting the slaughter of animals intended for food except in slaughter houses designated in the by-law. In towns, villages and townships this clause shall not apply to the slaughter of animals which are so slaughtered for the use of the person killing the same and of his family. 55 V. c. 42, s. 521 (14), *part*; 56 V. c. 35, s. 18.

[*As to Slaughter-houses, see also Cap. 250.*]

By the councils of counties, cities and separated towns:—

Defining districts within which certain trades may not be carried on.

5. For defining the areas within which tanneries hereafter erected, rag, bone, or junk shops, or other industries of a noxious or unhealthy character may not be carried on within the municipality. 55 V. c. 42, s. 495 (12).

By the councils of cities, towns and villages:—

Regulating construction, etc., of chimneys.

6. For compelling manufacturers and others to have such chimneys or other apparatus as shall consume the smoke or prevent the same from fouling the atmosphere or being carried by the wind or otherwise to other shops, houses, or premises, to the inconvenience or injury of the neighbouring premises or residents therein. 55 V. c. 42, s. 496 (16), *part*.

By the councils of townships, cities, towns and villages:—

Limits in which animals may be kept.

7. For preventing or regulating the keeping of cows, goats, pigs and other animals, and defining limits within which same may be kept. 55 V. c. 42, s. 489 (45).

Ringing of bells, etc.

8. For regulating or preventing the ringing of bells, blowing of horns, shouting and other unusual noises, or noises calculated to disturb the inhabitants. 55 V. c. 42 s. 489 (46).

Disturbances of the peace.

9. For preventing or regulating the firing of guns or other firearms; and the firing or setting off of fireballs, squibs, crackers or fireworks, and for preventing charivaries and other like disturbances of the peace. 55 V. c. 42, s. 489 (46*a*); c. 43, s. 35.

Beggars.

By the councils of cities, towns and villages:—

10. For preventing common begging or persons in the streets from importuning others for help or aid in money, or deformed, or malformed, or diseased persons, from exposing themselves, or being exposed in the public streets to excite sympathy or induce help or assistance from general or public charity. 55 V. c. 42, s. 496 (2). Prevention of begging, etc.

Division XX.—Education

Public schools. *Sec.* 587 (1).
High schools—High school trustees. *Sec.* 587 (2).
Aid to High Schools and Collegiate Institutes. *Sec.* 587 (3), (4).
Aid to U. C. College and Toronto University. *Sec.* 587 (5).
Supporting pupils thereat. *Sec.* 587 (6).
Supporting Pupils at High Schools. *Sec.* 587 (7).
Endowing fellowships, scholarships etc. at U. C. C. and Toronto University. *Sec.* 587 (8).
Aiding Toronto University. *Sec.* 587 (9).
Schools for Artisans. *Sec.* 587 (10), (11).
Art Schools. *Sec.* 587 (12).
See as to Technical and Mining Schools, Cap. 301 and Cap. 304.

587. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say: By-laws for

Schools.

By the councils of townships, cities, towns and villages:—

1. For obtaining such real property as may be required for the erection of public school houses thereon, and for other public school purposes, and for the disposal thereof when no longer required; and for providing for the establishment and support of public schools according to law. 55 V. c. 42, s. 489, (10). Acquiring land for public schools, etc.

High Schools.—High School Trustees.

By the councils of counties, cities and separated towns:—

2. For establishing high schools and appointing high school trustees, subject to *The High Schools Act*, and for obtaining in such part of the county, or of any city or separated town within the county, as the wants of the people may most require, the real property requisite for erecting high school houses thereon, and for other high school purposes, and Establishing High Schools, etc. Rev. Stat. c. 293.

for preserving, improving and repairing such school houses, and for disposing of such property when no longer required. 55 V. c. 42, s. 495 (5); c. 43, s. 37.

Aiding High Schools.

Aiding High Schools.

3. For making provisions in aid of such high schools as may be deemed expedient.

Proviso.

Rev. Stat. c. 293.

(*a*) Provided that notwithstanding anything contained in this Act or in *The High Schools Act*, the county council of any union of counties may pass a by-law for the purpose of apportioning the amount to be levied for high school purposes, so that each county forming the union shall be liable only for the maintenance of the high schools situated within the county. 55 V. c. 42, s. 495 (6); c. 43, s. 38.

Grants to High Schools and Collegiate Institutes.

By the councils of townships, towns and villages:—

4. For making grants in aid of any high school or collegiate institute, or to build, preserve, enlarge or improve any high school or collegiate institute in any adjacent or other municipality. 55 V. c. 42, s. 509 (2).

Grants to University of Toronto and U. C. College.

By the councils of counties, cities and towns:—

Grants to Toronto University and U. C. College.

5. For making grants in aid of the University of Toronto or Upper Canada College: and the municipal council of the city of Toronto may so grant to the said College water from the city water works, with or without any charge therefor. 60 V. c. 45, s. 55.

Supporting Pupils at High Schools, Toronto University and Upper Canada College.

Supporting certain High School pupils at University of Toronto and U.C. College, etc.

6. For making a permanent provision for defraying the expenses of the attendance at the University of Toronto, and at Upper Canada College, of such of the pupils of the public high schools of the municipality or county as are unable to incur the expense, but are desirous of, and in the opinion of the respective masters of such high schools, possess competent attainments for competing for any scholarship, exhibition or other similar prize offered by such University or College. 55 V. c. 42, s. 495 (7); 60 V. c. 45, s. 54.

Similar provision for attendance at High Schools.

7. For making similar provision for the attendance at any high school, for like purposes, of pupils of public schools of the municipality. 55 V. c. 42, s. 495 (8).

Endowing Fellowships.

Endowing fellowships, etc., in University of Toronto and U.C. College.

8. For endowing such fellowships, scholarships or exhibitions, and other similar prizes, in the University of Toronto, and in Upper Canada College, for competition among the pupils of the public high schools in the municipality or county, as the council deem expedient for the encouragement of learning amongst the youth thereof. 55 V.c. 42, s. 495 (9); 60 V. c. 45, s. 54.

By the councils of cities having 100,000 inhabitants or more :—

Municipal aid to University of Toronto.

9. For granting aid to the University of Toronto and for creating a debt therefor, and for the issue of debentures for the amount of such debt; and no such by-law shall require the assent of the ratepayers of the municipality before the final passing thereof, unless the amount exceeds $500. 55 V. c. 42, s. 520*b*.

Schools for Artisans. Art Schools.

By the councils of counties, cities and separated towns :—

Establishment of schools for artisans.

10. For establishing schools for the training and education of artisans, mechanics and workingmen in such subjects as may promote a knowledge of mechanical and manufacturing arts, and for acquiring such real property as may be requisite for such schools; and for erecting and maintaining suitable buildings thereon; and for improving and repairing such school buildings, and for disposing of such property when no longer required.

(a) The councils of any municipalities establishing such schools may appoint boards of trustees or managers to conduct the schools, giving them such authority or power for the management of the same, as the councils may deem expedient 55 V. c. 42, s. 495 (13).

Aid to such schools.

11. For making grants in aid of such schools as may be deemed expedient. 55 V. c. 42, s. 495 (14).

12. For granting such aid to art schools, approved by the Education Department, as they may deem expedient. 58 V. c. 42, s. 25.

[*As to Technical Schools, See Cap. 301.*]

[*As to the Schools of Mining, See Cap. 303.*]

Division XXI.—Charities.

Indigent persons. *Sec.* 588 (1).
Institutions or out-of-door relief. *Sec.* 588 (2).
Almshouses, etc. *Sec.* 588 (3).
Support of destitute insane persons. *Sec.* 589.
Victorian Order of Nurses. *Sec.* 590.

By-laws for

588. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say:

Aiding Indigent Persons.

By the councils of counties, townships, cities, towns and villages:—

Aiding indigent persons and charities.

1. For aiding in maintaining any indigent person belonging to or found in the municipality, at any work-house, hospital or institution for the insane, deaf and dumb or blind, or other public institution of a like character:

Power to take security for grants made to individuals for charitable purposes.

(a) Where a municipal corporation advances money by way of charity or relief to a person who, although in destitute circumstances is the owner of or interested in any land the retention whereof is necessary for a dwelling for the person receiving such relief, it shall be lawful for the corporation to take a conveyance of or security on such land to cover the amount of such charity or relief, and on the death of the person in receipt of such charity or relief, or the surrender of said land by such person to the corporation, the corporation may sell or dispose of said land and apply the proceeds in payment of the amount so expended in charity or relief with interest thereon at six per cent. per annum, together with the costs of realizing on said land. The balance of such proceeds, if any, shall go to the next of kin or devisee of such person. 55 V. c. 42, s. 479 (12) *part*; 56 V. c. 35, s. 13.

Charitable Institutions, etc.

2. For granting aid to any charitable institution or out-of-door relief to the resident poor. 55 V. c. 42, s. 479 (12) *part.*

Almshouses—Charities.

By the councils of cities and towns:—

Almshouses, etc.

3. For establishing and regulating within the city or town, or on the industrial farm or ground held for public

exhibitions, one or more almshouses or houses of refuge for the relief of the destitute, and also for aiding charitable institutions within the city or town. 55 V. c. 42, s. 504 (11). *See sec. 527.*

Support of Destitute Insane Persons.

589. The county council of each county shall, from time to time, make provision for the whole or partial support either in the county gaol or some other place within the county, of such insane destitute persons as cannot properly be admitted to the Provincial Asylums, and shall determine the sum to be paid for such support, and also the parties to whom such sums shall be paid by the County Treasurer. 55 V. c. 42, s. 520.

County Council to make provision for the destitute insane.

The Victorian Order of Nurses.

590. The council of any municipality may assist the Victorian Order of Nurses by a grant of money to the Order. 60 V. c. 45, s. 25.

Power to grant aid to Victorian Order of Nurses.

Division XXII.—Aids, Bonuses, Loans and Bounties.

(And see Titles IV., V. and VI. of this Part.)

Agricultural or horticultural societies. Sec. 591 (1).
Bands of music. Sec. 591 (2).
Bathing houses. Sec. 591 (3).
Free libraries. Sec. 591 (4).
Gas and water companies. Sec. 591 (5).
Harbours, wharfs and beacons. Sec. 591 (6).
Rifle associations—Militia. Sec. 591 (7).
Road, bridge and harbour companies. Sec. 591 (8).
Superannuation and benefit funds. Sec. 591 (9), (10).

591. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say:

By-laws for

By the councils of counties, townships, cities, towns and villages:—

1. For granting or loaning money or granting land in aid of the Agriculture and Arts Association or of agricultural or horticultural societies as authorized by *The Agriculture and Arts Act.* 55 V. c. 42, s. 479 (9), *part.*

Aid from municipal councils to agricultural assiocations. Rev. Stat. c. 43, s. 45.

Bands of Music.

2. For aiding in the establishment or maintenance of a band of music. 55 V. c. 42, s. 479 (9*b*).

Bands of music.

Bathing Houses.

Public bathing houses.

3. For granting money to aid and assist in the construction of public bathing houses within the municipality, for borrowing money for such purposes, and for issuing debentures to secure the re-payment thereof. 55 V. c. 42, s. 479 (29).

Free Libraries.

Free libraries. Rev. Stat. c. 232. R. S. O. 1887, c. 173.

4. For granting money or land in aid of any free library established under *The Public Libraries Act* or *The Act respecting Mechanics' Institutes and Art Schools* within the municipality or within any adjoining municipality. 55 V. c. 42, s. 479 (9) *part.*

Gas and Water Companies.

By the councils of townships, cities, towns and villages:—

Taking stock in gas and water companies.

Proviso.

5. For acquiring stock in, or lending money to, any incorporated gas or water company; and for guaranteeing the payment of money borrowed by, or of debentures issued for money so borrowed by the company; provided the by-law is assented to by the electors, as hereinbefore provided.

Head of corporation to be a director in certain cases.

(a) In such case the head of any corporation holding stock in such company to the amount of $10,000 shall be, *ex officio*, a director of the company in addition to the other directors thereof, and shall also be entitled to vote on such stock at any election of directors. 55 V. c. 42, s. 489 (31).

Harbours, Wharfs, Beacons, etc.

Granting aid by way of bonus to harbours, etc.

6. For granting aid by way of bonus, for or towards the construction of harbours, wharfs, docks, slips, and necessary beacons on any river, lake, or navigable water passing in, through, or forming any part of the boundary of a county, whether such bonus be given by such county or by a city, town, township, or village situate therein and to pay such bonus either in one sum, or in annual or other periodical payments with or without interest, and subject to such terms, conditions and restrictions as the council may deem expedient;

Assent of electors necessary.

(a) No such by-law shall be passed until the assent of the electors has been obtained in conformity with the provisions of this Act in respect of by-laws for creating debts;

Security may be taken.

(b) Any municipality granting such aid may take and receive of and from the person or body corporate, receiving any such aid, security for the compliance with the terms and conditions upon which such aid is given. 55 V. c. 42, s. 479 (8).

Rifle Associations—Militia.

By the councils of counties, townships, cities, towns and villages:—

Aid to rifle associations and militia.

7. For aiding any regularly organized rifle association; or for adding to the sum paid during the period of annual or other authorized drill, or when on active service, to any enlisted member or members of any corps of Active Militia organized within such municipality; or for the purpose of military outfit or equipment of the members of such corps. 55 V. c. 42, s. 479 (9*a*).

Road, Bridge and Harbour Companies.

Aid for roads, bridges and harbours.

8. For taking stock in or lending money, or granting bonuses to any incorporated company, in respect of any road, bridge or harbour, within or near the municipality, under and subject to the respective statutes in that behalf, or for granting aid by way of bonus to any incorporated road or bridge company;

Assent of electors necessary.

(*a*) No such by-law granting such aid by way of bonus shall be passed until the assent of the electors has been obtained in conformity with the provisions of this Act in respect of by-laws for creating debts. 55 V. c. 42, s. 479 (11).

Superannuation and Benefit Funds.

By the councils of cities and towns:—

Superannuation and benefit funds for fire and police force.

9. For aiding and assisting by annual money grant or otherwise, as the council may deem expedient, the establishment and maintenance of superannuation and benefit funds for the benefit of the members of the police force and fire brigades, and of their families respectively, where police forces and fire brigades are established. 55 V. c. 42, s. 504 (7).

Aiding benefit funds for corporation employees.

10. For aiding and assisting by annual money grant, or otherwise, as the council may deem expedient, the establishment and maintenance of official benefit funds for employees of the corporation (other than employees of the police force and fire brigades hereinbefore provided for) and their families. 58 V. c. 42, s. 27.

Division XXIII.—Bounties, Medals and Rewards.

Bounties for destruction of foxes, etc. Sec. 592 (1).
Medals and rewards for firemen, etc. Sec. 592 (2).
Crimes, discovery of. Sec. 593.
Personation. Sec. 594.
Horse thieves. Sec. 595.

By-laws for

592. By-laws may be passed by the councils of the municipalities and for the purposes in this section respectively mentioned, that is to say :

Destruction of Foxes and other Wild animals.

By the councils of counties, townships, cities, towns and villages :—

Bounties for destruction of foxes, etc.

1. For giving and paying bounties not exceeding $5 per head for the destruction of foxes and other wild animals which kill or destroy poultry. 56 V. c. 35, s. 14.

By the councils of cities, towns and villages :—

Rewards to firemen and persons distinguishing themselves at fires.

2. For providing medals or rewards for persons who distinguish themselves at fires; and for granting gratuities to the members of the fire brigade who may have become incapacitated for service on account of injuries or ill-health caused by accident or exposure at fires, or from old age or inability to perform their duties, and for granting pecuniary aid or other assistance to the widows of persons who may be killed while in the discharge of their duties by accident at fires, or who may die from injuries received or from sickness contracted while in the service of the corporation as firemen. 56 V. c. 35, s. 22.

Discovery of Crimes.

Rewards for apprehension of criminals.

593. The council of any municipality in which a flagrant crime is believed to have been committed, may offer and pay a reward for the discovery, apprehension, or conviction of the criminal, or of any person who is suspected to be the criminal. 55 V. c. 42, s. 481.

Rewards for detection of personators.

594. The council of any municipality may offer and pay a reward or rewards for the discovery, apprehension and conviction of any person or persons guilty of personation, as in this Act defined. 59 V. c. 51, s. 12.

Horse Thieves.

Reward for apprehension of persons guilty of horse stealing.

595. The council of every county and city shall provide by by-law, that a sum not less than $20 shall be payable as a reward to any person or persons who shall pursue and appre-

hend, or cause to be apprehended, any person or persons guilty of stealing any horse or mare within the said county or city, and such reward will be paid out of the funds of the corporation on the conviction of the thief, on the order of the Judge before whom the conviction is obtained. 55 V. c. 42, s. 494.

Division XXIV.—Entertaining Guests, Travelling Expenses, Diffusing Information, Etc.

Reception and entertainment of Guests. Sec. 596.
Travelling expenses on corporation business. Sec. 596.
Diffusing information. Sec. 597.

Annual appropriation for travelling and other expenses.

596. The council of any city may include in the annual estimates a sum to be expended in the reception and entertainment of distinguished guests, and any travelling expenses necessarily incurred in and about the business of the corporation, which sum shall, in the case of cities having a population of 100,000 or over, be not more than $5,000; in the case of other cities having a population of 20,000 or over, not more than $1,000, and in the case of other cities, not more than $500 in any year. 55 V. c. 42, s. 520*a*.

Appropriation for giving information.

597. The council of every city and of every town having a population of 5,000 or over may include in the annual estimates a sum not exceeding $500, to be expended in diffusing information respecting the advantages of such city or town as a manufacturing, business, educational or residential centre, or as a desirable place in which to spend the summer months. The councils of other municipalities may provide for the expenditure for the like purpose of a sum not exceeding $100. 60 V. c. 45, s. 17.

TITLE II.—POWERS AND DUTIES OF COUNCILS AS TO HIGHWAYS AND BRIDGES.

Div. I.—General Provisions.
Div. II.—Counties, Townships, Cities, Towns and Villages.
Div. III.—Townships, Cities, Towns and Villages.
Div. IV.—County and Township Councils.
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DIVISION I.—GENERAL PROVISIONS.

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Highways Defined.

What shall constitute public highways.

598. All allowances made for roads by the Crown surveyors in any town, township or place already laid out or hereafter laid out; and also all roads laid out by virtue of any statute, or any roads whereon the public money has been expended for opening the same, or whereon the statute labour has been usually performed, or any roads passing through the Indian lands, shall be deemed common and public highways, unless where such roads have been already altered, or may hereafter be altered according to law. 55 V. c. 42, s. 524. *See also Cap. 181, secs. 20, 21, 39* (1).

Freehold in the Crown.

Certain highways, road allowances, etc., vested in the Crown.

599. Unless otherwise provided for, the soil and freehold of every highway or road altered, amended or laid out according to law, and every road allowance reserved under original survey along the bank of any stream or the shore of any lake or other water, shall be vested in Her Majesty, Her Heirs and Successors. 55 V. c. 42, s. 525; 59 V. c. 51, s. 19.

Jurisdiction of Municipal Councils.

Jurisdiction of councils over roads, etc.

600. Subject to the exceptions and provisions hereinafter contained, the municipal council of every municipality shall have jurisdiction over the original allowances for roads and highways and bridges within the municipality. 55 V. c. 42, s. 526.

Possession in Municipalities.

Streets in cities, townships, towns and villages vested in municipalities subject to certain rights.

601. Every public road, street, bridge or other highway, in a city, township, town or village,—except any concession or other road therein, which has been taken and held possession of by any person in lieu of a street, road or highway laid out by him without compensation therefor,—shall be vested in the municipality, subject to any rights in the soil reserved by the person who laid out such road, street, bridge or highway. 55 V. c. 42, s. 527.

No Dower in Lands Dedicated for Highways.

Lands dedicated for streets not subject to dower.

602. Lands dedicated by any owner thereof for a street or public highway shall not be subject to any claim for dower by the wife of any person by whom the same was dedicated. 55 V. c. 42, s. 527*a*.

Acquiring Roads for Public Avenues.

Acquiring roads and lands for public avenue or walk.

603. The council of every city and town may respectively pass by-laws,

1. For acquiring and assuming possession and control, for a public avenue or walk, of any public highway or road in an adjacent municipality by and with the consent of such municipality, the same being signified by a by-law passed for that purpose; and

2. (Subject to the provisions of sections 437 and 438 of this Act) for acquiring from the owners of the land adjacent to such highway or road, so much land as may be required on either side of such highway or road to increase the width thereof to the extent of 100 feet or less. 55 V. c. 42, s. 528.

Assumption of County Bridges by Villages.

Assumption by villages of bridges under control of county.

604. The councils of every county and village may pass by-laws for carrying out any arrangement between them for the assumption, by the village, of any bridge within its limits, under the jurisdiction of the county council, and for such bridge being toll free; and for the payment by the village to the county of any part of the cost of the construction of such bridge;

(*a*) After the passing of such by-laws the bridge shall be, and remain, under the exclusive jurisdiction of the village; and the village shall be subject to all the liabilities in the premises, which but for the transfer would have devolved on the county; and the bridge shall be and remain toll free. 55 V. c. 42, s. 529.

Approaches to Bridges.

Approaches to bridges.

605. The approaches for 100 feet to and next adjoining each end of all bridges belonging to, assumed by, or under the jurisdiction of any municipality or municipalities, shall be kept up and maintained by such municipality or municipalities: the remaining portions of such approaches shall be kept up and maintained by the local municipalities in which they are situate. 55 V. c. 42, s. 530.

Liability to Repair Highways and Bridges.

Liability for repair of public roads, etc.

Limitation of actions.

606.—(1) Every public road, street, bridge and highway shall be kept in repair by the corporation, and on default of the corporation so to keep in repair, the corporation, besides being subject to any punishment provided by law, shall be civilly responsible for all damages sustained by any person by reason of such default, but the action must be brought within three months after the damages have been sustained;

Snow or ice on sidewalks.

(2) No municipal corporation shall be liable for accidents arising from persons falling, owing to snow or ice upon the sidewalks unless in case of gross negligence by the corporation;

Notice of action.

(3) No action shall be brought to enforce a claim for damages under this section unless notice in writing of the accident and the cause thereof has been served upon or mailed through the post office to the mayor, reeve, or other head of the corporation, or to the clerk of the municipality within thirty days after the happening of the accident where the action is against a township, and within seven days where the action is against a city, town or village;

Provided that in case of the death of the person injured the want of notice shall be no bar to the maintenance of the action. 55 V. c. 42, s. 531 (1); 57 V. c. 50, s. 13; 59 V. c. 51, s. 20; 60 V. c. 3, s. 3. When dispensed with.

607. The last preceding section shall not apply to any road, street, bridge or highway laid out by any private person, and the corporation shall not be liable to keep in repair any such last mentioned road, street, bridge or highway, until established by by-law of the corporation, or otherwise assumed for public user by such corporation. 55 V. c. 42, s. 531 (2). To what roads applicable.

Repair of Crossings, Sewers, Sidewalks, etc., on Toll Roads.

608. The corporation shall, in the absence of an agreement to the contrary, keep in repair all crossings, sewers, culverts and approaches, grades, sidewalks and other works made or done by the council of any municipality, or by any person with the permission of the said council, upon any toll road in or through the said municipality, and on default so to keep in repair shall be responsible for all damages sustained by any person by reason of such default, but the action must be brought within three months after the damages have been sustained. 55 V. c. 42, s. 531 (3). Repair of crossings, etc., made by leave of municipality on toll roads.

Remedy over, in Case of Action.

609.—(1) In case an action is brought against a municipal corporation to recover damages sustained by reason of any obstruction, excavation or opening in or near to a public highway, street or bridge placed, made, left or maintained by another corporation or by any person other than a servant or agent of the municipal corporation, or to recover damages sustained by reason of any negligent or wrongful act or omission of any other corporation or of any person other than a servant or agent of the municipal corporation, the last mentioned corporation shall have a remedy over against the other corporation or person for, and may enforce payment accordingly of the damages and costs, if any, which the plaintiff in the action may recover against the municipal corporation. 55 V. c. 42, s. 531 (4); 60 V. c. 45, s. 18. Remedy in case of damages for injury caused by parties other than the corporation sued.

(2) The municipal corporation shall be entitled to such remedy over in the same action, if the other corporation or person is made a party to the action, and if it is established in the action as against the other corporation or person, that the damages were sustained by reason of an obstruction, excavation or opening as aforesaid, placed, made, left or maintained by the other corporation or person; and the municipal corporation may in such action have the other corporation or person added as a party defendant or third party for the purposes hereof (if not already a defendant in the Remedy over, for damages caused by non-repair of road against persons causing same.

action jointly with the municipal corporation); and the other corporation or person may defend such action as well against the plaintiff's claim as against the claim of the municipal corporation to a remedy over, and the Court or Judge upon the trial of the action may order costs to be paid by or to any of the parties thereto, or in respect of any claim set up therein as in other cases. 55 V. c. 42, s. 531 (5).

Where person causing damage has not been made a party.

(3) If such other corporation or person be not a party defendant to such action, or be not added as a party defendant or third party, or if the municipal corporation has paid the claim for such damages before any action is brought to recover the same, or before any recovery of damages or costs against the municipal corporation therein, such municipal corporation shall have a remedy over, by action against any other corporation or person for such damages and costs as have been sustained by reason of any obstruction, excavation or opening placed, made, left or maintained by the other corporation or person.

When the validity of the original judgment is deemed to be admitted.

Rev. Stat. c. 51.

(4) Such other corporation or person shall be deemed to admit the validity of the judgment, if any, obtained against such municipal corporation in cases only where a notice has been served on such other corporation or person pursuant to the provisions of the Rules of Court made under the authority of *The Judicature Act*, or where such other corporation or person has admitted, or is estopped from denying the validity of such judgment. 55 V. c. 42, s. 531 (6) *part.*

When a fresh action is necessary.

(5) Where no such notice has been served, and there has been no such admission or estoppel, and the other corporation or person has not been made a party defendant or third party to the action against such municipal corporation, or where such damages have been paid without action, or without recovery of judgment against the municipal corporation, the liability of the municipal corporation for such damages, and the fact that the damages were sustained by reason of an obstruction, excavation or opening placed, made, left or maintained by the other corporation or person, must be established in the action against such other corporation or person to entitle the municipal corporation to recover in such action. 55 V. c. 42, s. 531 (6) *part.*

Apportionment of damages where more than one municipality liable for non-repair.

610. Where two or more municipalities are jointly liable for the keeping in repair of a public road, street, bridge or highway, there shall be contribution between them as to the damages sustained by any person by reason of their default in keeping the same in repair, and any action brought by any such person shall be brought against all of such municipalities, and any of the defendants therein may require that the proportions in which such damages and the costs of the action are to be borne between them shall be determined therein, and in settling such proportions, either in the action or otherwise,

regard shall be had to the extent to which each municipality was responsible, either primarily or otherwise, for the act or omission for which the damages have become payable or are recovered, and the damages and costs shall be apportioned between them accordingly. 55 V. c. 42, s. 531 (7); c. 43, s. 46.

No Liability for Acts or Defaults of Others.

Actions for negligence in non-repair of highways, etc.

611. Nothing contained in sections 606 to 610 of this Act (both inclusive) shall cast upon a municipal corporation any obligation or liability in respect of acts done or omitted to be done by other persons, companies or corporations, acting in the exercise of powers or authorities conferred upon them by law, and over which such municipal corporation has not control, where the municipal corporation is not a party to such acts or omissions, and the authority under which such persons, companies or corporations have acted or shall act is not a by-law, resolution or license of the council of the municipality. 59 V. c. 51, s. 22.

Action shall be only against the Corporation.

Corporation not responsible for acts of certain others in non-repair of highways.

612.—(1) In any case where an action may be brought against a municipal corporation by any person who has suffered damage by reason of the default of a municipality in keeping any public road, street, bridge or highway in repair as provided by section 606 of this Act, no action shall be brought in respect of, or to recover such damage, or any part thereof, against any member of the council, officer or employee, of the municipality personally, but the remedy therefor shall be wholly against the municipality.

(2) Nothing in this section contained shall apply to or affect litigation pending on the 7th day of April, 1896, or prevent any action from being brought or maintained by any municipality against any officer or employee for negligence or misconduct, or for any act of omission or commission in breach of his duty as such officer or employee.

(3) Where any such action was brought against any such officer, member or employee prior to the 7th day of April, 1896, the municipality may assume the same or the defence thereof, and may pay any damages or costs for which such officer, member or employee may be or has become liable in respect thereof.

(4) This section shall not extend to or include a mere contractor with the corporation, nor any member of council, officer or employee who is such contractor, and by reason of whose act or neglect the damage was caused. 59 V. c. 51, s. 21.

County Roads and Bridges.

613. Every county council shall have exclusive jurisdiction

Jurisdiction of county councils over roads and bridges.

1. Over all roads and bridges lying within any township, town or village in the county, which the council by by-law assumes with the assent of such township, town or village municipality as a county road, or bridge, until the by-law assuming the same has been repealed by the council, and

2. Over all bridges across streams, rivers, ponds or lakes separating two townships in the county, and

3. Over all bridges crossing streams or rivers over 100 feet in width, within the limits of any incorporated village in the county, and connecting any main highway leading through the county, and

4. Over all bridges over rivers, streams, ponds or lakes forming or crossing boundary lines between two local municipalities in the county. 55 V. c. 42, s. 532; 60 V. c. 15, *Sched.* C (91).

Boundary lines may be maintained by county.

614. Any county council may assume, make and maintain any township or county boundary line at the expense of the county, or may from time to time grant for the said purposes such sum or sums as they deem expedient. 55 V. c. 42, s. 533.

Maintenance, etc., of roads in local municipalities by county councils.

615. Any county council may, at the expense of the county, make, maintain or improve any township, town or village road or highway which runs into any county road, and may grant such sum or sums from time to time for the said purpose, as they may deem expedient. 59 V. c. 51, s. 23.

Improving and Maintaining County Roads and Bridges.

Roads or bridges assumed by county councils.

616.—(1) Where a county council by by-law assumes as a county road or bridge, any road or bridge within a township, they shall, with as little delay as reasonably may be, and at the expense of the county, cause the road to be planked, gravelled or macadamized, or the bridge to be built in a good and substantial manner.

Maintenance of certain bridges in villages.

(2) The county council shall in a like manner, cause to be built and maintained, all bridges on any river or stream over 100 feet in width, within the limits of any village in the county, necessary to connect any main public highway leading through the county. 55 V. c. 42, s. 534.

Bridges between municipalities.

617.—(1) It shall be the duty of the county councils to erect and maintain bridges over rivers, streams, ponds or lakes forming or crossing boundary lines between any two municipalities (other than a city or separated town) within the county; and in case of a bridge over a river, stream, pond or lake forming or crossing a boundary line between two or more counties or a county, city or separated town, such bridge shall be erected and maintained by the councils of the counties or county, city and separated town respectively; and in case the councils fail to agree as to the respec-

tive portions of the expense to be borne by the municipalities interested, it shall be the duty of each to appoint arbitrators as provided by this Act, to determine the proportionate amount to be paid by each, and the award made by them shall be final. 55 V. c. 42, s. 535 (1); 60 V. c. 15, *Sched. C* (92).

(2) A road which lies wholly or partly between two municipalities shall be regarded as a boundary line within the meaning of this section, although such road may deviate so that it is in some place or places wholly within one of the municipalities; and a bridge built over a river, stream, pond or lake crossing such road where it deviates as aforesaid shall be held to be a bridge over a river, stream, pond or lake crossing a boundary line within the meaning of this section. 55 V. c. 42, s. 535 (1,2); 60 V. c. 15, *Sched. C* (93).

(3) Notwithstanding anything contained in this section or in section 613, the council of any county may, by by-law, provide that where the words "rivers, streams, ponds or lakes" are mentioned in those sections as applying to the erection and maintenance of bridges over rivers, streams, ponds or lakes, where such rivers, streams, ponds or lakes form or cross any boundary line between two municipalities within such county, the said words or any of them shall not include or extend to any river, stream, lake or pond less than eighty feet in width. 55 V. c. 42, s. 535 (3); 56 V. c. 35, s. 25; 60 V. c. 15, *Sched.* C (94).

(4) In the event of the council of any county passing a by-law under the last preceding subsection the councils of the local municipalities bordering upon such boundary line shall erect and maintain all necessary bridges over rivers, streams, lakes and ponds of a less width than 80 feet forming or crossing such boundary line. 55 V. c. 42, s. 535 (4); 60 V. c. 15, *Sched.* C (95).

Proceedings where liability of municipality to erect bridges disputed.

618. Wherever there is a dispute between a county council and the council of any other municipality as to whether the duty or liability to build or maintain a bridge over any river, stream, lake or pond belongs to or rests upon such county council or such other council, either party to the dispute may bring and prosecute an action in the High Court of Justice for Ontario against the other to try the question in dispute, or the said Court may upon the application of either party compel by mandamus the performance of such duty or liability by the party upon or to whom such duty or liability rests or belongs. 55 V. c. 42, s. 535*a*; 60 V. c. 15, *Sched.* C (96).

Driftwood in Rivers and Streams.

When county council to keep river or stream free of driftwood.

619.—(1) Where a river, or a stream forms a boundary line between two or more municipalities within a county, it shall be the duty of the council of the county to keep such

river or stream free from all accumulation of driftwood or fallen timber now or hereafter accumulated.

When councils of counties, cities, or separated towns to keep stream free from drift-wood.

(2) In the case of any river or stream which forms a boundary line between two or more counties, or a county, city, or separated town, it shall be the duty of the councils of the county or counties, city and separated town respectively to keep such river or stream free from all accumulation of drifted or fallen timber now or hereafter accumulated; and in case the councils fail to agree as to the respective portions of the expense to be borne by the municipalities interested, the same shall be decided by arbitration under the provisions of this Act, and the award made shall be final. 55 V. c. 42, s. 535*b*.

Maintaining Township Roads.

Boundary lines not assumed by county councils.

620.—(1) All township boundary lines not assumed by the county council shall be opened, maintained and improved by the township councils, except where it is necessary to erect or maintain bridges over rivers, streams, lakes or ponds forming or crossing boundary lines between two municipalities. 55 V. c. 42, s. 536 (1); 60 V. c. 15, *Sched.* C (97).

Road allowances on township boundary lines.

(2) In the case of any township boundary line, or any portion of such line on which a road allowance has not been reserved, in the original survey thereof, the council of any one of the municipalities bordering on such boundary line, may pass a by-law for acquiring within such municipality either by purchase or expropriation the land necessary for one-half of the required road allowance.

(*a*) Within four days after the passing of the by-law the clerk of the municipality shall send a copy of the by-law by registered letter to the clerk of the adjoining municipality.

Sections 623 and 624 to apply.

(3) Sections 623 and 624 of this Act shall apply to proceedings taken under the provisions of this section.

Arbitration.

(4) If the matters in dispute between the two municipalities are referred to arbitration, the arbitrators shall have power to decide upon the proportion of the cost of the land which will be required upon each side of such boundary line for a road allowance which shall be borne by each municipality, and shall also have power to decide whether a road allowance shall be laid out or not.

When arbitrators decide against laying out allowance.

(5) If the arbitrators decide against the laying out of a road allowance upon such boundary line or any portion of such line, then no further proceedings shall be taken for the period of two years or such further time as the arbitrators may determine upon, but not exceeding in all four years. 55 V. c. 42, s. 536 (2-5).

621. Township boundary lines forming also country boundary lines, and not assumed or maintained by the respective counties interested, shall be maintained by the respective townships bordering on the same, except where it is the duty of the county council, under the provisions of this Act, to erect or maintain bridges over rivers, streams, ponds or lakes, forming or crossing boundary lines between two municipalities. 55 V. c. 42, s. 537; 60 V. c. 15, *Sched.* C (97, 98.)

Township boundaries, being also county boundaries.

Roads Under Joint Jurisdiction.

622. In case a road lies wholly or partly between a county, city, town, township or village and an adjoining county or counties, city, town, township or village, the councils of the municipalities between which the road lies shall have joint jurisdiction over the same, although the road may so deviate as in some places to be wholly or in part within either of them.

Joint jurisdiction over certain roads.

(*a*) The word "road" in this section shall not include a bridge over a river, stream, lake or pond, forming or crossing the boundary line between two municipalities other than counties, which bridge it is the duty of the county council to erect and maintain. 55 V. c. 42, s. 538: c. 43, s. 50; 60 V. c. 15, *Sched.* C (99.)

623. No by-law of the council of any one of such municipalities with respect to such last mentioned road or bridge, shall have any force until a by-law has been passed in similar terms, as nearly as may be, by the other council or councils having joint jurisdiction in the premises. 55 V. c. 42, s. 539.

Both councils must concur in by-laws respecting them.

624. In case the other council or councils, for six months after notice of the by-law, omit to pass a by-law or by-laws in similar terms, the duty and liabilities of each municipality in respect to the road or bridge shall be referred to arbitration under the provisions of this Act. 55 V. c. 42, s. 540.

Arbitration if they do not concur.

625. (1) The councils of adjoining townships may enter into an agreement for the maintenance and repair of any road forming the boundary between such townships, whereby each of such townships may undertake, for a term of years not to exceed ten years, to maintain and keep in repair any portion of such road for its whole width, and to indemnify and save harmless the other township from any loss or damage arising from want of repair of such portion.

Agreements between adjoining townships as to maintenance of boundary road.

(2) Any agreement so made, shall when confirmed by by-law of the council of each of the contracting townships, be registered in the registry office in the manner provided by subsection 1 of section 633 of this Act.

Agreement may be registered.

Effect of.

(3) After the registration of the by-laws confirming such agreement, each of the contracting corporations shall have sole jurisdiction over that portion of the road which it has undertaken to maintain and keep in repair, and shall be liable for all damages incurred by reason of neglect to maintain and keep the same in repair, in the same manner and to the same extent as in the case of any road lying wholly within and under the jurisdiction of such township; and the other contracting corporation shall be relieved from all liability in respect to the maintenance and repair of such portion.

(4) Any such agreement heretofore made and entered into shall, after confirmation thereof, and registration of the confirming by-laws as aforesaid, be legal, valid and binding upon each of the said township municipalities, and the said townships shall severally have jurisdiction over and be liable for the maintenance and repair of portions of any road which is the subject of such agreement, according to the terms and tenor thereof. 60 V. c. 45, s. 56.

Transfer to County Councils of former powers of Justices in Sessions.

Certain powers of justices in sessions transferred to county councils.

626. All powers, duties and liabilities which at any time before the 1st day of January, 1850, belonged to the magistrates in Quarter Sessions, with respect to any particular road or bridge in a county, and which are not conferred or imposed upon any other municipal corporation, shall belong to the council of the county, or in case the road or bridge lies in two or more counties, to the councils of such counties; and except as by this Act otherwise provided and in addition to the provisions thereof, the neglect and disobedience of any regulations or directions made by such council or councils shall subject the offenders to the same penalties and other consequences as the neglect or disobedience of the like regulations of the magistrates would have subjected them to. 55 V. c. 42, s. 541.

Roads vested in Her Majesty.

Roads, etc., provincial works vested in Her Majesty, etc., not to be interfered with.

Proclamation by Lieut.-Gov. as to roads, etc., under control of Commissioner of Public Works.

627. No council shall interfere with any public road or bridge vested as a Provincial work in Her Majesty, or in any public Department or Board: and the Lieutenant-Governor shall by Order in Council have the same powers as to such road and bridge as are by this Act conferred on municipal councils with respect to other roads and bridges; but the Lieutenant-Governor may, by proclamation, declare any public road or bridge under the control of the Commissioner of Public Works, to be no longer under his control, and in that case, after a day named in the proclamation, the road or bridge shall cease to be under the control of the Commissioner, and no tolls shall be thereafter levied thereon by him, and the

road or bridge shall thenceforth be controlled and kept in repair by the council of the municipality whose duty it is to repair the same. 55 V. c. 42, s. 542 : 60 V. c. 15, *Sched.* C (100.)

Roads on Dominion Property.

628. Without the consent of the Government of the Dominion of Canada, no municipal council shall pass a by-law, Ordnance roads, lands, etc.

1. For stopping up or altering the direction or alignment of any street, lane or thoroughfare made or laid out by Her Majesty's Ordnance, or the Principal Secretary of State in whom the Ordnance Estates became vested under the Statute of the Province of Canada passed in the 19th year of Her Majesty's reign, chapter 45, or the Consolidated Statute of Canada, chapter 24, respecting the Ordnance and Admiralty lands, or by the Dominion of Canada; or Dominion lands.

2. For opening any such communication through any lands held by the Dominion of Canada; or Bridges, etc.

3. Interfering with any bridge, wharf, dock, quay or other work vested in the Dominion of Canada; or

4. Interfering with any land reserved for military purposes, or with the integrity of the public defences,— Military lands.

and a by-law for any of the purposes aforesaid shall be void unless it recites such consent. 55 V. c. 42, s. 543. Not to be interfered with without consent of Dominion.

Roads necessary for Ingress and Egress.

629.—(1) No municipal council shall close up any public road or highway, whether an original allowance or a road opened by the Quarter Sessions or by any municipal council, or otherwise legally established, whereby any person will be excluded from ingress and egress to and from his lands or place of residence over such road, unless the council, in addition to compensation, also provides for the use of such person some other convenient road or way of access to the said lands or residence. Council not to close road required for ingress, egress, etc.

(2) If the compensation offered by the council, to the owner of the lands, or the road provided for the owner in lieu of the original road, as a means of egress and ingress, is not mutually agreed upon between the council and the owner or owners, (as the case may be), the matters in dispute shall be referred to arbitration, under the provisions of this Act respecting arbitrations. 55 V. c. 42, s. 544. Arbitration.

Width of Roads.

630. No municipal council, except the council of a city or town, shall lay out any road or street more than 100 nor less than 66 feet in width, except where an existing road or street is widened, or unless with the permission of the Width of roads.

council of the county in which the municipality is situate; but any road, when altered, may be of the same width as formerly. 55 V. c. 42, s. 545, *part.*

(2) No highway or street, of a less width than 66 feet, shall be laid out by any owner of land, without the consent of the council of the municipality, by a three-fourths vote of the members thereof. 55 V. c. 42, s. 545, *part*; 60 V. c. 45, s. 57.

By-laws prescribing width of streets.

631.—(1) The municipal council of any city having a population of 50,000 or more may pass a general by-law prescribing the minimum width of streets, lanes, alleys or other public places within the municipality wherein dwelling houses may be erected or occupied, and the minimum area of vacant land to be attached to and used with any dwelling house hereafter to be erected, as the courtyard or curtilage thereof, and the mode of erection of buildings occupied or intended to be occupied as dwelling houses within the municipality or within any area or areas thereof to be defined by the said by-law or by any other by-law which may from time to time alter or amend or repeal such by-law.

(2) Every such by-law before the final passing thereof shall be published in full twice in each week for four consecutive weeks in two newspapers published in the city with a notice appended thereto, stating the date when the council proposes to take into consideration the proposed by-law. 55 V. c. 42, s. 545*a*.

Notices of By-laws affecting Public Roads.

Conditions precedent to passing by-laws intended to affect public roads.

632.—(1) No municipal council shall pass a by-law for stopping up, altering, widening, diverting, leasing or selling any original allowance for road, or for establishing, opening, stopping up, altering, widening, diverting, leasing or selling any other public highway, road, street or lane;

Notice to be posted up.

(*a*) Until written or printed notices of the intended by-law have been previously posted up for one month in six of the most public places in the immediate neighbourhood of such original allowance for road, street or other highway, road, street or lane;

And published in a newspaper.

(*b*) And published weekly for at least four successive weeks in some newspaper published in the municipality; or if there be no such newspaper, then in a newspaper published in some neighbouring municipality; and, where no newspaper is published in the municipality or in a neighbouring municipality, then in the county town, if any such there be;

Persons prejudicially affected to be heard.

(*c*) Nor until the council has heard, in person or by counsel or solicitor, any one whose land might be prejudicially affected thereby, and who petitions to be so heard. 55 V. c. 42, s. 546 (1-3); c. 43, s. 51; 60 V. c. 45, s. 20; c. 3, s. 3.

(2) In the case of road allowances reserved under original surveys along the bank of any river or stream or the shore of any lake or other water any such by-law shall not have force or effect until after the approval thereof by the Lieutenant-Governor in Council. 59 V. c. 51, s. 24. Approval by Lieutenant-Governor of by-laws affecting certain highways.

(3) The clerk shall give such notices, at the request of the applicant for the by-law, and upon payment of the reasonable expenses attendant on such notices. 55 V. c. 42, s. 546 (4). Clerk to give the notices on payment of expenses.

(4) In case the council of a township or village, and the owners of or persons interested in lands required to be taken possession of for establishing a public road, mutually agree as to the price of or compensation to be paid for such lands, the council may accept a deed or deeds for the same, which shall be registered as provided by section 633 of this Act, and in such case the publication of the by-law required by clause (*b*) of sub-section 1 of this section shall be dispensed with. 55 V. c. 42, s. 546 (5); 60 V. c. 15, *Sched. C.* (101). Where price settled by agreement.

Registration of Road By-laws.

633.—(1) Every by-law passed since the 29th day of March, 1873, or hereafter to be passed by any municipal council under the authority of which any street, road or highway has been, or is, opened upon any private property, shall, before the same becomes effectual in law, be duly registered in the registry office of the registry division in which the land is situate; and for the purpose of registration a duplicate original of the by-law shall be made out, certified under the hand of the clerk and the seal of the municipality, and shall be registered without any further proof. By-laws under which roads are opened on private property to be registered.

(2) Every by-law passed before the said day, and every order and resolution of the Quarter or General Sessions, passed before said day, under the authority of which any street, road or highway has already been opened upon any private property, may, at the election of any person interested or of the municipality, and at the cost and charges of such person or municipality, be also duly registered, upon the production to the registrar of a duly certified copy of the by-law under the hand of the clerk of the municipality and the seal of the municipality, or by a duly certified copy of such order or resolution of the Quarter or General Sessions, given under the hand of the Clerk of the Peace, as the case may be. 55 V. c. 42, s. 547; 60 V. c. 15, *Sched.* C. (102). *See also Cap. 136, Sec. 86.* As to by-laws passed before 29th March, 1873.

Disputes respecting Roads—Administration of Oaths.

634. In case of disputes in any municipality concerning roads, allowances for roads, side lines, boundaries or concessions within the cognizance of and in the course of investigation before a municipal council, the head of the council may Power to administer oath in certain cases.

administer an oath or affirmation to any party or witness examined upon the matters in dispute. 55 V. c. 42, s. 548.

Mistakes in Opening Road Allowances.

Municipality and officers thereof protected from actions arising from mistakes in opening road allowances.

635.—(1) In case any municipality within whose jurisdiction an original road, or allowance for road is situate, opens that which they take and believe to be the true site of the same, and in case the municipality, their officers and servants, act in good faith, and take all reasonable means to inform themselves of the correctness of their line and work, and in case it appears that the road being opened, although not or not altogether upon the true line of the original road, or allowance for road, is nevertheless, from any difficulty in discovering correctly the true line, as near to, or as nearly upon, the true line as under the circumstances could then be ascertained, no action shall be brought by any person against the municipality, their officers or servants, for or in respect of the opening of such road, or allowance for road, or for any other act or matter whatsoever connected with or arising from the same.

Municipality to make compensation.

(2) The municipality shall, however, in any case respecting the opening of an original road, or road allowance, make to any person having title to or interest in the same, reasonable compensation in full of all claims, and as a final settlement of the same:

Limitation of claims.

(3) Claims for such compensation shall be made within one year from the time of the laying out or taking possession by the municipality or its officers of such road or the part thereof in respect of which compensation is claimed, and in the event of the parties not agreeing as to the amount or terms of such compensation, the same shall be ascertained and the payment thereof enforced, under the provisions of this Act relating to arbitrations. 55 V. c. 42, s. 549.

Arbitration.

Sign-posts, etc., Guides to Bicyclists.

Canadian Wheelmen's Association authorized to place sign-posts on highways.

636. The Canadian Wheelmen's Association of the Dominion of Canada may, at the expense of said Association, erect and maintain for the benefit of bicyclists and other travellers upon the public roads and highways, sign-posts at road intersections and wherever necessary to guide travellers, and mile-posts to show distances, and danger signals at hills which may be deemed by the said Association dangerous or unsafe for travellers on bicycles. Provided that every such sign-post, mile-post and danger sign shall be so placed as not to be an obstruction to the highway or to endanger the safety of any person travelling thereon; and provided further that no advertisements or notices shall be placed thereon except those only which give the names of places and show danger signs and distances as above mentioned, under a penalty of $5 for every offence, to be recovered before any Justice of the Peace having jurisdiction in the locality. 59 V. c. 51, s. 39.

Proviso.

Division II.—Powers of Counties, Townships, Cities, Towns and Villages in relation to Roads and Bridges.

General powers. *Sec.* 637.
Boulevards. *Sec.* 638.
Areas or openings in or under streets and sidewalks. *Sec.* 639.
Bicycle paths *Sec.* 640 (1).
Roads crossing railways or railway lands. *Sec.* 640 (2).
Respecting straightening, etc., streams. *Sec.* 640 (3).
" *Tolls.* *Sec.* 640 (4-5).
" *Dangerous places.* *Sec.* 640 (6).
" *Timber, stone, etc., on road allowances.* *Sec.* 640 (7).
" *Privileges to road or bridge companies.* *Sec.* 640 (8, 9).
" *Procuring materials for repairing roads.* *Sec.* 640 (10).
" *Road allowances.* *Secs.* 640 (11), 641.
" *Possession of unopened road allowances.* *Sec.* 642.
" *Notice of by-laws for opening such allowances.* *Sec.* 643.
" *Aid to adjoining municipalities in making roads or bridges.* *Sec.* 644.
" *Aiding bridge companies.* *Sec.* 645.
" *Statute labour on toll roads.* *Sec.* 646.

637. The council of every county, township, city, town, and village may pass by-laws— By-laws may be made for—

General Powers.

1. For opening, making, preserving, improving, repairing, widening, altering, diverting, leasing, selling, or stopping up roads, streets, squares, alleys, lanes, bridges, or other public communications within the jurisdiction of the council; Opening or stopping up roads, etc.

2. For entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions in this Act contained; Entering upon land.

3. For setting apart and laying out such portions of any or such roads, streets, squares, alleys, lanes, bridges, other communications, as the council may deem necessary or expedient for the purpose of carriage ways, boulevards and sidewalks, or for the improvement or beautifying of the same; Setting apart carriage ways, boulevards and sidewalks.

4. For preventing and removing any obstructions upon any roads within its jurisdiction; Obstructions on highways.

Subways or bridges for cattle.

5. For permitting sub-ways for cattle under, and bridges for cattle over, any highway. 55 V. c. 42, s. 550 (1); 58 V. c. 42, s. 30; 60 V. c. 15, *Sched.* C. (118); 60 V. c. 45, s. 20.

Boulevards.

638. The council of every city, town and village may pass by-laws,

By-laws for setting apart.

1. For setting apart, upon such terms as to resumption by the municipality and otherwise as the by-law may state, portions of the public streets at or near the sides thereof for the purposes of boulevards;

Regulating.

2. For regulating the construction and maintenance of such boulevards;

Permitting construction of.

3. For permitting the owners of property abutting on any street to construct such boulevards at their own expense, but so as not to unreasonably confine, impede or incommode public traffic;

Confirming.

4. For regulating and confirming boulevards already constructed on any street;

Protection of boulevards.

5. For making regulations for the protection of all boulevards constructed in the public streets. 57 V. c. 50, s. 9.

Areas and Openings in or under Streets and Sidewalks.

Construction of areas in or under sidewalks.

639.—(1) Municipal corporations may permit areas or openings to be constructed in or under the sidewalks and streets of their respective municipalities, and may authorize the continuance of any such areas, constructed prior to July 1st, 1897, and may make an annual charge for such privilege and for the use of the areas or openings theretofore constructed of such sums as the council may think reasonable, and may enforce the payment of said sums in like manner as municipal taxes.

Existing agreements cancelled.

(2) All bonds and agreements entered into before and existing upon said date between any owner or owners of property in any municipality and the municipal corporation thereof for indemnity in respect of such areas are hereby cancelled and made void as to such indemnity except as to any rights or causes of action which have accrued thereunder to the corporation owing to any accident or injury arising from negligence in connection with such areas or from the improper use thereof prior to the said date.

No vested rights created.

(3) Neither this section nor any permission or privilege in respect of such areas or openings granted by any municipal corporation under this section shall interfere with any liability created or existing under the provisions of this Act, nor with the remedies over provided by section 609 of this Act, nor

shall this section or such permission or privilege create any vested right in any such area or opening. 60 V. c. 45, s. 21.

640. The council of every county, township, city, town and village may pass by-laws, By-laws for

Bicycle Paths.

1. For setting apart so much of any highway or road or street as the council of any such municipality having control over the same deems necessary for the purposes of a bicycle path; and any person who rides or drives a horse or other beast of burden, or a waggon, carriage or cart over or along such bicycle path shall incur the penalties imposed by *The Act to regulate Travelling on Public Highways and Bridges*. 60 V. c. 45, s. 19; c. 57, s. 1. Bicycle paths. Rev. Stat. c. 236.

Roads Crossing Railways and Railway Lands.

2. For establishing, opening, making, preserving, improving, maintaining, widening, enlarging, altering, diverting or stopping up within the limits of the municipality, any highway through, over, across, under, along, or upon the railway and lands of any railway company, and for entering upon, breaking up, taking or using any such land in any way necessary or convenient for the said purpose; but subject to the provisions contained in *The Railway Streets and Drains Act*, and provided that the highway is within the jurisdiction of the council. 55 V. c. 42, s. 550 (2). Roads across railway lands. Rev. Stat. c. 241.

Straightening, etc., Streams.

3. Subject to the provisions of this Act respecting compensation for lands taken or injuriously affected,

For straightening, deepening, widening or diverting any river, creek or stream, for the purpose of preventing the flooding, undermining or carrying away of any land, or for preventing injury to any highway, bridge or other structure by the flow of the waters of any such river, creek or stream; but nothing herein shall authorize the interference with any mill site or water privilege on any such river, creek or stream. 55 V. c. 42, s. 550 (2*a*); 60 V. c. 15, *Sched.* C. (103). Straightening, etc., streams dangerous to bridges, etc.

Tolls.

4. For raising money by toll on any bridge, road or other work to defray the expense of making or repairing the same. 55 V. c. 42, s. 550 (3). Raising money by toll.

5. For granting to any person in consideration or part consideration of planking, gravelling or macadamizing a road or of building a bridge, the tolls fixed by by-law to be levied on Granting right to take tolls.

the work for a period of not more than twenty-one years after the work has been completed, and after such completion has been declared by a by-law of the council authorizing tolls to be collected; and the grantee of the tolls shall, during the period of his right thereto, maintain the road or bridge in repair. 55 V. c. 42, s. 550 (4).

Dangerous Places.

Making regulations as to dangerous places.

6. For making regulations as to pits, precipices and deep waters, and other places dangerous to travellers. 55 V. c. 42, s. 550 (5).

Timber, Stone, etc., on Road Allowances.

For preservation of trees, stone, etc. Rev. Stat. c. 32.

7. For preserving or selling timber, trees, stone, sand or gravel on any allowance or appropriation for a public road; but this shall be subject to the provisions of *The Act respecting Timber on Public Lands* relative to Government road allowances and the granting of Crown timber licenses. 55 V. c. 42, s. 550 (6).

Granting Privileges to Road or Bridge Companies.

Granting privileges to road or bridge companies.

8. For regulating the manner of granting to road or bridge companies permission to commence or proceed with roads or bridges within the jurisdiction of the council, and for regulating the manner of ascertaining and declaring the completion of the work, so as to entitle such companies to levy tolls thereon, and for regulating the manner of making the examinations necessary for the proper exercise of these powers by the council. 55 V. c. 42. s. 550 (7). *See also Cap. 193.*

Power to purchase and hold land, stone or gravel beds.

Power to sell same.

9. For purchasing and holding by itself or jointly with any other municipality such land containing stone or gravel beds within its own or any adjoining municipality as may be necessary to procure stone or gravel therefrom for the purpose of constructing, maintaining or repairing any streets, roads or highways owned by such municipality, and for selling and conveying the same whenever the object for which the same was purchased no longer exists. 55 V. c. 42, s. 550 (7*a*).

Procuring Materials for Repairing Roads.

Power to take materials for roads.

10. For searching for and taking such timber, gravel, stone, or other material or materials (within the municipality) as may be necessary for keeping in repair any road or highway within the municipality; and, for the purpose aforesaid, with the consent of the council of an adjoining municipality (by resolution expressed), for searching for and taking gravel within the limits of such adjoining municipality;

(*a*) The right of entry upon such lands, as well as the price or damage to be paid to any person for such timber or materials, shall, if not agreed upon by the parties concerned, be settled by arbitration under the provisions of this Act; Arbitration.

(*b*) No such gravel shall be taken or removed from the premises of any person in an adjoining municipality until the price or damage has been agreed upon between the parties, or settled by arbitration. 55 V. c. 42, s. 550 (8). To be a condition precedent.

Selling Road Allowances.

11. For selling the original road allowance, to the persons next adjoining whose lands the same is situated, where a public road, for the site or line of which compensation has been paid, has been opened in lieu of the original road allowance, and for selling, in like manner, to the owners of any adjoining land, any road legally stopped up or altered by the council; and in case such persons respectively refuse to become the purchasers at such price as the council thinks reasonable, then for the sale thereof to any other person for the same or greater price. When the council may stop up or sell a road allowance.

(*a*) In the case of road allowances reserved under original surveys along the bank of any river or stream or the shore of any lake or other water, such by-law shall be of no effect unless and until the same has received the sanction of the Lieutenant-Governor in Council. 55 V. c. 42, s. 550 (9); 59 V. c. 51, s. 25.

641.—(1) In case any one in possession of a concession road or side line has laid out and opened a road or street in place thereof without receiving compensation therefor, or in case, in lieu of an original allowance for road, a new or travelled public road has been laid out and opened for which no compensation has been paid to the owner of the lands so appropriated, such owner, if his lands adjoin the concession road, side line, or original allowance, shall be entitled thereto, in lieu of the road so laid out; and the council of the municipality, upon the report in writing of its surveyor, or of an Ontario land surveyor, that such new or travelled road is sufficient for the purposes of a public highway, may convey the said original allowance for road, in fee simple, to the person or persons upon whose land the new road runs. When owner of land taken to be entitled to original road.

(2) Where such original road allowance is, in the opinion of the council, useless to the public, and lies between lands owned by different persons, the municipal council may, subject to the conditions aforesaid, sell and convey a part thereof to each of such persons, as may seem just and reasonable; and in case compensation was not paid for the new road, and the Compensation to person whose land is taken who does not own land adjoining original road.

person through whose land the same passes does not own the land adjoining the original road allowance, the amount received from the purchaser of the corresponding part of the road allowance when sold shall be paid to the person who at the time of the sale owns the land through which the new road passes. 55 V. c. 42, s. 551.

Possession of Unopened Road Allowances.

Original allowances for road when to be deemed legally possessed till a by-law is passed for opening them.

642. In case a person is in possession of any part of a government allowance for road, laid out adjoining his lot and enclosed by a lawful fence, and which has not been opened for public use by reason of another road being used in lieu thereof, or is in possession of any government allowance for road parallel or near to which a road has been established by law in lieu thereof, such person shall, as against any private person, be deemed legally possessed thereof until a by-law for opening such allowance for road has been passed by the council having jurisdiction over the same. 55 V. c. 42, s. 552.

Notice of By-laws for Opening such Allowances.

Notice of by-law to be given.

643. No such by-law shall be passed until notice in writing has been given to the person in possession, at least eight days before the meeting of the council, that an application will be made for opening such allowance. 55 V. c. 42, s. 553.

Aiding in making Roads and Bridges.

By-laws to aid adjoining municipality to open roads, etc.

644. The council of any municipality may pass by-laws for granting aid to any adjoining municipality in making, opening, maintaining, widening, raising, lowering, or otherwise improving any highway, road, street, bridge, or communication passing from or through an adjoining municipality. 55 V. c. 42, s. 554.

Aiding Bridge Companies.

Aiding bridge companies.

645.—The council of every county, township, city, town or village, may pass by-laws for subscribing for any number of shares in the capital stock of, or for lending to or guaranteeing the payment of any sum of money borrowed by any bridge company incorporated for the purpose of erecting and maintaining any bridge within, or partly within, the municipality or between the municipality and another, and all the clauses of section 694 of this Act shall apply in the same manner, and with the same effect, as if the words "or bridge company" were inserted in clause 5 in the first line after the words "railway company," and the words "or bridge" were inserted after the word "railway" in the second line of the said clause. 55 V. c. 42, s. 554*a*.

Statute Labour on Toll Roads.

646. The council of every county, township, city, town or village through or adjoining which any toll road passes may enter into an agreement with the owner or owners of such toll road to expend on such road, for a limited number of years, such statute labour or such sum of money as may be agreed upon and that at the end of the term of years agreed upon such toll road shall be made free and shall become the property of the municipality or municipalities in which the same is situate. 56 V. c. 35, s. 26.

Power to agree with owners of toll road as to the expenditure of statute labour thereon.

DIVISION III.—POWERS OF TOWNSHIPS, CITIES, TOWNS AND VILLAGES IN RELATION TO ROADS AND BRIDGES.

Aiding Counties in opening New Roads. Sec. 647 (1).
Joint works with other Municipalities. Sec. 647 (2).
Improvements on Streets between two Municipalities. Sec. 647 (3).
Repair of Township Roads, how enforced. Secs. 648-656.

647. The council of every township, city, town or village may pass by-laws—

By-laws may be made for—

New Roads.

1. For granting to the county or united counties in which the municipality lies, aid, by loan or otherwise, towards opening or making any new road or bridge on the boundaries of the municipality. 55 V. c. 42, s. 555 (1).

Aiding counties in making roads and bridges.

Joint Works with other Municipalities.

2. For entering into and performing any arrangement with any other council in the same county or united counties for executing, at their joint expense and for their joint benefit, any work within the jurisdiction of the council. 55 V. c. 42, s. 555 (2).

Joint works with other municipalities.

Improvements on Streets between Two Municipalities.

3. Wherever a public street, square or drive forms the boundary between any two or more municipalities (although such street, square or drive is wholly within the limits of one of such municipalities or partly in each), the councils of such municipalities may make and enter into any agreements and pass any by-laws proper and necessary to provide for the construction and maintenance of any one or more of the street improvements or works, and the performance of any one or more of the street services for which provision is made in this

Improvements on streets between two municipalities.

Act in sections 664 to 686, both inclusive; and every such council may pass by-laws for ascertaining, determining and raising so much of the cost of any such work, improvement or service as is to be borne by the municipality generally, and for determining the proportion thereof to be assessed and levied upon the real property benefited thereby, and for assessing and levying upon the real property so benefited and situate within its jurisdiction, and for collecting the proportion or share of the cost of any such improvement, work or service done under any such agreement by the municipality, in the same manner and with the like remedies as if the improvement had been made or the work had been done or the service had been rendered upon or in a street within the municipality and as if the cost thereof was assessable upon real property, the whole of which was situate in the same municipality. 55 V. c. 42, s. 555 (3).

Repair of Township Roads—how enforced.

Township council failing to maintain township boundary lines.

648. Wherever township councils fail by mutual agreement as to the share to be borne by each, to maintain township boundary lines not assumed by the county council, in the same way as other township roads, it shall be competent for one or more of such councils to apply to the county council to enforce joint action on all township councils interested. 55 V. c. 42, s. 556.

Resident ratepayers may petition county council to enforce opening up of road.

649. In cases where all the township councils interested neglect or refuse to open up and repair such lines of road in a manner similar to the other local roads, it shall be competent for a majority of the ratepayers resident on the lots bordering on either or both sides of such line, to petition the county council to enforce the opening up or repair of such lines of road by the township councils interested. 55 V. c. 42, s. 557.

Action by county council on petition.

650. A county council receiving such petition, either from township councils or from ratepayers, as in the preceding section mentioned, may consider and act upon the same at the session at which the petition is presented. 55 V. c. 42, s. 558.

Amount, etc., to be furnished by each township.

651. The county council may determine the amount which each township council interested shall be required to apply for the opening or repairing of such lines of road, or may direct the expenditure of a certain portion of the statute labour, or both, as may seem necessary to make the said lines of road equal to other roads. 55 V c. 42, s. 559.

Commissioners to enforce order of county council as to such roads.

652. It shall be the duty of the county council to appoint a commissioner or commissioners to execute and enforce their orders or by-laws relative to such roads. If the representatives of any or all of the townships interested intimate to the council or to the commissioner or commissioners so appointed,

their intention to execute the work themselves, then the commissioner or commissioners shall delay proceedings for a reasonable time; but if the work is not proceeded with during the favourable season by the township officers, then the commissioners shall undertake and finish it themselves. 55 V. c. 42, s. 560.

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653. Any sum of money so determined by the county council as the portion to be paid by the respective townships, shall be paid by the county treasurer, on the order of the commissioner or commissioners, and the amount shall be retained out of any money in his hands belonging to such township; but if there are not, at any time before the striking of a county rate, any such moneys belonging to such township in the treasurer's hands, an additional rate shall be levied by the county council against such township sufficient to cover such advances. 55 V. c. 42, s. 561.

Sums determined upon to be paid by townships.

654. Whenever the several townships interested in the whole or part of any county boundary line road are unable mutually to agree as to their respective shares of money to be paid or of work to be done or of both, in opening or maintaining such boundary line road, or portion thereof, one or more of such township councils may apply to the wardens of the bordering counties to determine jointly the amount which each township shall be required to expend on such road, either in money or statute labour, or both, and the mode of expenditure; the County Judge of the county in which the township first making the application is situate, shall in all cases be the third arbitrator. 55 V. c. 42. s. 562.

When the several townships interested cannot agree.

Wardens to be arbitrators.

County judge to be third arbitrator.

655. It shall be the duty of the wardens of the counties interested, within twenty-one days from the time of receiving the application, to meet for the determination of the matter in dispute. The warden of the county in which the township first making the application is situated, shall be the convener of the meeting; and it shall be his duty, within eight days after receiving the application, to notify the warden of the other county and County Judge of the time and place of meeting. 55 V. c. 42, s. 563.

Meetings of wardens.

Who to convene, etc.

656. At such meeting the wardens and County Judge, or any two of them, shall determine the share to be borne by the respective townships, of the amount required on the part or parts to be opened or repaired by each or both, and shall appoint a commissioner or commissioners to superintend such work, and it shall be the duty of the township treasurer to pay the orders of the commissioners to the extent of the sum apportioned to each; and pathmasters controlling the statute labour on the lots adjoining such line, on the portion of such line to be opened or repaired, shall obey the orders of the commissioner or commissioners in performing the statute labour unexpended. 55 V. c. 42, s. 564.

What the wardens and county judge shall determine, etc.

Division IV.—Powers of County and Township Councils in Relation to Roads.

Sale or Lease of Minerals on or under Roads. Sec. 657.

Sale or lease of mineral rights under roads.

657.—(1) The corporation of any township or county, wherever minerals are found, may sell or lease, by public auction or otherwise, the right to take minerals found upon, or under any roads over which the township or county has jurisdiction, if considered expedient so to do.

Notice of sale or lease.

(2) No such sale or lease shall take place until after due notice of the intended by-law has been posted up in six of the most public places in the immediate neighbourhood of such road, for at least one month previous to the time fixed for considering the by-law.

Sale or lease not to interfere with public travel.

(3) The deed of conveyance or lease to the purchaser or lessee under the by-law shall contain a proviso protecting the road for public travel, and preventing any uses of the granted rights which would interfere with public travel. 55 V. c. 42, s. 565.

Division V.—Powers of County Councils in Relation to Roads and Bridges.

Closing road allowances. Sec. 658 (1).
Opening and altering roads. Sec. 658 (2).
Trees obstructing highways. Sec. 658 (3).
Double tracks in snow roads. Sec. 658 (4).
Aid to local municipalities. Sec. 658 (5).
Repair of county roads therein. Sec. 658 (6).
Abandoning or disposing of toll roads. Sec. 658 (7).
Improvements by united counties. Sec. 659.

By-laws for

658. The council of every county shall have power to pass by-laws for the following purposes:—

Closing Road Allowances.

Disposing of original allowance for roads in certain cases.

1. For stopping up or stopping up and sale, of any original allowance for road or any part thereof within the county, which is subject to the sole jurisdiction and control of the council, and not being within the limits of any village, town or city within or adjoining the county; but the by-law for this purpose shall be subject to section 632 of this Act. 55 V. c. 42, s. 566 (1).

Opening and Altering Roads.

Opening, etc., roads, etc., within or between several municipalities

2. For opening, making, preserving, improving, repairing, widening, altering, diverting and stopping up roads, streets, squares, alleys, lanes, bridges or other public communications, running or being within one or more townships, or between two or more townships of the county; or any bridge required to be built or made across any river or stream over 100 feet in width within any village in the county connecting any public highway leading through the county, and which is in continuation of a county road, or between the county and any adjoining county or city or separated town, or on the bounds of any town or village, within the boundaries of the county, as the interests of the inhabitants of the county, in the opinion of the council, require to be so opened, made, preserved and improved; and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions herein contained. 55 V. c. 42, s. 566 (2); 60 V. c. 15, *Sched.* C (104).

Trees Obstructing Highways.

May direct the trees to be cleared on each side of highways.

3. For directing that, on each and either side of a highway under the jurisdiction of the council, passing through a wood, the trees (except such as are reserved by the owner for ornament or shelter) shall, for a space not exceeding twenty-five feet on each side of the highway, be cut down and removed by the proprietor within a time appointed by the by-law, or, in his default, by the county surveyor or other officer in whose division the land lies; and, in the latter case, for authorizing the trees to be used by the overseer or other officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the by-law into effect; and the council may further pay such expenses out of county funds. 55 V. c. 42, s. 566 (3).

Double Tracks in Snow Roads.

Double tracks in snow roads. Rev. Stat. c. 237.

4. For providing for the making and keeping open of double tracks in snow roads according to the provisions of *The Act respecting Double Tracks in Snow Roads.* 55 V. c. 42, s. 566 (4).

Aiding Local Municipalities.

For aiding the making of roads and bridges.

5. For granting to any town, township or village in the county, aid, by loan or otherwise, towards opening or making any new road or bridge in the town, township or village, in cases where the council deems the county at large sufficiently interested in the work to justify such assistance, but not sufficiently interested to justify the council in at once assuming

Guaranteeing debentures of local municipalities.

the same as a county work; and also for guaranteeing the debentures of any municipality within the county, as the council may deem expedient. 55 V. c. 42, s. 566 (5).

Aid to local municipalities for making, opening, maintaining, widening, raising, covering or otherwise improving any highway, road, street, bridge or communication passing from or through any township, town or village municipality into a county road.

6. For granting aid to any town, township or village in the county, in making, opening, maintaining, widening, raising, covering or otherwise improving any highway, road, street, bridge or communication passing from or through any township, town or village municipality into a county road. 59 V. c. 51, s. 26.

Aid towards roads, bridges, etc., of local municipalities.

7. For granting to any town, township or village in the county, aid towards improving any road, street, bridge or other public communication running into any county road of the county within which such local municipality is situate. 59 V. c. 51, s. 27.

Repair of County Roads in Local Municipalities.

Opening roads in local municipalities.

8. For requiring that the whole or any part of a county road within any local municipality shall be opened, improved and maintained by such local municipality. 55 V. c. 42, s. 566 (6).

Abandoning or Disposing of Toll Roads.

Disposing of roads.

9. For abandoning or otherwise disposing of the whole or any portion of a toll or any other road owned by a county, whether situated wholly within the county or partly within the county and partly within an adjoining county or counties.

(*a*) On the passing of such by-law the clerk shall forthwith forward a certified copy thereof to the local municipality or municipalities which any portion of said abandoned road runs through or along or borders upon.

(*b*) No such by-law shall take effect until assented to by the local municipality or municipalities affected, or until the same shall have been approved by the Lieutenant-Governor in Council. 55 V. c. 42, s. 566 (7).

Improvements by United Counties.

Enabling either county of a union to make improvements therein.

659. – (1) The councils of united counties may make appropriations and raise funds to enable either county, separately, to carry on such improvements as may be required by the inhabitants thereof. 55 V. c. 42, s. 515.

Councillors representing the county interested alone to vote.

(2) Whenever any such measure is brought before the council of any united counties, none but the members thereof representing the county council divisions comprising the county to

be affected by the measure shall vote; except in case of an equality of votes, when the warden, whether a representative of any portion of the county to be affected by the measure or not, shall have the casting vote. 55 V. c. 42, s. 516; 60 V. c. 3, s. 3. Exception.

(3) In all other respects, all the provisions of this Act making provision for the payment of the amounts appropriated, whether to be borrowed upon a loan or to be raised directly by taxation, shall be adhered to. 55 V. c. 42, s. 517. Provisions of this Act for repayment to apply.

(4) The treasurer of the united counties shall pay over all sums so raised and paid into his hands by the several collectors, without any deduction or percentage. 55 V. c. 42, s. 518. Treasurer to pay over moneys without deduction.

(5) The property to be assessed for the purposes contemplated in the last four preceding subsections, shall be the same as the property assessed for any other county purpose, except that any sum to be raised for the purposes of one county only, or for the payment of any debt contracted for the purposes of one county only, shall be assessed and levied solely upon property assessed in that county, and not upon property in any other county united with it, and any debenture that may be issued for such purposes may be issued as the debenture of the said one county only, and shall be as valid and binding upon that county as if that county were a separate municipality; but such debentures shall be under the seal of the united counties, and be signed by the warden thereof. 55 V. c. 42, s. 519. The property to be assessed in such cases.

Division VI.—Powers of Township Councils in relation to Roads and Bridges.

Aiding counties. *Sec.* 660 (1).
Closing road allowances. *Sec.* 660 (2).
Trees obstructing highways. *Sec.* 660 (3).
Footpaths. *Sec.* 660 (4).
Sale of roads in villages and hamlets. *Secs.* 661, 662.
Roads connecting side lines in double-front concessions. *Sec.* 663.

660. The council of every township may pass by-laws— By-laws for—

Aiding Counties.

1. For granting to any adjoining county, aid in making, opening, maintaining, widening, raising, lowering or otherwise improving any highway, road, street, bridge or communication lying between the township and any other municipality, and for granting like aid, to the county in which the township lies, in respect of any highway, road, street, bridge, or communica- Aiding adjoining county in making roads, etc., and granting aid to county for roads assumed by county.

tion, within the township, assumed by the county as a county work, or agreed to be so assumed on condition of such grant. 55 V. c. 42, s. 567 (1).

Closing Road Allowances.

Stopping up, leasing or sale of original road allowance.

2. For the stopping up, leasing or sale of any original allowance for road, or any part thereof, within the municipality; and for fixing and declaring therein, the terms upon which the same is to be leased, sold and conveyed;

Proviso.

But no such by-laws shall have any force—

(a) Unless passed in accordance with section 632 of this Act, nor

(b) Until confirmed by a by-law of the council of the county in which the township is situate, at an ordinary session of the county council, held not sooner than three months nor later than one year next after the passing thereof. 55 V. c. 42, s. 567 (2).

Trees obstructing Highways.

Ordering trees to be cut down on each side of a road.

3. For directing that, on each or either side of a highway under the jurisdiction of the council, passing through a wood, the trees (except such as are reserved by the owner for ornament or shelter) shall, for a space not exceeding twenty-five feet on each side of the highway, be cut down and removed by the proprietor within a time appointed by the by-law, or, on his default, by the overseer of highways, or other officer in whose division the land lies; and, in the latter case, for authorizing the trees to be used by the overseer or other officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the by-law into effect; and the council may grant, out of township funds, any money that it may be necessary to pay for cutting down and removing such trees. 55 V. c. 42, s. 567 (3).

Footpaths.

Footpaths.

4. For setting apart so much of any highway as the council may deem necessary for the purposes of a footpath, and for imposing penalties on persons travelling thereon on horseback or in vehicles. 55 V. c. 42, s. 567 (4).

Sale of Roads in Villages or Hamlets.

When roads in police villages and certain hamlets may be stopped up, sold, etc., by township council.

661.—(1) In case the trustees of any police village, or fifteen of the inhabitant householders of any other unincorporated village or hamlet consisting of not less than twenty dwelling houses standing within an area of 200 acres, petition the council of the township in which the village or hamlet is

situate, and in case the petition of such unincorporated village or hamlet, not being a police village, is accompanied by a certificate from the registrar of the registry division within which the township lies, that a plan of the village or hamlet has been duly deposited in his office according to the registry laws, the council may pass a by-law to stop up, sell and convey, or otherwise deal with any original allowance for road lying within the limits of the village or hamlet, as the same shall be laid down on the plan, but subject to all the restrictions contained in this Act with reference to the sale of original allowances. 55 V. c. 42, s. 568 (1).

When village is partly in each of two townships.

662. The preceding section shall apply to a village or hamlet situate in two townships, whether such townships are in the same or different counties, and in such case the council of each of the townships shall have the power thereby conferred, as to any original allowance for road lying within that part of the village or hamlet which, according to the registered plan, is situate within such township. 55 V. c. 42, s. 568 (2)

Roads connecting Side Lines in Double Front Concessions.

Side lines in double front concessions.

663.—(1) In any township in which the concessions have been surveyed with double fronts, that is with posts or monuments planted on both sides of the road allowances between the concessions, and the division or side lines drawn from the posts at both ends to the centre of the concession do not meet, and road allowances have been laid out along such lines, the council may by by-law provide for the opening and laying out (upon a survey made by an Ontario land surveyor, to be named in the by-law) of a roadway joining the ends of such road allowances.

(2) The centre of such roadway shall be determined by a straight line drawn along the centre of the concession between the ends of such road allowances, unless it appears to the surveyor that any other line would be more suitable according to the circumstances of the case.

(3) The surveyor shall determine the compensation to be paid to persons whose lands are taken for opening and laying out the said roadway, and the amount so determined shall be paid to such persons by the municipal corporation of the township.

(4) A copy of the by-law shall be served upon all persons over whose lands the proposed road will pass; and any such person desiring to object to the surveyor named in the by-law may, within one month after service thereof upon him, serve on the clerk of the municipality and on the other persons interested a notice of objection to such surveyor together with an appointment returnable before the County Judge of the county in which the lands lie.

(5) Upon the return of the appointment the Judge, after hearing all parties concerned may confirm the appointment of the surveyor named in the by-law or may name and appoint some other Ontario land surveyor to carry out the terms of the by-law; and in such case the surveyor so appointed shall act in the place and stead of the surveyor named in the by-law. 60 V. c. 55, s. 1.

TITLE III—POWERS OF MUNICIPAL COUNCILS AS TO IMPROVEMENTS TO BE PAID FOR BY LOCAL RATE.

DIV. I.—TOWNSHIPS, CITIES, TOWNS AND VILLAGES.
DIV. II.—TOWNSHIPS AND VILLAGES.
DIV. III.—TOWNSHIPS.
DIV. IV.—COUNTIES.

DIVISION I.—LOCAL IMPROVEMENTS IN TOWNSHIPS, CITIES, TOWNS AND VILLAGES.

General powers as to local improvements. *Sec.* 664 (1-4).
Sewers—Special provisions as to. *Sec.* 664 (5).
Drainage—Special provisions as to. *Sec.* 664 (6).
Rate to be a frontage rate. *Sec.* 665 (1).
Provision in case of insufficient or excessive assessment. *Sec.* 665 (2).
Townships—Special provision as to. *Sec.* 665 (3).
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MODE OF INITIATING LOCAL IMPROVEMENTS.

On petition. *Sec.* 668 (1)-(3).
On sanitary grounds. *Sec.* 668 (4).
On the initiative method. *Sec.* 669.
Short form of local improvement by-law. *Sec.* 670.
Notice may be given in lieu of advertising by law. *Sec.* 671 (1).
Contents of notice and how served. *Sec.* 671 (2).
When rate a frontage rate and by-law a general by-law. *Sec.* 671 (3).
Statement and notice in such cases. *Sec.* 671 (4).
Appeal to Court of Revision and County Judge. *Sec.* 671 (5).
Powers of County Judge thereon. *Sec.* 671 (6).
When assessment becomes final. *Sec.* 671 (7).
When second Court of Revision unnecessary. *Sec.* 671 (8).
Power to incur debts for cost of local improvements. *Sec.* 672.

SPECIAL PROVISIONS AS TO ASSESSMENTS FOR LOCAL IMPROVEMENTS.

As to sewers.—Branch drains. *Sec.* 673 (1).
Other properties benefited. *Sec.* 673 (2).
As to pavements, private drains, water mains, etc. *Sec.* 673 (3).
As to corner lots and irregular prices of land. *Sec.* 673 (4-5).
Lands on same street unequally benefited. *Sec.* 673 (6).
Lands fronting on parks, boulevards, etc. *Sec.* 673 (7).

BRIDGES, STREET EXTENSIONS, SIDEWALKS AND STREET INTERSECTIONS.

Property not fronting or abutting thereon may be assessed. *Sec.* 674 (1) (2).
Townships—Special provision as to. *Sec.* 674 (3).
Townships—Purchase of bridges, etc., built by private owners. *Sec.* 674 (4).
Corporation's share of cost of bridges, etc., how payable. *Sec.* 675.
Sidewalks constructed by private owners. *Sec.* 676.
Cities and towns may lay plank sidewalks without petition or notice. *Sec.* 677.
Cities and towns may pay part of cost of improved sidewalks. *Sec.* 678.
Cost of improvements at street intersections or opposite exempt property. *Sec.* 679.

MISCELLANEOUS CLAUSES.

Exemption of locally assessed property from general rates for like purposes. *Sec.* 680.
Covenants against incumbrances, how construed. *Sec.* 681.
Adoption by electors of local improvement system. *Sec.* 682 (1) (2).
Extension of system in such cases. *Sec.* 682 (3).
Certain exempt property assessable for local improvements. *Sec.* 683, 684
Municipalities' share of L. I. debts may be raised without electors' assent. *Sec.* 685 (1).
Ratepayers' share of L. I. debts not to be part of general debt. *Sec.* 685 (2).
Extension of local improvement system to—
(*a*) *Sweeping, watering and lighting streets.* *Sec.* 686 (1-2).
(*b*) *Cutting grass or weeds, trimming trees or shrubbery.* *Sec.* 686 (3).
(*c*) *Removal of snow, ice and dirt.* *Sec.* 686 (4).

By-laws for,

664. The council of every township, city, town and village may pass by-laws for the following purposes:

Ascertaining real property benefited by local improvements.

1. For providing the means of ascertaining and determining what real property will be immediately benefited by any proposed work or improvement, the expense of which is proposed to be assessed, as hereinafter mentioned, upon the real property benefited thereby; and of ascertaining and determining the proportions in which the assessment of the cost thereof is to be made on the various portions of real estate so benefited.

Appeal.

(*a*) There shall be the same right of appeal from any such assessment, or proposed scale of assessment, to the Court of Revision, and from the Court of Revision to the County Judge, as is provided for by *The Municipal Drainage Act*, and the proceedings thereon shall, except as otherwise provided in section 671 of this Act, be the same respectively as in the case of appeals from ordinary assessments under *The Assessment Act*. 55 V. c. 42, s. 612 (1).

Rev. Stat. c. 226.

Rev. Stat. c. 224.

Assessing real property benefited for cost of certain works.

2. For assessing and levying by means of a special rate, the cost of deepening any stream, creek, or watercourse, and draining any locality, or the cost of making, enlarging or prolonging any common sewer, or of opening, widening, prolonging or altering, macadamizing, grading, levelling, paving or planking any street, lane, alley, public way or place, or of constructing any sidewalk, bridge, culvert or embankment forming part of a highway therein, or of curbing, sodding, or planking any street, lane, alley, square, or other public place, or in any case where a system of waterworks has been constructed by such municipality, then for providing for the cost of the extension within the limits of such municipality of branch mains and pipes, and all other work necessary for connecting the properties of the property owners with the waterworks system of said municipality, in order to permit such property owners to receive the benefit of such waterworks; or, in any case where a system for lighting within a municipality has been constructed, or erected, by such municipality then for providing for the cost of the extension within the limits of the municipality of the poles, wires and pipes, and all other work necessary for lighting any street, square or other public place whereon the lands to be benefited thereby front or abut, or of reconstructing any work hereby provided for. 55 V. c. 42, s. 612 (2); c. 43, s. 65.

Extension of waterworks system.

Lighting the municipality.

Regulating time and manner of payment of assessments.

3. For regulating the time or times and the manner in which the assessments to be levied under this section are to be paid, and for arranging the terms on which persons assessed for such works or improvements may commute for the payment of their proportionate shares of the cost thereof in principal sums. 55 V. c. 42, s. 612 (3).

Doing work when funds furnished by persons.

4. For effecting any such work or improvements as aforesaid with funds provided by persons desirous of having the same effected. 55 V. c. 42, s. 612 (4).

5. If the contemplated work or improvement is the construction of a common sewer having a sectional area of more than four feet, one-third of the whole cost thereof shall be provided for by the council. The council of every municipality which has not passed a by-law within and under the provisions of section 682 of this Act shall also provide, in connection with all sewers, the cost of all culverts and other works necessary for street surface drainage, and also the cost of that part of every such work, improvement or service which is incurred at and is chargeable in respect of street intersections, and also that part thereof done or made opposite real property which by any general or special Act is exempt from special or local assessment. 55 V. c. 42, s. 612 (5). Construction of sewers, etc. in part to be paid by council.

6. If the contemplated works or improvements relate to any stream, creek, or watercourse, or to drainage by levy, and in the opinion of the engineer or surveyor specially charged with the duty of reporting thereon, any lands lying within the municipality or any road or roads lying therein or any roads therein belonging to any other municipality or corporation, then the engineer or surveyor aforesaid shall charge the lands, road or roads to be so benefited, and the municipality, corporation, person or company whose lands, road or roads, are improved, with such proportion of the cost of the work or improvement as he may deem just, and the amount so charged for lands or roads, or agreed upon by arbitration shall be paid by such person or out of the general funds of the municipality, corporation or company, as the case may be, and the provisions of *The Municipal Drainage Act* so far as applicable shall apply to any such work or improvement constructed under this section. 55 V. c. 42, s. 612 (6). Lands benefited to be charged with proportion of cost of certain local improvements. Rev. Stat. c. 226.

665.—(1) The special rate to be so assessed and levied shall be an annual rate according to the frontage thereof upon the real property immediately benefited by the work or improvement. 55 V. c. 42, s. 613 (1); c. 43, s. 66; 59 V. c. 51, s. 28 (1). Rate to be assessed on frontage.

(2) If in any case the first assessment for any such work or improvement proves insufficient, the council shall make a second or other additional assessment in the same manner, and so on until sufficient moneys have been realized to pay for such improvement or work, and if too large a sum has at any time been raised, the excess shall be refunded rateably to those by whom it was paid. 55 V. c. 42, s. 613 (2). Powers in case of insufficient or excessive assessment.

(3) In the case of a township any portion of which is situate within five miles of a city containing 50,000 inhabitants or over, if the council determine that any real property other than that fronting or abutting on the street, lane, alley, public way or place, or the portion thereof whereon or wherein the improvement made or to be made, is specially benefited and ought to be charged with a part of the cost thereof, and determine the proportion in which the cost of the improvement is to be assessed against the land so benefited, the council may, upon the petition of three-fourths in number Assessment of part of certain local improvements in townships.

of the owners representing three-fourths in value of the lands to be benefited, assess and levy, by frontage rate in like manner as the same would be assessed and levied in the case of lands fronting or abutting upon the street, lane, alley, public way or place, or the portion thereof whereon or wherein the improvement is made or to be made, the proportion of the costs chargeable against the lands benefited, whether such lands do or do not front or abut upon such street, lane, alley, public way or place.

Provided, that instead of assessing and levying by a frontage rate, the council may by by-law provide that the cost of the local improvement therein specified may be assessed and levied by a special rate upon the lands benefited thereby, according to the proportion of benefit received therefrom, instead of by a frontage rate. 55 V. c. 42, s. 613 (3); c. 43, s. 67.

Preceding sections not to apply to ordinary repair or maintenance.

666. Nothing contained in the two preceding sections shall be construed to apply to any work of ordinary repair or maintenance; and all works or improvements constructed under the said sections shall thereafter be kept in a good and sufficient state of repair at the expense of the township, city, town, or village generally. 55 V. c. 42, s. 614.

General by-law for determining property benefited by improvements, sufficient.

667. It shall be deemed to have been and to be a sufficient compliance with the provisions of section 664 if the council shall have passed or shall pass a general by-law or general by-laws, providing the means of ascertaining and determining what real property will be immediately benefited by any proposed work or improvement, the expense of which is proposed to be assessed upon the real property immediately benefited thereby, and of ascertaining and determining the proportions in which the assessment of the final cost thereof is to be made on the various portions of real estate so benefited, and it shall not be deemed to have been, or to be necessary to pass a special by-law in each particular instance for the purposes above mentioned. 55 V. c. 42, s. 615.

MODE OF INITIATING LOCAL IMPROVEMENT WORKS.

(1) *By Petition.*

Council to undertake works on petition of owners to be benefited.

668.—(1) Upon the receipt of a petition praying for any of the works and improvements mentioned in the four preceding sections, signed by at least two-thirds in number of the owners of any real property to be benefited thereby, according to the last revised assessment roll of the municipality, such owners representing at least one-half in value of such real property—the number of such owners and the value of such real property as appears by the last revised assessment roll as aforesaid having been first ascertained and finally determined in the manner and by the means provided by by-law in

that behalf—the council may take all proper and necessary proceedings for the execution and completion of the work or improvement with as little delay as possible. 55 V. c. 42, s. 616 (1); 58 V. c. 42, s. 31.

"Owner" to include lessee with lease-holders.

(2) Where the word "owner" occurs in this Act in sections 664 to 686, both inclusive, 689 and 690, it shall be construed and deemed to include a leaseholder, the unexpired term of whose lease (including any renewals therein provided) extends over a period which is not less than the duration of the proposed assessment, if the lessee has covenanted in his lease to pay all municipal taxes on the demised property during the term of said lease, and would be liable for the taxes for the proposed improvements, and every such lessee shall have the same right to petition for or against any local improvement proposed to be constructed under this Act as if he were the owner of the property liable to be assessed therefor. 55 V. c. 42, s. 616 (2); 60 V. c. 15, *Sched.* C (105).

Owner not to petition where lessee may.

(3) In any case where a lessee has the right to petition for or against any proposed improvement under the provisions of the last preceding subsection, the owner of the property in fee shall not have such right.

(*a*) This subsection and subsection 2 shall not apply to townships. 55 V. c. 42, s. 616 (3).

(2) *On Sanitary Grounds.*

Drains for sanitary purposes.

(4) If the council of any city, town or village upon the recommendation of the local board of health affirmed by a vote of two-thirds of all the members of the council at any regular meeting thereof, that it is desirable and necessary in the public interest to construct, make, enlarge or prolong a drain, sewer or sewers, for the purpose of draining a particular locality for sanitary or drainage purposes, as a local improvement, it shall not be necessary for such council to give notice of the proposed assessment for such local improvement, except the notice required by subsection 4 of section 671 of this Act, of the sitting of the Court of Revision for the purpose of hearing complaints against such proposed assessment.

(*a*) This shall not affect or impair the powers heretofore conferred upon any municipality by special Act. 55 V. c. 42, s. 616 (4); 58 V. c. 42, s. 32.

(3) *On the Initiative Method.*

Work to be done and rate to be assessed on property benefited, except where petitioned against.

669.—(1) Any work or improvement mentioned in section 664 of this Act, may be undertaken and the assessment of the cost thereof may be made upon the properties benefited thereby, unless the majority of the owners of such real property, representing at least one-half in value thereof, petition the council against the same within one month after the last

publication of a notice of the intention of the council to undertake the said work, such notice to be inserted once in each week for two weeks in at least two newspapers published in the township, city, town or village, if there are two newspapers published therein; and, if not, then in a newspaper published nearest to the proposed improvement or work.

Effect of petition against work.

(2) In the event of any sufficiently signed petition as aforesaid against the proposed work or improvement being presented to the council, no second notice for the same shall be given by the council within two years thereafter.

Determining number and value of property of petitioners.

(3) The number of the owners petitioning against the proposed improvement or work and the value of the real property [illegible] may be ascertained and finally determined in such manner and by such means as are provided by by-law in that behalf.

Completion of local improvements.

(4) When notice of a proposed improvement, work or service to be paid for by special assessment as a local improvement, has been given by the council of any municipality pursuant to the provisions of this Act, and no petition sufficiently signed as aforesaid has, within the time limited in that behalf by this Act, been presented to the council against such proposed improvement, work or service and assessment it shall be lawful for the council, in the same or any succeeding year, to carry on the proposed work, improvement or service to completion before making the assessment therefor.

(a) A notice, so given, shall stand good as the authority for undertaking any such work, improvement or service, and for making such assessment or assessments, and passing all necessary by laws, whether the same shall have been or shall be undertaken and completed by the council giving such notice or by any succeeding council. 55 V. c. 42, s. 617.

Owner whose name is not on assessment roll may petition.

(5) Any owner of real property to be benefited by the construction of any work or improvement, the cost of which is payable by local special assessment under sections 664 to 676 of this Act, may, notwithstanding that his name does not appear on the last revised assessment roll of the municipality, petition for or against such local improvement upon satisfying the clerk of the municipality by statutory declaration or otherwise that he is the owner of the property instead of the person assessed therefor upon such last revised assessment roll. 55 V. c. 42, s. 617*a*; 60 V. c. 15, Sched. C (106).

Short Form of Local Improvement By-Laws.

Words in column one of schedule when used to have same effect as words in column two.

[illegible].—(1) Where a by-law [illegible] according to the form set forth in Schedule [illegible] annexed to this Act or any other by-law expressed to be made in pursuance of this section or referring thereto, passed by any municipal council for borrow-

ing money by the issue of debentures secured by local special rates on the property benefited thereby, contains any of the forms of words contained in column one of Schedule O hereto annexed and distinguished by a number therein, such by-law shall be taken to have the same effect and shall be construed as if it contained the form of words contained in column two of said Schedule O, and distinguished by the same number, but it shall not be necessary in any such by-law to insert any such number.

By-laws failing to take effect hereunder.

(2) Any by-law which fails to take effect by virtue of this section, shall, nevertheless, be as effectual to bind the corporation, the council of which passed such by-law, as if this Act had not been passed.

Use of form to be optional.

(3) Nothing herein contained shall require any municipality to adopt the said form of by-law. 60 V. c. 47, ss. 1-3.

Notice may be Given in Lieu of Advertising By-law.

Notice may be served on owners, etc., in lieu of advertising.

671.—(1) No by-law passed by the council of any township, city, town or village under the provisions of section 664 of this Act shall require to be advertised in any newspaper, but a written or printed, or partly written and partly printed notice of the sitting of the Court of Revision for the confirmation of every such special assessment shall be given to the owners and lessees having the right to petition, or to the agents of such owners and lessees. 55 V. c. 42, s. 618 (1); 60 V. c. 15, *Sched.* C (108).

Contents of Notice and How Served.

Contents of notice and how served.

(2) Every such notice shall contain a general description of the property in respect of which the same is given, and the nature of the proposed improvement, work or service, the total cost thereof, the amount of the proposed assessment on the particular piece of property, and the time and manner in which the same is to be payable, and shall be signed by the clerk, assessment commissioner or other officer appointed by the council for the purpose, and shall, at least fifteen days before the day appointed for the sitting of the Court, be mailed to the address of the person entitled to receive the notice. Ten days' notice of the time and place of the meeting of the said Court shall also be given by publication in some newspaper having a general circulation, which notice shall specify generally what such assessment is for and the total amount to be assessed. 55 V. c. 42, s. 618 (2).

When By-law General and Rate a Frontage Rate.

When by-law general rate is a frontage rate.

(3) Where notice of the intention of the council to direct by general by-law to take any work or improvement is given under the provisions of a general by-law passed under section 607, which provides and describ

tion sufficient when by-law passed under s. 667.

or is intended to provide, that the special rate to be assessed therefor shall be an annual rate according to frontage upon the real property fronting or abutting upon the street or the portion of street or place whereon or wherein the improvement or work is proposed to be done or made, it shall be sufficient if the notice of the proposed work or improvement describes the street or place or portion thereof whereon or wherein the work or improvement is to be done or made by a general description thereof, stating the points between which it is to be made. It shall not be necessary in such cases to state the value of the real property rateable for the work or improvement, or to impose a rate upon such real property by any description other than that hereinbefore mentioned. 55 V. c. 42, s. 618 (3).

Statement and Notice in Such Cases.

Notice of by-law and sitting of Court of Revision.

(4) In cases within the preceding subsection the council shall procure a measurement to be made of the frontages liable to assessment for the cost of the proposed work or improvement, and of the frontages exempt from taxation, and shall, for at least ten days before its final decision to undertake the said proposed work or improvement, keep a statement of the same open for inspection in the office of the clerk of the municipality. The council shall also cause to be inserted once a week for two successive weeks in a public newspaper published within the municipality or in the county town, or in a public newspaper published in the nearest municipality in which a public newspaper is published a notice in the form following or to the like effect:

Take notice that the municipal council of the corporation of the intends to (*describing the work*) on street, between (*describing the points between which the work has been or is to be made or constructed*) and to assess the final cost thereof upon the property abutting thereon and to be benefited thereby, and that a statement showing the lands liable to pay the said assessment, and the names of the owners thereof, so far as they can be ascertained from the last revised assessment roll, is now filed in the office of the clerk of the municipality and is open for inspection during office hours.

The estimated cost of the work is $ of which $ is to be provided out of the general funds of the municipality.

A Court of Revision will be held on at for the purpose of hearing complaints against the proposed assessment or accuracy of the frontage measurements or any other complaint which persons interested may desire to make, and which is by law cognizable by the Court.

Dated

Clerk.

55 V. c. 42, s. 618 (4).

Appeals to Court of Revision and County Judge.

Appeals from Court of Revision.

(5) From any such proposed assessment there shall be the same right of appeal to the Court of Revision, and from the

Court of Revision to the County Judge, as is provided in *The Municipal Drainage Act*, and the proceedings thereon shall, except as otherwise provided by this Act, be the same (as nearly as practicable) as in the case of appeals from ordinary assessments under *The Assessment Act*, and the Court of Revision and the County Judge shall respectively have the like jurisdiction, rights and powers in respect to every such appeal as in the case of such last mentioned appeals. 55 V. c. 42, s. 618 (5). Rev. Stat., c. 226. Rev. Stat., c. 224.

Powers of County Judge upon appeal.

(6). Wherever in cities and towns an appeal lies from the Court of Revision to the County Judge under sections 664 to 676 inclusive, the said County Judge in addition to his other powers under this Act and *The Assessment Act*, may, inquire and determine what lands (if any) other than those included in the assessment appealed from are or will be specially benefited by the proposed work or improvement and may add such lands to the lands to be assessed, notwithstanding that such lands may not have been specified in any notice of appeal to the said Judge; and the said Judge shall cause all persons who may be affected by the addition of their lands to the lands so to be assessed, to be notified of the time and place when the said appeal and matter will be considered, and may for that purpose, from time to time, adjourn the hearing of the said appeal. 55 V. c. 42, s. 623*a*. Rev. Stat., c. 224.

County Judge on appeals to him to be restricted by by-law fixing method of ascertaining property liable.

Provided that the said County Judge shall not have power, in case the assessment is duly made in accordance with a by-law for ascertaining and determining what real property is immediately benefited by such work or improvement, to interfere with or alter the said statement as to the lands liable to pay the said assessment unless and only so far as

(a) Upon the evidence he finds that they have been incorrectly measured, or

(b) Unless lands other than those fronting or abutting upon the street, or place, or portion of a street whereon the work or improvement is proposed to be done or made, are alleged to be benefited and are brought into the scheme or assessed therefor, or

(c) Unless the proportion of assessment of corner lots, triangular or other irregular pieces of land situate at the intersections or junctions of streets, has to be modified on appeal to him, or

(d) Unless the share to be borne by the municipality in his judgment should be changed, or

(e) Unless he finds that the property in respect of which an appeal is brought cannot, from its situation, be benefited by such work or improvement,

and in each such case the said Judge shall only interfere with or alter the assessment of the said lineal frontage so far

as may be necessary to carry into effect any of the changes which are occasioned by his judgment. 59 V. c. 51, s. 28 (2); 60 V. c. 15, *Sched.* C. (121).

When Assessment Becomes Final.

Assessment altered on appeal to be conclusive.

(7) The statement referred to in the two preceding subsections unless so far as the same is altered or varied by the Court of Revision or the County Judge upon appeal shall be final and conclusive as to all matters therein contained. 55 V. c. 42, s. 618 (6).

Second Court of Revision, when unnecessary.

(8) Where the proposed assessment has been regularly brought before a Court of Revision and the County Judge, (in case there has been an appeal to such County Judge), and where there is in force in the municipality a by-law passed under the provisions of section 667 of this Act, it shall not be necessary to submit to another Court of Revision the by-law for the actual cost of the work or improvement when such actual cost does not exceed by more than ten per cent. the estimated cost thereof as submitted to the Court of Revision 59 V. c. 51, s. 29.

Power to incur debts for the cost of local improvements.

Power to borrow funds for local improvements.

672.—(1) For the purpose of enabling councils to avoid the necessity of making supplementary assessments or of refunding in case of over assessments, and for the purpose of ascertaining the exact cost of any work or improvement, done or constructed as a local improvement under the provisions of this Act, the council of any local municipality may make agreements with any bank, or with any person or body corporate for temporary advances and loans for meeting the cost of the work or improvement, until the completion thereof, and may in their option make the special assessments for the cost thereof, after the work or improvement has been completed, and may then pass the necessary by-law authorising the issue of debentures to repay the amount of the temporary loan or advance. 55 V. c. 42, s. 619 (1).

Time for repayment of loans.

(2) Every by-law passed under the preceding subsection for borrowing money by the issue of debentures as aforesaid, shall provide for the repayment of the loan and the maturing of the debentures to be issued pursuant to such by-law, within the probable life of the work or improvement for which such debt has been incurred, as certified by the engineer, or other proper officer to be appointed by the council for that purpose. 55 V. c. 42, s. 619 (2); 60 V. c. 15, *Sched.* C. (107).

Where special assessments irregular new assessments may be made.

(3) If a debt has been incurred by a local municipality for any work done or improvement constructed under the provisions of this Act, and if after the incurring of the said debt the special assessment for such work or improvement or the

by-law providing for borrowing money therefor is set aside or quashed, either wholly or in part, on the ground of any irregularity or illegality in making such assessment or passing such by-law, it shall be lawful for the council, and they are hereby authorized, to cause a new assessment or assessments to be made, and to pass a new by-law, so often as may be necessary to provide funds for the payment of the debt so incurred for such work or improvement. 55 V. c. 42, s. 619 (3), *part.*

(4) Nothing herein contained shall be construed as authorizing any assessment to be made, or any work or improvement to be undertaken unless the same has been initiated in some one of the three methods by law provided namely: But only if improvement has been properly initiated.

(*a*) Either on the report of the engineer or other sanitary officer, and of a committee of the council, adopted by the council, recommending the proposed work or improvement for sanitary or drainage purposes, or

(*b*) On a sufficiently signed petition of the owners of the real property to be benefited, or

(*c*) After due notice, as above provided, of the proposed assessment and no sufficiently signed petition of the owners, as hereinbefore defined, of the real property benefited being presented to the council against the proposed assessment within the time limited therefor. 55 V. c. 42, s. 619 (3), *part.*

SPECIAL PROVISIONS AS TO ASSESSMENTS FOR LOCAL IMPROVEMENTS.

(1) *As to Sewers.*

673.—(1) In ascertaining and determining the cost of draining any locality or of making and laying or prolonging any common sewer, the council of any township, city, town or village, may estimate the cost of the construction of branch drains from the drain or sewer to the line of street and may, in making the assessment for such drains or sewers, include the cost of such branch drains as part of the cost of the local improvement. 55 V. c. 42, s. 620 (1). Cost of sewers

(2) Where in order to afford an outlet for the sewerage and drainage of real property other than that fronting or abutting upon the street in which a sewer is constructed, such sewer has been constructed of a larger capacity than that required for the efficient sewerage and drainage of the real property fronting or abutting upon the street, the council may impose a special assessment upon any other real property benefited by the construction of such sewer in the manner provided by sections 671 and 672 of this Act. 55 V. c. 42, s. 620 (2); c. 43, s. 68. Where other property receives benefit of sewer as well as that fronting on street drained.

As to Pavements.

Private drains, water mains, service pipes, etc., may be included in cost of pavement.

(3) In case the council of a municipality is about to construct, renew or alter the character of a pavement on any street, highway or public place, or portion thereof, as a local improvement, the council may, before putting down such pavement, put in all necessary private drain connections from any existing drain or sewer upon such street or portion thereof to the street line on each side of the drain or sewer, and also all necessary water mains, and may assess and levy the cost thereof, and of any alterations of service pipes and stop-cocks, thereby necessitated, against the properties benefited thereby as part of the cost of the said local improvement, pursuant to the provisions of section 664 of this Act. 55 V. c. 42, s. 620 (3).

As to Corner and Irregular Lots.

Assessment of corner lots, etc., for local improvements.

(4) The council of every township, city, town and village may, by by-law, provide an equitable mode of assessing for local improvements, works and services, corner lots, triangular or other irregular shaped pieces of land situate at the intersections or junctions of streets, having due regard to the situation, value and superficial area of such lots, as compared with adjoining lots and pieces of land assessable for such improvements, works and services, and may charge the amount of any allowance made on any such lot or piece of land, on the other real property fronting on the improvements, or may assume the same as a portion of the municipality's share of the works or improvements. Any such assessment shall be subject to appeal to the Court of Revision and from the Court of Revision to the County Judge as in this Act provided. 55 V. c. 42, s. 620 (4).

Refund of part of special rate for local improvements imposed on corner lots, etc.

(5) The council of any township, city, town or village may, by a two-thirds vote of the council, pass by-laws to remit and refund so much of the special rates imposed prior to the 30th day of March, 1885, on corner lots and irregular pieces of land for the construction of pavements and sidewalks under local improvement by-laws as may be necessary to equalize the assessment made on adjoining properties for the same improvement or work, and may provide the amount of all rates so remitted or refunded by passing by-laws for borrowing money by the issue of debentures, or by including said amounts in the rate bills for the year. No such remission or refund shall be made in any case where the work or improvement was made or constructed more than four years before the passing of the by-law authorizing the refund or remission. 55 V. c. 42, s. 620 (5).

Lands on same street unequally benefited.

(6) Where the lands on either side of a street, lane, or alley in a city, town or village are, in the opinion of the council, unfit from any cause for building purposes, and the council deems it inequitable to assess the same for local improvements at so high a rate as the building lots fronting on said street, lane or alley, the council shall, in all such cases, determine in what proportion the cost of any such improvement shall be borne by the lands on each side of said street, lane or alley, respectively. 55 V. c. 42, s. 620 (6). Determining proportion of cost of work in special cases.

Lands fronting on Parks, Boulevards, etc.

(7) Real property adjoining and fronting on any park, square, public drive or boulevard shall be specially assessable for and in respect of the improvements, works and services made, done or provided upon or in any such drive or boulevard in like manner as real property fronting or abutting upon any public street, but where a public park, square, drive or boulevard exists or may hereafter be established, the lands adjoining it not exempt from taxation shall be assessable only in respect of such improvements, works and services to the extent to which such lands are specially benefited by such improvements, works and services; and where the lands on one side of such drive or boulevard are a public park or square, or for other reasons are exempt from taxation, at least one-half of the cost of such improvements, works and services shall be borne by the municipality generally; Assessment for boulevards, etc.

(a) No petition shall avail to prevent the carrying out of any local improvement, work or service in any such park, square, drive or boulevard, and the making of special assessments therefor as aforesaid. 55 V. c. 42, s. 620 (7).

BRIDGES, STREET EXTENSIONS, SIDEWALKS, ETC.

Property not fronting or abutting may be assessed.

674.—(1) Where in the opinion of the council of any township, city, town or village it is expedient and necessary to construct or repair bridges or culverts on any street, lane or alley, or to open up and extend any street, lane or alley within the limits thereof for the more immediate convenience or benefit of any locality within such limits, and the council is of opinion that from any cause it is inequitable to charge the whole of the cost of the improvement on the lands fronting thereon, the council shall determine what lands are benefited by such works or improvements, and the proportion in which the cost thereof shall be assessed against the lands so benefited, and also the Cost of constructing bridges or culverts and of opening and extending streets.

proportion, if any, of the cost of the improvement, which shall be assumed by the township, city, town or village as its share thereof:

(a) The share or proportion of the cost of such improvement assumed by the municipality may be provided for by the issue of debentures upon the credit of the municipality at large in like manner as in the case of the share of the municipality of other local improvements.

(b) All assessments made under the above provisions shall be subject to an appeal to the Court of Revision and from the Court of Revision to the County Judge in like manner as in the case of other special assessments for local improvements under the provisions of this Act. 55 V. c. 42, s. 621 (1).

Assessment of lands benefitted not fronting on street improved.

(2) In the case of the construction or repair of a bridge or culvert, or the opening up and extension of any street, lane or alley—if the council determines that any real property other than that fronting or abutting on the street, lane or alley, or the portion thereof whereon or wherein the improvement is made, or to be made, is specially benefited, and ought to be charged with a part of the cost thereof, and determines the proportion in which the cost of the improvement shall be assessed against the lands so benefited—the council shall assess and levy the proportion of the cost chargeable against the lands benefited by, but not fronting or abutting upon such street, lane, or alley by a frontage rate, in like manner as the same would be assessed and levied in the case of lands fronting or abutting upon the street, lane or alley, or the portion thereof whereon or wherein the improvement is made or to be made. 55 V. c. 42, s. 621 (2).

Assessments for local improvements in townships.

(3) Or in the case of a township, the council may, by by-law, provide that the cost of the works therein specified may be assessed and levied by a special rate upon the lands benefited thereby according to the proportion of benefit received therefrom instead of by a frontage rate, as hereinbefore provided. 55 V. c. 42, s. 621 (3), *part*.

Purchase of Works or Improvements Already Constructed

When township may purchase works or improvements already constructed.

(4) In the case of a township, where the owners of real property have constructed works or improvements which might have been constructed by the municipality as local improvements, the council may, upon the petition of three-fourths of the owners of lands to be benefited by the acquisition of such works or improvements, representing at least two-thirds in value thereof, acquire the same at a price to be fixed by arbitration pursuant to this Act, and the purchase money therefor may be raised, assessed and levied, as for local improvements upon the real property benefited thereby as above provided.

(a) The number of owners petitioning for the said assessment, and the value of the real property which they represent may be ascertained and finally determined in such manner, and by such means as are provided by by-law in that behalf subject to an appeal as in the case of other special assessments for local improvements. 55 V. c. 42, s. 621 (3) *part*,

When Corporation may pay half the cost of Bridges, etc.

Where council declares whole municipality benefited by construction of bridge, etc

675. In any case where a council affirms by a two-thirds vote thereof that the constructing, erecting or making of any bridge, culvert or embankment, benefits the municipality at large, and that it would be inequitable to raise the whole cost of such improvement or work by local special assessments, the council may pass a by-law for borrowing money by the issue of debentures upon the credit of the municipality at large to provide as the corporation's share of the cost of such improvement or work an amount not exceeding one-half of the whole cost thereof; and no such by-law shall require the assent of the electors before the final passing thereof. 55 V. c. 42, s. 622.

Sidewalks Constructed by Private Owners.

Council may permit owners to build or improve sidewalks in front of lands.

676. The council may permit the owner or owners of lands in any township, city, town, or village to build or improve the sidewalk in front of his or their lands, under the direction of the council or an officer thereof appointed for that purpose, and according to such plans and regulations as the council may prescribe, in which case the owners or occupants of such lands shall be exempt from all taxes for improvements of a like nature so long as they keep the same in repair to the satisfaction of the council. 55 V. c. 42, s. 623.

Cities and Towns may lay Plank Sidewalks without Petition or Notice.

Laying sidewalks as local improvements in cities and towns.

677. Notwithstanding anything contained in any by-law of the municipality, the corporation of any city or town may construct and lay down a plank sidewalk upon and along any street, lane, alley or other thoroughfare or park in the said city or town as a local improvement, and the cost thereof may be assessed against the properties fronting or abutting thereon, if such sidewalk is, in the opinion of two-thirds of the members present at any regular meeting of the city or town council, desirable in the public interest. 55 V. c. 42, s. 623*b*.

Or May Pay Part of Cost of Improved Sidewalks.

Power to advance from general funds or borrow forty per cent. of the cost of certain improvements.

678.—(1) It shall be lawful for the council of the corporation of any city or town which has not adopted the local improvement system in respect of sidewalks, by by-law to provide from the general funds of the municipality, or to raise by way of loan on the credit of the debentures of the municipality, forty per cent. of that part of the cost of the construction of granolithic, stone, asphalt or brick sidewalks upon leading or principal business streets of the city or town as local improvements on the property benefited, in addition to the part of such cost to be provided by the municipality, and to add said forty per cent. to the said part of the cost of the construction of said sidewalks to be provided by the municipality, and to issue debentures for the amount thus obtained, and it shall not be necessary to submit the by-laws of the said corporation authorizing the issue of the said debentures to, or to have the assent of, the electors of the municipality before the final passing thereof; but any by-law for carrying the provisions of this section into effect, both as to selecting streets and providing the necessary funds, shall require an affirmative vote of three-fourths of the members of the council. Where sidewalks have been or are hereafter made under this section, the property assessed for the said sixty per centum for or towards such construction shall be exempt from any general rate or assessment for the like purpose under section 680 of this Act to the extent of sixty per centum of such rate only. 57 V. c. 50, s. 16 (1); 58 V. c. 42, s. 33.

Assent of electors not required.

Exemption to extent of 60 per cent.

Remainder of cost to be assessed on property benefited.

(2) The remainder of that part of the cost of constructing the said sidewalks, falling on the property benefited, after the said forty per cent. has been deducted, shall be assessed for and dealt with in the manner provided in this Act as to assessments for local improvements in other cases. 57 V. c. 50, s. 16 (2).

Irregularities in form not to invalidate debentures.

(3) Subsection 1 of section 400 of this Act shall apply to by-laws and debentures passed and issued under this section. 57 V. c. 50, s. 16 (3).

Cost of Local Improvements opposite Street Intersections or Exempt Properties.

Certain part of improvements may be charged on general rates

679.—(1) In case of a special assessment being made on property benefited by any local improvement, the council of the municipality (if they think fit) may, by by-law, provide for constructing, at the expense of the general funds of the municipality, such part of the local improvement as is situate upon or in that part of any street, lane, alley, public place, or square, which is intersected by any other street, lane, alley, public place, or square, or as would otherwise fall on property

exempt from assessment: and the council may provide for the cost thereof in the general rates or taxes for the year, or by the issue of debentures, or in such other manner not inconsistent with the provisions of this Act, or of any special Act, as to said council may seem best, and subject to such by-laws as the council may pass in that behalf.

Provisions as to "Local Improvement Debentures."

(2) The by-law authorizing the issue of the debentures need not be submitted for the assent of the electors of the municipality; and the debentures issued to pay for that part of the work payable by local assessment may, if the council thinks fit, be issued as a series distinct from those required to pay for that part which is to be borne by the general funds of the municipality, or all the debentures required for the work may be issued in one series, as "Local Improvement Debentures." This subsection shall be deemed declaratory of the law on and from the 5th day of March, 1880. 55 V. c. 42, s. 627.

EXEMPTION OF LOCALLY ASSESSED PROPERTIES FROM GENERAL RATES FOR LIKE PURPOSES.

Property specially assessed to be exempt from general assessment for same purpose.

680.—(1) Any real property specially assessed by any council for any local improvement or work under this Act, shall be exempted by the council from any general rate or assessment for the like purpose, except the cost of works at the intersection of streets, and except such portion of the general rate as may be imposed to meet the cost of like works opposite real property which is exempt from such special assessment.

When exemption may be for specified period,

(2) Where a local improvement or service is petitioned for and the petition is by two-thirds in number of the owners of the real property fronting or abutting upon the street or place wherein or whereon such improvement or work is proposed to be done or made, the exemption may be for a specified period named in the petition and agreed to by the council.

or a period fixed by arbitration.

(3) Or if, either with or without naming any period for such exemption, the petition requests an arbitration, the council may accede to the proposal for an arbitration.

Procedure.

(4) In case the matter is to be determined by arbitration, a sole arbitrator shall be chosen for the purpose by the County Court Judge, unless some person or persons is or are agreed to in that behalf by the petitioners and the council.

Council to show proportion of general rate thus occasioned.

(5) Where, by reason of a special assessment, the owners are exempted from a general rate, for the like purpose, as aforesaid, the council shall, from year to year, by by-law directing the general rate of assessment, or by some other by-law, state what proportion of the general rate is for purposes for which there is such special assessment in any part of the municipality, and shall state the same in such manner as may give effect to this section

Otherwise general rate not to be used for local improvements.

(6) Until a by-law is passed containing such statement, none of the money raised by general rate on real property specially assessed or rated for any work or service hereafter executed shall be applied to any work or service of the same character in any part of the municipality. 55 V. c. 42, s. 624.

COVENANTS AGAINST INCUMBRANCES, HOW CONSTRUED.

Local improvement charge and covenant against incumbrances.

681. Where local improvements benefiting real property have heretofore been made or are hereafter made under the provisions of the local improvement sections of this Act the costs whereof, in whole or in part, have been charged upon or against the real property, the petitioning for or procuring to be made, or the making of any such local improvements or the charging the costs thereof upon or against the real property, or the fact that they are a charge upon or against such real property, shall not be deemed to be a breach of the covenant by a vendor or person agreeing to sell that he has done no act to incumber the real property, except to the extent that the annual or other payments in respect of such charge are in arrear, and unpaid. 55 V. c. 42, s. 624*a*.

ADOPTION BY ELECTORS OF LOCAL IMPROVEMENT SYSTEM.

By-laws directing future improvements to be made by local assessment.

682.—(1) The council of any township, city, town or village may, by by-law, passed with the assent of the electors according to the provisions of this Act, direct that all future expenditure in the municipality for the improvements and services, or for any class or classes of improvement or service, for which special provisions are made in sections 664 and 686, shall be by special assessment on the property benefited, and not exempt by law from assessment.

Repeal of by-laws.

(2) After such a by-law has been passed in manner aforesaid, it shall not be repealed without the like assent of the electors; and, in case of such repeal, the provisions of section 680 with respect to freedom from any general rate or assessment of property which is subject to a special rate, shall apply to all property which had been specially rated or assessed for such improvement or service, while the repealed by-law was in force. The time when the exemption is to cease, shall be determined by arbitration, and the arbitrator shall be appointed by the County Judge, on the application of the municipal council.

Extension of System in such Cases.

Repairing and cleaning streets.

(3) Notwithstanding anything contained in clause 3 of section 664, after such a by-law has been passed in manner aforesaid, the council may pass a by-law or by-laws dividing the municipality into certain areas, districts or sections within which the streets or parts of streets may be maintained, repaired, cleaned, cleared of snow and ice, watered, swept, lighted

and the grass therein cut and trees therein trimmed, and may impose a special rate upon the assessed real property therein, according to the frontage thereof, in order to pay any expenses incurred in maintaining, repairing, cleaning, clearing of snow and ice, watering, sweeping and lighting such streets or parts of streets, and cutting grass and trimming trees therein, or for any one or more of such services. 55 V. c. 42, s. 625. *And see sec. 686.*

CERTAIN EXEMPT PROPERTIES MAY BE ASSESSED FOR LOCAL IMPROVEMENTS.

Assessment of lands in connection with churches for local improvements.

683. Land on which a place of worship is erected, and land used in connection with a place of worship, shall be liable to be assessed, in the same way and to the same extent as other land, for local improvements made or to be made. 55 V. c. 42, s. 626. *See also Cap. 224, Sec. 7 (3).*

Assessment of colleges, etc.

Proviso.

684. The buildings and grounds of and attached to a university, college or other incorporated seminary of learning, whether vested in a trustee or otherwise, shall be liable to be assessed, in the same manner and to the same extent as other land is assessed, for local improvements made or to be made. This section shall not apply to schools which are maintained in whole or in part by a legislative grant or a school tax. 55 V. c. 42, s. 626*a*. *See also Cap. 224, Sec. 7 (4).*

Municipalities' Share of Local Improvement Debts may be Raised Without Assent of Electors.

Assent of electors not required to by-laws for raising municipality's share of cost of local improvements.

685.—(1) The council of any township, city, town or village may pass all by-laws necessary, from time to time, to raise loans and borrow moneys required for its share of any local improvements and works, on the credit of such township, city, town or village at large; and it shall not be necessary to obtain the assent of the electors of such township, city, town or village to the passing of any such by-law under the provisions of this Act, any special or private Act in that behalf to the contrary notwithstanding; provided always that nothing in this section contained shall be construed as authorizing an extension of the general debt of such township, city, town or village beyond the limits thereof fixed by any Act limiting the same. 55 V. c. 42, s. 628 (1).

Ratepayers' share not to be counted as part of general debt of Municipality.

(2) It is hereby declared that the debentures issued under local improvement by-laws on the security of special assessments therefor form no part of the general debt of any such municipality, within the meaning of any such last above-mentioned Act, and it shall not be necessary to recite the

amount of the local improvement debt so assured by special rates or assessments in any by-law for borrowing money on the credit of the township, city, town or village at large as aforesaid, but it shall be sufficient to state in any such by-law, that the amount of the general debt of the municipality as therein set forth is exclusive of local improvement debts, secured by special Acts, rates or assessments. 55 V. c. 42, s. 628 (2).

EXTENSIONS OF LOCAL IMPROVEMENT SYSTEM.

(And see sec. 682 (3).)

Sweeping, Lighting and Watering Streets.

Sweeping lighting and watering streets.

686.—(1) The council of every township, city, town and village may pass by-laws for raising, upon the petition of at least two-thirds of the persons resident in any street, square, alley or lane, whose names appear upon the last revised assessment roll of the municipality as freeholders or tenants of the assessed real property therein representing in value one-half of the said assessed real property, such sums as may be necessary for sweeping, watering or lighting the street, square, alley, or lane, by means of a special rate on the real property therein, according to the frontage thereof, or according to the assessed value thereof when only such latter system of assessment shall have been adopted by a three-fourths vote of the full council; but the council may charge the general corporate funds with the expenditure incurred in such sweeping, watering or lighting as aforesaid. 55 V. c. 42, s. 629 (1); 60 V. c. 15, *Sched.* C. (109).

Special rate may be imposed therefor.

(2) The council may also, by by-law, designate certain streets or parts of streets, or define certain areas or special sections within the municipality, in which the streets should be watered, swept and lighted, and may impose a special rate upon the assessed real property therein, according to the frontage thereof, or according to the assessed value thereof when only such latter system of assessment shall have been adopted by a three-fourths vote of the full council, in order to pay any expenses incurred in watering, sweeping or lighting such streets. 55 V. c. 42, s. 629 (2); 58 V. c. 42, s. 34.

Cutting grass and weeds.—Trimming trees or shrubbery.

Cutting grass etc.

(3) The council may also include in either of the foregoing by-laws, the cutting of grass and weeds, and trimming the trees or shrubbery on any such street, square, alley or lane, and otherwise cleaning the same. 55 V. c. 42, s. 629 (3).

Removing Snow, Ice and Dirt.

Removal of snow, ice, etc.

(4) The council may also by by-law define certain areas or sections within the municipality in which all snow, ice and

dirt and other obstructions shall be removed from the sidewalks, streets, lanes or alleys, in such area or sections, and may impose a special rate upon the real property therein, according to the frontage thereof, in order to pay any expenses incurred in removing such snow, ice, dirt or other obstruction. 55 V. c. 42, s. 629 (4).

Division II.—Townships and Villages.

Lighting, Waterworks and Fire Protection. Sec. 687 (1-3).
Fire Trustees and election of. Sec. 687 (4-6).

687.—(1). The council of any township or village may, under and subject to the provisions of sections 664 to 685 of this Act, pass by-laws providing for lighting the municipality, or for the construction of waterworks, or for the purchase of fire engines and other appliances for the purposes of fire protection or for the purchase and laying of mains and other appliances to connect with any existing system of water-works. 55 V. c. 42, s. 630 (1); 56 V. c. 35, s. 27. Lighting, water-works, and fire protection.

(2) The council may, by by-law, define by metes and bounds, or otherwise, what real property will be immediately benefited by the proposed improvement, and is to be charged with the cost thereof, and may also, by by-law, make provision for assessing and levying on the property so defined the cost of managing and maintaining the said works, fire engines and appliances. 55 V. c. 42, s. 630 (2). Cost of, may be assessed as local improvements.

(3) Section 666 of this Act shall not apply to any works constructed under the powers by this section conferred. 55 V. c. 42, s. 630 (3); 56 V. c. 35, s. 28. Section 666 not to apply.

(4) The council of a township may also, by by-law, direct in any case where a fire engine and appliances for the purpose of fire protection have been or are about to be purchased, that at the then next ensuing and at each subsequent municipal election for the municipality, three trustees, with the powers and for the purposes hereinafter mentioned, shall be elected for the same periods of time and in the same manner as municipal councillors are elected. 55 V. c. 42, s. 630 (4), *part.* Fire trustees.

(5) The said trustees shall have the care, control and management of said fire engine and appliances. 55 V. c. 42, s. 630 (5).

(6) No person shall have a vote at said election of said trustees unless he is the owner of real property defined by a by-law of the said municipality as real estate to be benefited by and charged with the cost of the purchase of such fire engine and appliances, and has the same qualifications as are required by this Act to enable owners of real estate to vote at municipal elections. 55 V. c. 42, s. 630 (4), *part.*

Division III.—Townships.

Maintenance of abandoned toll roads. Sec. 688.
Improvement of roads, bridging, etc. Sec. 689.
Exemption of property so specially assessed. Sec. 690.

Maintenance and repairs of abandoned Toll Roads.

Maintaining and repairing highways in townships.

688.—(1) The council of any township, on the petition of two-thirds in number of the owners, whose names appear upon the last revised assessment roll of the municipality as representing one-half in value of the property proposed to be assessed and subject to the provisions of sections 664 to 685 inclusive of this Act, may pass by-laws providing for the maintenance and repair of any highway or portion thereof within the jurisdiction of the council, which has theretofore been a toll road, and has been abandoned as such, and may define by by-law what real property will be immediately benefited by the work, and is to be charged with the cost thereof, and may also declare what proportion of the cost is to be borne by the real property within the limits defined by the by-law, and what proportion shall be borne by the general funds of the township; and may also by by-law make provision for assessing and levying upon the property so defined the cost of such maintenance and repairs not provided by the township. 55 V. c. 42, s. 630*a* (1); 60 V. c. 15, Sched. (110).

(2) Sections 666 and 680 of this Act shall not apply to work done under the provisions of this section. 56 V. c. 35, s. 29.

Improvement of roads.

Power to construct roads, etc., in townships as local improvements.

689.—(1) In case all the owners of the property or lots abutting according to the original survey by the Crown, on any road, street or public way in any part of any township, petition the council of the township to macadamize, gravel, plank or otherwise improve (by approved material) and to drain the road, street or public way (describing it), or to build a bridge in connection therewith, the council may procure an engineer or Ontario land surveyor to make an examination of the road, street or public way so proposed to be improved, and may procure plans, estimates of and a report upon the said work to be made by such engineer or surveyor, shewing the real property, municipalities and corporations to be benefited by such work, or the owners or occupants of real property who may or can use the same, and stating as nearly as may be, in the opinion of such engineer or surveyor, the proportion of benefit to be derived therefrom by every such lot or portion of a lot, railway or street railway, or municipal or other corporation; and the council, if of opinion that the proposed work or a portion thereof would be desirable, may pass by-laws,

(*a*) For providing for the proposed work or a portion thereof being done;

(*b*) For borrowing, on the credit of the municipality, the funds necessary for the work, although the same extends beyond the limits of the municipality (subject in that case to be reimbursed as hereinafter mentioned), and for issuing the debentures of the municipality to the requisite amount, including the costs of reference, if any, in sums of not less than $100 each, and payable within twenty years or less from date, with interest at the rate of not less than four per cent. per annum.

Certain other provisions to apply. Rev. Stat. c. 226.

(2) The provisions of *The Municipal Drainage Act* not inconsistent with this section, shall, *mutatis mutandis*, be applicable, as far as possible, to the making and improvement of the said road, street or public way, and the drainage and other works connected therewith, as if the said Act related to roads and the improvement thereof (so as to make the said clauses efficient for the construction of roads in substantially the same way as drains are constructed). 55 V. c. 42, ss. 611*a*, 611*b*.

Exemption of Property so Specially Assessed.

Exemption of property specially assessed.

690. Any real property specially assessed by any township council for any local improvement or work under the last preceding section of this Act, may be exempted by the council in whole or in part, from any general rate or assessment for the like purpose. 55 V. c. 42, s. 611*c*.

Division IV.—Counties.

Local improvement by-laws for making, repairing or improving a road, bridge, etc. Sec. 691 (1).
But not a road or bridge in a town or village. Sec. 691 (2).
Conditions under which by-laws may be passed. Sec. 692.
Roads or bridges assumed or acquired. Sec. 693.

Special rates for local improvements in townships.

691.—(1) The council of every county may pass by-laws for levying, by assessment on all rateable property within any particular part of one or parts of two townships to be described by metes and bounds in the by-law, in addition to all other rates, a sum sufficient to defray the expenses of making, repairing or improving any road, bridge, or other public work, lying within one township or between parts of such two townships, and by which the inhabitants of such parts will be more especially benefited.

(2) This section shall not apply to any road, bridge or other public work within the limits of any town or village. 55 V. c. 42, s. 631.

Proceedings to obtain by-law.

692. No by-law under the last preceding section shall be passed, except—

Petition.

1. Upon a petition signed by at least two-thirds of the electors who are rated upon the last revised assessment roll of the municipality for at least one-half of the value of the property within those parts of the township which are to be affected by the by-law; nor

Notice to be posted up, and published for three weeks.

2. Unless a printed notice of the petition, with the names of the signers thereto, describing the limits within which the by-law is to have force, has been given for at least one month, by putting up the same in four different places within such parts of the township, and at the places for holding the sittings of the council of each township, whether it be within such parts or not, and also by inserting the same weekly for at least three consecutive weeks in some newspaper (if any there be), published in the county town, or if there is no such newspaper, then in the two newspapers published nearest the proposed work. 55 V. 42, s. 632: 60 V. c. 15, *Sched.* C. (111.)

Roads or Bridges Assumed or Acquired.

Power to pass by-laws acquiring roads, etc., lying within one or more townships, etc., and to levy special rate for improvement thereof.

693. A county council may, by by-law, assume or acquire any road, bridge or other public work, lying within or adjacent to one or more townships, towns or villages, and may, by by-law, raise by way of loan, a sum of money for the improvement of such road, bridge or public work, to be repaid by a special assessment on all the rateable property within the municipalities immediately benefited by such road, bridge or public work. 55 V. c. 42, s. 633 (1.)

Particulars which are to be stated in the by-law.

(2) The by-law shall state the amount to be raised for the work, and shall define the municipalities forming the portion of the county municipality which will be affected by the by-law, and the portion of the work to be performed in each municipality, and shall provide for the raising of the said amount by the issue of debentures of the county, payable in twenty years, or by equal annual instalments of principal, with interest, and shall provide for assessing and levying upon all the rateable property lying within the section defined by such by-law, an annual special rate sufficient for the payment of the principal and interest of the debentures. 55 V. c. 42, s. 633 (2.)

By-law to be submitted to electors in portion of county interested.

(3) The by-law shall, if approved by a majority of the representatives in the county council of the municipalities which are defined in the said by-law, be submitted to the vote of the qualified ratepayers, who are entitled to vote on money by-laws, in the portion of said county to be affected by said by-law. 55 V. c. 42, s. 633 (3.)

By-law only to apply to those municipalities

(4) In case there should be a majority of votes cast against the by-law in any one or more of the municipalities mentioned therein, although the by-law be carried, then the by-law shall

only apply to those municipalities in which it has received a majority of the votes cast, and shall not in any way affect the other municipalities mentioned: and the amount of money mentioned in the by-law to be raised by way of loan, shall be reduced by the proportionate amount which the said municipality or municipalities, giving a majority of votes against the by-law, would have been required to pay under the by-law. 55 V. c. 42, s. 633 (4.) in which it has a majority of votes.

(5) In case there should be a majority of votes cast against the by-law in any one or more municipalities mentioned therein, although the by-law be carried, then upon the approval of the majority of the representatives in the county council of the municipalities which have given a majority of votes in favor of the by-law, the same may be read a third time and passed by the county council, or dropped altogether; but in case the by-law is finally passed, only the representatives in the county council of those municipalities giving a majority in favor of the by-law, and to be affected by the same, shall have any voice in reference to the expenditure of the money to be raised thereby. 55 V. c. 42, s. 633 (5.) By-law, if carried in some municipalities only may be passed or dropped.

(6) In all other respects the voting on the by-laws, and the passing and subsequent proceedings thereon, shall be in accordance with the provisions of this Act. 55 V. c. 42, s. 633 (6.) General provisions to apply to voting, etc.

(7) Cities and separated towns may, with the approval of the ratepayers qualified to vote on money by-laws, pass similar by-laws to assist in the purchase of any toll roads, in which the cities or separated towns may be interested, or may pass by-laws abolishing the market fees charged by them, on condition that certain toll roads therein named are made free. 55 V. c. 42, s. 633 (7.) Powers of cities and separated towns.

TITLE IV.—POWERS OF MUNICIPAL COUNCILS AS TO RAILWAY AND STREET RAILWAY COMPANIES.

Aiding railway companies by taking stock, etc. *Sec.* 694.
When head of council to be a director ex-officio. *Sec.* 695.
Aid to railways by portions of townships. *Sec.* 696.
Townships may permit railways to be constructed on highways, etc. *Sec.* 696, 697.
Grouping clauses repealed. *Sec.* 698.
Aid to street railway companies by portion of municipality. *Sec.* 699.

AID TO RAILWAY COMPANIES.

694. The council of every county, township, city, town and village may pass by-laws— By-laws may be made for—

Taking stock in certain railways or guaranteeing debentures.

1. For subscribing for any number of shares in the capital stock of, or for lending to, or guaranteeing the payment of any sum of money borrowed by an incorporated railway company to which section 18 of the Statute 14 and 15 Victoria, chapter 51, or sections 75 to 78 inclusive of chapter 66 of the Consolidated Statutes of Canada, or the equivalent sections of *The Railway Act of Ontario*, have been or may be made applicable by any special Act; or to which the equivalent sections of *The Railway Act* of Canada do now or may hereafter apply; 55 V. c. 42, s. 634 (1.)

Rev. Stat. c. 207, s. 39.

R. S. C., c. 109.

For guaranteeing the payment of debentures, etc.

2. For indorsing or guaranteeing the payment of any debenture to be issued by the company for the money by them borrowed; 55 V. c. 42, s. 634 (2) *part.*

Special rate.

3. For assessing and levying from time to time upon the whole rateable property of the municipality, a sufficient sum to discharge the debt or engagement as in the two preceding subsections mentioned; 55 V. c. 42, s. 634 (2) *part.*

For issuing debentures, etc.

4. For issuing, for the like purpose, debentures payable at such times, and for such sums respectively, not less than $20, and bearing or not bearing interest, as the municipal council thinks meet; 55 V. c. 42, s. 634 (3).

Bonuses.

5. For granting bonuses to any railway company in aid of such railway, and for issuing debentures in the same manner as in the preceding clause 4 provided, for raising money to meet such bonuses; 55 V. c. 42, s. 634 (4).

Form of debenture.

6. For directing the manner and form of signing or indorsing any debenture so issued, indorsed or guaranteed, and of countersigning the same, and by what officer or person the same shall be so signed, indorsed or countersigned respectively;

Assent of electors necessary.

But no municipal corporation shall subscribe for stock, or incur a debt or liability for the purposes aforesaid, unless the by-law, before the final passing thereof, receives the assent of the electors of the municipality in the manner provided by this Act. 55 V. c. 42, s. 634 (5). *See also sec. 366 and Cap. 207, Sec. 39 (3).*

In certain cases head of council to be *ex-officio* a director.

695. In case any municipal council subscribes for and holds stock in a railway company under the next preceding section to the amount of $20,000 and upwards, the head of the council shall be *ex-officio* one of the directors of the company, in addition to the number of directors authorized by the special Act, and shall have the same rights, powers, and duties as the other directors of the company. 55 V. c. 42, s. 635. *See also Cap. 207, Sec. 39 (4).*

Aid to railways by portions of townships.

696.—(1) In addition to the powers conferred by section 694, a portion of a township municipality which may be interested in securing the construction of a railway, or through or near which any such railway may pass or be situated, may

aid the said railway by granting money or debentures by way of bonus or gift, or by way of loan to such railway under and subject to the provisions hereinafter contained;

Provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of the by-law by the qualified ratepayers of the said portion of the municipality in the manner provided in respect to granting aid by way of bonuses to railways. 55 V. c. 42, s. 635*a* (1). *See sec. 366.*

(2) Before a by-law is submitted under this section to the vote of the ratepayers a petition shall be presented to the council expressing the desire to aid the railway, and stating in what way and for what amount, and defining the portion of the township to be charged by metes and bounds, or lots and concessions, and shall be signed by fifty or a majority of the freeholders resident in such portion of the township, being duly qualified voters under this Act. 55 V. c. 42, s. 635*a* (2); 60 V. c. 15, *Sched.* C (112).

(3) The by-law shall in each instance provide:

(a) For raising the amount petitioned for in the portion of the municipality mentioned in the petition by the issue of debentures of the municipality, and shall also provide for the delivery of the debentures or the application of the amount to be raised thereby as may be expressed in the said by-law;

(b) For assessing and levying upon all rateable property lying within the portion of the municipality defined in said by-law, an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly, or half yearly, which debentures the councils, reeves and other officers of the municipality are hereby authorized to execute and issue in such cases. 55 V. c. 42, s. 635*a* (3).

By-laws authorizing branch railways, tram and other railways along highways. Rev. Stat. c. 207.

697. The council of every township may pass by-laws for authorizing any railway company, in case such authority is necessary, to make a branch railway on property of the corporation, or on highways, under such conditions as the council see fit, and subject to the restrictions contained in *The Railway Act of Ontario*, and in any other Acts affecting such railway; and may also pass by-laws to authorize companies or individuals to construct tramways and other railways along any highway on such terms and conditions as the council see fit. 55 V. c. 42, s. 636.

Grouping clauses in railway Acts passed on or

698. So much of any enactment in any private or other Act passed on or before the 5th day of March, 1880, as authorizes or provides for the grouping or joining together of munici-

before 5th March, 1880, repealed.

palities or a municipality, or part of any municipalities or municipality with part of another municipality or parts of other municipalities, for the purpose of granting municipal aid to any railway or railway company is hereby repealed and declared to be inoperative. 55 V. c. 42, s. 637.

AID TO STREET RAILWAY COMPANIES.

Aid to street railways from portion of municipality.

699.—(1) The majority in number of the persons shewn by the last revised assessment roll to be the owners of the real property comprised in any portion of a township, city, town or village to be defined in the petition hereinafter referred to, and who, according to such assessment roll, represent at least two-thirds of the value of such property, may petition the council to aid any street railway company by granting money or debentures by way of bonus or gift or by way of loan to such company to assist in the construction of the railway to, through or partly through or near to such portion, and may in such petition define the manner and amount of the aid desired. 55 V. c. 42, s. 636*a* (1); 56 V. c. 35, s. 30.

By-law to be passed by council for levying rates.

(2) Upon receipt of such petition the council (after the assent of a majority of the ratepayers within such portion of the municipality, who are entitled to vote thereon, has been obtained in the manner provided by this Act), may pass the by-law for the granting of such aid in accordance with the petition and for raising the amount petitioned for in the portion of the municipality mentioned in the petition, by the issue of debentures of the municipality, and for the delivery of the debentures or the application of the amount to be raised thereby, as may be expressed in the by-law, and for assessing and levying upon all the rateable real property lying within the portion of the municipality defined in the by-law an annual special rate for the repayment of the said debentures within twenty years, with the interest thereon payable yearly or half-yearly: which debentures the council, reeves and other officers of the municipality are hereby authorized to execute and issue.

(a) In every such case any agreement which has been entered into between the municipal corporation and the street railway company defining the terms and conditions upon which the construction of such railway is to be authorized, shall be published in full with such by-law, and all provisions of law respecting the publication of any such by-law in any newspaper or otherwise shall also apply to such agreement. 55 V. c. 42, s. 636*a* (2); 56 V. c. 35, s. 31.

Repayment of debentures and interest.

(3) The principal and interest of the debentures may be made repayable by annual instalments, as provided for by section 386 of this Act, or a sinking fund may be provided for by the by-law. 55 V. c. 42, s. 636*a* (3).

(4) In any and every case in which street railway lines are built by different duly incorporated street railway companies in the same or adjoining municipalities along different routes to the same terminal point, then in case an agreement cannot be arrived at between two such companies providing for the exchange and transfer of tickets for a continuous trip over both such lines or portion thereof, the matters in difference in respect thereof shall be referred to arbitration under the provisions of this Act. 55 V. c. 42, s. 636*a* (4). Arbitration as to rate for transfer tickets where two companies operating lines in same municipality.

TITLE V.—POWERS OF MUNICIPAL COUNCILS IN CERTAIN DISTRICTS AS TO AIDING IRON SMELTING WORKS.

700.—The council of every municipality within the districts of Algoma, Manitoulin, Thunder Bay, Rainy River and Nipissing, whether established under the provisions of chapter 225 of the Revised Statutes of Ontario or of any special Act, and the council of every city may pass by-laws: Granting aid by way of bonus to certain manufactures.

For granting aid by way of bonus for the promotion of iron or other smelting works within or adjacent to the limits of the municipality, or within or adjacent to the limits of any municipality contributing aid thereto, by granting such sum or sums of money to such person or body corporate, in respect of the said industry as the council may determine upon; and to pay the said sum, either in one sum or in annual or other periodical payments, with or without interest, and subject to such terms, conditions and restrictions as the said council may deem expedient;

(*a*) No such by-law shall be passed until the assent of the electors has been obtained, in conformity with the provisions of this Act in respect of by-laws for creating debts, and the assent of one-third of all the ratepayers entitled to vote shall be necessary as well as the assent of a majority of the ratepayers voting on such by-law. Assent of electors necessary.

(*b*) No property-owner or lessee interested in, or holding shares or stock in any company shall be qualified to vote on a by-law for the purpose of granting a bonus to the company in which he is so interested as aforesaid. Persons interested in company not to vote on by-law aiding same.

(*c*) Any municipality granting such aid, may take and receive security for the compliance with the terms and conditions upon which such aid is given. 55 V. c. 42, s. 637*a*; c. 43, *s.* 69; 56 V. c. 35, s. 32; 57 V. c. 50, s. 17. Security may be taken.

(*d*) The debentures to be issued for any such bonus may be issued at such time or times as may be provided in Debentures issued in aid of iron smelting works.

any by-law granting the bonus, and the issue thereof may be postponed until the conditions contained in the by-law have been fulfilled, or until such other time or times as may be provided for in the by-law. 56 V. c. 35, s. 33 *part.*

Acquiring lands for smelting works.

(*e*) Any municipality granting aid by way of bonus for smelting works, may, for the promotion of such smelting works, acquire lands within or adjacent to its limits, and may convey such lands to any person or corporation, subject to such conditions as the municipality may deem expedient, and subject to the assent of the electors as provided by this section. 56 V. c. 35, s. 33 *part.*

TITLE VI.—POWERS OF MUNICIPAL COUNCILS AS TO AIDING THE ESTABLISHMENT OF GRAIN ELEVATORS.

By-laws for granting aid in promotion of grain elevators.

701. The council of any municipality may pass by-laws for granting aid by way of bonus to promote the establishment of grain elevators, in the same manner and to the same extent and subject to the like terms and conditions as in the case of by-laws for granting aid for the promotion of iron smelting works, and all the provisions of the last preceding section shall apply to by-laws for granting aid to promote the establishment of grain elevators. 60 V. c. 45, s. 58.

TITLE VII.—AS TO THE ENFORCEMENT OF BY-LAWS.

DIVISION I.—BY-LAWS FOR IMPOSING PENALTIES.
DIVISION II.—SUMMARY REMEDY IF BY-LAWS NOT OBEYED.

By-laws for imposing fines and penalties. Sec. 702.

By-laws for

702. By-laws may be passed by the councils of counties, townships, cities, towns and villages:—

Fines and penalties

1. For inflicting reasonable fines and penalties not exceeding $50 exclusive of costs.—

For neglect of duty, or refusal to accept office.

(*a*) Upon any person for the non-performance of his duties who has been elected or appointed to any office in the corporation, and who neglects or refuses to accept such office, unless good cause is shewn therefor, or to take the declaration of office, and afterwards neglects the duties thereof; and

Or for breach of by-laws.

(*b*) For breach of any of the by-laws of the corporation. 55 V. c. 42, s. 479 (17).

2. For collecting such penalties and costs by distress and sale of the goods and chattels of the offender; 55 V. c. 42, s. 479 (18). Collecting penalties and costs.

3. For inflicting reasonable punishment for breach of any of the by-laws of the council, in case of non-payment of the fine inflicted therefor and there being no distress found out of which such fine can be levied, by imprisonment either in the common gaol, house of correction or a lock-up house of the county or municipality, with or without hard labour, for any period not exceeding six months in the case of a by-law of a city or of a by-law of any municipality for the suppression of houses of ill-fame, and not exceeding in other cases twenty-one days, unless in any of the said cases the fine inflicted and costs (if any), including the costs of the distress and of the committal and conveyance of the offender to the gaol, house of correction or lock-up house are sooner paid. 55 V. c. 42, s. 479 (19); 60 V. c. 15, *Sched.* C. (82).

Division II.—Summary Remedy if By-laws not Obeyed.

703. Wherever any municipal council has any authority to direct, by by-law or otherwise, that any matter or thing should be done by any person or corporation, such council may also by the same or another by-law, direct that in default of its being done by the person, such matter or thing shall be done at the expense of the person in default, and may recover the expense thereof with costs by action or distress; and, in case of non-payment thereof, the same shall be recovered in like manner as municipal taxes. 55 V. c. 42, s. 482. Mode of compelling performance of matters directed to be done by council, etc.

PART VIII.

RECOVERY OF FINES AND PENALTIES.

Division I.—Penalties.

Recovery and enforcement thereof. *Secs.* 704, 706.
On offences against By-laws. *Secs.* 705, 706.
Form of Conviction under By-laws. *Sec.* 707.
Application of Penalties. *Sec.* 708.
By-laws and Convictions not to be void for certain defects. *Secs.* 709, 710.

704. Every fine and penalty imposed by this Act may, unless where other provision is specially made therefor, be recovered and enforced with costs, by summary conviction, before any Justice of the Peace for the county or of the municipality in which the offence was com- Recovery and enforcement of penalties.

Imprisonment in default of payment.

mitted ; and in default of payment the offender may be committed to the common gaol, house of correction, or lock-up house of the county or municipality, there to be imprisoned for any time, in the discretion of the convicting Justice, not exceeding (unless where other provision is specially made) thirty days, and with or without hard labour, unless such fine and penalty, and costs, including the costs of the committal and conveyance of the offender to the common gaol, house of correction or lock-up house, are sooner paid. 55 V. c. 42, ss. 419, 420; 60 V. c. 15, *Sched.* C. (72).

Penalties imposed by by-laws.

705. All prosecutions for any offence against a municipal by-law, or a by-law of a Board of Commissioners of Police may be had by summary proceedings before a Justice of the Peace for the county or of the municipality in which the offence was committed, or where the offender resides, and the Justice before whom the prosecution is had may convict the offender on the oath or affirmation of any credible witness, and shall award the whole or such part of the penalty or punishment imposed by the by-law as he thinks fit, with the costs of prosecution, and may by warrant, under the hand and seal of the Justice (or in case two or more Justices act together therein, then under the hand and seal of one of them), cause any such pecuniary penalty and costs, or costs only, if not forthwith paid, to be levied by distress and sale of the goods and chattels of the offender. 55 V. c. 42, s. 419 *part*, s. 421 ; 60 V. c. 15, *Sched.* C. (73).

Commitment in default of distress.

706. In case of there being no distress found out of which the penalty can be levied, the Justice may commit the offender to the common gaol, house of correction, or nearest lock-up house, for the term specified in the by-law or some part thereof. 55 V. c. 42, s. 422.

Form of conviction under by-laws.

707. It shall not be necessary in any conviction made under any by-law of any municipal corporation, to set out the information, appearance or non-appearance of the defendant, or the evidence or by-law under which the conviction is made; but all such convictions may be in the form following :

PROVINCE OF ONTARIO, County of ; TO WIT. } BE IT REMEMBERED that on the day of A.D. , at , in the County of , *A. B.* is convicted before the undersigned, one of Her Majesty's Justices of the Peace in and for the said County, for that the said *A.B.* (*stating the offence, and time and place, and when and where committed*), contrary to a certain by-law of the Municipality of the of , in the said County of , passed on the day of , A.D. , and intituled (*reciting the title of by-law*); and I adjudge the said *A. B.*, for his said offence, to forfeit and pay the sum of , to be paid and applied according to law, and also to pay to *C. D.*, the complainant, the sum of , for his costs in this behalf. And if the said several sums are not paid forthwith (*or* on or before the day of *as the case may be*), I order that the same be levied by distress and sale of the goods and chattels of the

said *A. B.*; and in default of sufficient distress, I adjudge the said *A. B.* to be imprisoned in the Common Gaol of the said County of (*or*, in the public Lock-up at) for the space of days, unless the said several sums, and the costs of the said distress and of the committal and conveyance of the said *A. B.* to such Gaol (*or* Lock-up), are sooner paid.

Given under my hand and seal, the day and year first above written at , in the said County.

(L.S.) *J. M.*,
J. P.

55 V. c. 42, s. 427; 60 V. c. 15 *Sched.* C. (76).

Application of penalties.

708. Unless otherwise provided, where the pecuniary penalty has been levied under this Act, one moiety thereof shall go to the informer or prosecutor, and the other moiety to the municipal corporation, unless the prosecution is brought in the name of the corporation, in which case the whole of the pecuniary penalty shall be paid to the corporation. 55 V. c. 42, s. 423.

Convictions not to be void for certain informalties.

709. All by-laws authorized under the provisions of this Act, which have been, or which may hereafter be enacted and which have imposed or may impose fines and penalties and the recovery thereof with costs by summary conviction, and which authorize, in default of payment, the commitment of the offender to the common gaol, house of correction or lock-up house of the county or municipality unless such fine and costs, including the costs of the committal and conveyance to the common gaol, house of correction or lock-up house, are sooner paid, are hereby declared to be good and valid, notwithstanding that such by-law, amongst other things, authorizes the imprisonment of the accused during the period for which by law he might be imprisoned unless such costs of committal and conveyance to the common gaol, house of correction or lock-up house, are sooner paid; and no conviction shall by reason only that it includes the cost of such conveyance and committal, be impeached, quashed or set aside. 55 V. c. 42, s. 423*a*; 60 V. c. 15, *Sched.* C. (74) *and see Sched.* C. (72).

Convictions not invalidated for want of proof of by-law.

710.—(1) On an appeal from a motion to quash a conviction made under a municipal by-law or under any by-law of a Board of Commissioners of Police passed in pursuance of any Act of this Legislature, the conviction shall not be deemed invalid or be quashed for want of proper proof of such by-law before the convicting Justice; but upon any proceeding to quash such conviction the Court to which the application is made may, in its discretion, dispense with proof of the by-law or may allow the same to be proved before it by affidavit or by the production of a copy duly certified in manner provided by section 334 of this Act in the case of a by-law passed by a municipal council, or in the manner provided for by section 485 of this Act in the case of a by-law of a Board of Commissioners of Police. 58 V. c. 44, s. 1; 60 V. c. 15, *Sched.* C. (119).

By-laws to be proved.

(2) Nothing in this section shall be construed as relieving a prosecutor from the duty of proving the by-law before the magistrate, or as entitling the magistrate to dispense with such proof. 58 V. c. 44, s. 2.

DIVISION I.—WITNESSES.

Who may be witnesses. *Sec.* 711.
Compelling attendance of witnesses. *Sec.* 712.

Who may be witnesses.

711. Upon the hearing of any information or complaint exhibited or made under this Act, and upon any prosecution for an offence against any by-law passed by a municipal council or by a Board of Commissioners of Police under the authority of this Act, the person exhibiting or making the information or complaint shall be a competent witness, notwithstanding such person may be entitled to part of the pecuniary penalty on the conviction of the offender, and the defendant, and the wife or husband of such persons opposing or defending shall also be competent witnesses; and all the said persons shall be compellable to give evidence on the hearing. 55 V. c. 42, s. 424; 60 V. c. 15, *Sched.* C. (75).

Compelling witnesses to attend, etc.

712. In prosecuting under any by-law, or for the breach of any by-law, witnesses may be compelled to attend and give evidence in the same manner, and by the same process, as witnesses are compelled to attend and give evidence on summary proceedings before Justices of the Peace in cases tried summarily, under *The Ontario Summary Convictions Act*, Rev. Stat. c. 90. 55 V. c. 42, s. 426.

PART IX.

POLICE VILLAGES.

DIV. I.—FORMATION OF.
DIV. II.—TRUSTEES, AND ELECTION OF.
DIV. III.—DUTIES OF POLICE TRUSTEES.

DIVISION I.—FORMATION OF.

Existing Villages continued. *Sec.* 713.
New Police Villages.—how formed. *Sec.* 714.

713. Until otherwise provided by competent authority, every existing police village shall continue to be a police village, with the boundaries now established. 55 V. c. 42, s. 638. Existing police villages continued.

714. On the petition of any of the inhabitants of an unincorporated village, the council or councils of the county or counties within which the village is situate may, by by-law, erect the same into a police village, and assign thereto such limits as may seem expedient. 55 V. c. 42, s. 639. New police villages.

DIVISION II.—TRUSTEES, AND ELECTION THEREOF.

Existing Trustees continued. Sec. 715.
Trustees three in number. Sec. 716.
Qualification required for. Secs. 717, 718.
Electors, who are. Sec. 719.
Election, where to be held. Secs. 720-722.
Returning officer, how appointed. Sec. 720, 721.
Election not to be held in a tavern. Sec. 722.
Nomination, how conducted. Secs. 723-725.
Polling, how conducted. Secs. 726-730.
Powers of returning officer. Sec. 731.
Term of office. Sec. 732.
Return of voters' lists, etc. Sec. 733.
Vacancies, how filled. Sec. 734.
Inspecting trustee, how appointed. Sec. 735.

715. The trustees of every police village existing when this Act takes effect, shall be deemed the trustees respectively of every such village as continued under this Act. 55 V. c. 42, s. 640. Present trustees continued.

716. The trustees of every police village shall be three in number. 55 V. c 42, s. 641. Number of trustees.

717. The persons qualified to be elected police trustees shall be such persons as reside within the police village or within two miles thereof, and are eligible to be elected township councillors, and are qualified in respect of property for which they are rated in such police village to the amount which would be required to qualify them for election as township councillors. 55 V. c. 42, s. 642. Qualification of trustees.

718. If there are not six persons qualified under the preceding section, any person entitled to vote at the election may be elected. 55 V. c. 42, s. 643. Deficiency in number of qualified persons.

719. Any township elector, rated on the last revised assessment roll for such property in a police village as entitles him Qualification of electors.

to vote in respect thereof at the municipal election for the township, shall be entitled to vote at the election for police trustees. 55 V. c. 42, s. 644; 60 V. c. 15, *Sched.* C. 113.

Place for holding first election, etc.

720. The council by which a police village is established shall, by the by-law establishing the same, name the place in the village for holding the first election of police trustees, and also the returning officer therefor. 55 V. c. 42, s. 645.

Place for holding subsequent elections, etc.

721. After the first election in a police village, the trustees thereof, or any two of them, shall, from time to time, by writing under their hands, appoint the returning officer, and the place or places within such village for holding nominations and elections. 55 V. c. 42, s. 646.

No election to be held in a tavern.

722. No election of police trustees shall be held in a tavern or in a house of public entertainment licensed to sell spirituous liquors. 55 V. c. 42, s. 647.

Nomination meeting.

723.—(1) A meeting of the electors shall take place for the nomination of candidates for the offices of police trustees, in each police village, at noon on the last Monday in December, annually, at such place therein as is from time to time fixed by the trustees.

Provision for Christmas day.

(2) When the last Monday in December is Christmas day the meeting shall be held on the preceding Friday. 55 V. c. 42, s. 648.

Who to preside.

724. The returning officer (or, in his absence, a chairman to be chosen) shall preside at such meeting, of which the police trustees shall give at least six days' notice. 55 V. c. 42, s. 649.

If no more candidates than offices.

725. If only three candidates are proposed and seconded the returning officer or chairman shall, after a lapse of one hour, declare such candidates duly elected. 55 V. c. 42, s. 650.

If more, and poll demanded.

Election.

726. If more than the necessary number of candidates are proposed, the returning officer or chairman shall adjourn the proceedings until the first Monday in January, when a poll or polls shall be opened for the election, at nine o'clock in the morning, and shall continue open until five o'clock in the afternoon, and no longer. 55 V. c. 42, s. 651.

Notice of persons proposed, to be posted.

List of voters to be obtained.

727. The returning officer or chairman of the meeting shall, on the day following that of the nomination, post up in the office of the clerk of the township, if it is situated in such police village, and if not, then in some other public place in such police village, the names of the persons nominated at the meeting; and shall, if a poll is necessary, demand in writing from the clerk of the township, or clerks of the townships, a list of the names of the persons appearing by the last

revised assessment roll to be entitled to vote in the said police village, such as is required to be furnished under the next succeeding section. 55 V. c. 42, s. 652; 60 V. c. 15, *Sched.* C (114).

Clerk of township to furnish alphabetical list of voters.

728. The clerk of the township, or clerks of the townships in which any police village is situated, shall, at latest on the day previous to the day for opening the poll, deliver to the returning officer of the police village a list of the names, according to the form prescribed by law in the case of other municipal elections, of the persons entitled to vote at township municipal elections, in respect of real property situate, or income received in the said police village, or in the portion thereof in the municipality of such clerk, and shall attest the said list by his solemn declaration in writing under his hand. 55 V. c. 42, s. 653.

Except where otherwise provided, same proceedings, etc., to be had as at elections, etc., of councillors, etc.

729. The various sections of this Act relating to the proceedings at the nomination and election of township councillors, including those relating to the questions to be put and oaths to be administered to electors, and as to the appointment of a chairman or returning officer, in case the person appointed is absent, and also the provisions respecting controverted elections and for the prevention of corrupt practices, shall apply and be acted on in the election of police trustees, except where a different provision is herein made. 55 V. c. 42, s. 654.

Casting vote.

730. In case a casting vote is required to determine an election, the returning officer, whether otherwise qualified or not, shall give a casting vote for one or more of the candidates, so as to decide the election, and except in such case the returning officer shall not vote at such election. 55 V. c. 42, s. 655.

Powers of returning officer.

731. The returning officer shall have the like powers for the preservation of the peace as are given to returning officers and deputy returning officers at municipal elections. 55 V. c. 42, s. 656.

Term of office.

732. The persons elected shall hold office until their successors are elected or appointed and sworn into office and hold their first meeting. 55 V. c. 42, s. 657.

Returning officer to return ballot papers, etc., to clerk of township, verified under oath.

733. Every returning officer shall, on the day after the close of the poll, return the ballot papers, voters lists and other documents relating to the election, to the clerk of the township in which the village is situated, or in case the village lies in several townships, then to the clerk of the county, verified under oath before such clerk, or before any Justice of the Peace for the county or union of counties in which the village lies, as to the due and correct taking of the votes. 55 V. c. 42, s. 658.

Filling vacancies.

734. In case of a vacancy in the office of a police trustee by death or otherwise, the remaining trustee or trustees shall, by writing to be filed with such clerk as aforesaid, appoint a trustee or trustees to supply the vacancy. 55 V. c. 42, s. 659.

Appointment of inspecting trustee.

735. The trustees of every police village, or any two of such trustees, shall, by writing under their hands, to be filed with the clerk of the township, or in case the village lies in several townships, with the clerk of the county, appoint one of their number to be inspecting trustee. 55 V. c. 42, s. 660.

Division III.—Duties and powers of police trustees.

Oaths of office and qualification. *Sec.* 736.
First meeting of. *Sec.* 737.
Expenditure, how provided for. *Secs.* 738-743.
Fire protection, lighting and heating. *Sec.* 744.
Fire protection, assessment of part of village. *Sec.* 745.
Establishment of parks, gardens, etc., in police villages, etc. *Sec.* 746.
Regulations to be enforced by Trustees. *Sec.* 747.
Prevention of Fire. (1-12)
Gunpowder. (13, 14)
Nuisances. (15)
Penalties. *Secs.* 748-750.
Neglect of duty by Trustees how punishable. *Sec.* 749.
Limitation of actions for penalties. *Sec.* 750.

Oaths of office and qualification.

736. Every police trustee shall take the oaths of office and qualification in the same manner and within the time prescribed for township councillors, under like penalties in case of default. 55 V. c. 42, s. 661.

When first meeting to be held.

737. The trustees of every police village shall hold their first meeting at noon on the third Monday of the same January in which they are elected, or on some day thereafter at noon. 55 V. c. 42, s. 662.

Expenditure, how provided for.

738. The trustees, at any time previous to the first day of June, may require the council of the township or townships in which the police village is situated to cause to be levied along with the other rates, upon the property liable to assessment in such village, such sums as they may estimate to be required to cover the expenditures for that year in respect of matters coming within their duties, and to cover any balance for expenditures incurred during the year then last past, such sum not to exceed one cent in the dollar on the assessed value of such property. 55 V. c. 42, s. 663.

739. In case the village is situated in two or more townships, the trustees shall require a proportionate amount from each, according to the value of the property of the village in each township, as shewn by the last equalized assessment rolls. 55 V. c. 42, s. 664. Where village in two or more townships.

740. The rate levied for police village purposes by the council or councils of the township or townships in which the police village is situated upon the property liable to assessment in such village, shall be in lieu of such proportion of the township rate now levied for the same or like purposes within such village as the trustees and the council may by agreement provide. 55 V. c. 42, s. 663*a*; c. 43, s. 71. Rates levied in police villages.

741. The trustees of every police village may pass by-laws for letting contracts, or employing labour and purchasing material, for building sidewalks, culverts, putting in drains and making, repairing and improving streets, and doing all things necessary for such purposes within the limits of the police village. 55 V. c. 42, s. 663*b*; c. 43, s. 70. Powers of trustees of police villages.

742. The township treasurer shall from time to time, if he has moneys of the municipality in his hands not otherwise appropriated, pay any order given in favour of any person by the inspecting trustee, or by any two of the trustees, to the extent of the amount required to be levied as aforesaid, although the same may not have been then collected. 55 V. c. 42, s. 665. Payment of orders given by trustees, etc.

743. No trustee shall give any such order in favour of any person except for work previously actually performed, or in payment of some other executed contract. 55 V. c. 42, s. 666. When orders may be given.

744.—(1) Upon the application of the trustees of any police village for the issue of debentures for the purchase of fire engines and other appliances for the purpose of fire protection and the supply of water therefor or for lighting the streets of such police village, or supplying light and heat to the inhabitants thereof, the council of the township in which the police village is situated, shall, in the manner provided by this Act in respect of by-laws for creating of debts, submit to the ratepayers of such village entitled to vote on money by-laws a by-law for the purpose of issuing such debentures for a period not exceeding ten years, and for levying a special rate for repayment thereof upon the taxable property in such police village, and in the event of the assent of the said ratepayers being thereto obtained, it shall be the duty of such council to raise or borrow such sum. Submitting by-laws for purchase of fire appliances and lighting and heating in police villages.

(2) Debentures issued under this section shall be so issued in conformity with section 386 of this Act. Issuing debentures.

(3) All moneys raised as aforesaid by the issue of debentures shall be retained in the hands of the township treasurer, who Treasurer to pay orders of trustees on funds raised.

shall pay thereout any order given by the inspecting trustee or by any two of the trustees in favour of any person or persons, such order being for work previously actually performed or in payment of some other executed contract necessary for the carrying out of such improvements.

Trustees may make contracts, employ labour, etc.

(4) The trustees may, and shall let contracts, employ labour, purchase material, and do all things necessary for the proper construction, maintenance and operation of such improvements, and they shall have the care, control and management of the said fire engine and appliances as well as of the construction, maintenance and operation of the plant and apparatus necessary for the purpose of supplying light and heat as aforesaid.

(5) The trustees shall annually before the striking by the township council of the rate for the year, furnish to the council a statement showing in detail the amount required to be levied from the property of the village for the services aforesaid for the current year, and for managing and maintaining the said fire engine and appliances, and for providing the necessary water supply. 58 V. c. 42, s. 35, *part*.

Fire protection in defined area in police villages.

745.—(1) Upon the petition of a majority of the ratepayers entitled to vote on money by-laws in any defined area or portion of a police village, representing in value more than one-half of the assessed real property within such portion or area, the township council of the township in which such police village is situate may pass a by-law or by-laws for the purchase of a fire engine and other appliances and the supply of water therefor for the purposes of fire protection, and may by by-law define, by metes and bounds or otherwise, what real property within such area will be benefited by the proposed fire protection and is to be charged with the cost thereof, and may also by by-law make provision for assessing and levying on the real property so defined the cost of managing and maintaining the said fire engine and appliances and of providing the necessary water supply.

Cost of such engine, etc.

(2) The said council may levy in any one year upon the real property so to be benefited, the cost of such engine and appliances and of the water supply, or they may issue the debenture or debentures of the township payable during a period not exceeding ten years in annual proportions with interest, and may from time to time levy the amount payable thereon upon the real property to be benefited as aforesaid.

Police trustees to have charge.

(3) The police trustees shall have the charge, control and management of the said fire engine and appliances and of the said supply of water; and they shall annually before the striking of the rate for the year by the township council furnish to the council a statement showing in detail the amount required to be levied for the current year for managing and maintaining the said fire engine and appliances and for providing the necessary water supply.

(4) It shall not be necessary to submit to a vote of the electors any of the said by-laws in this section or in the preceding section mentioned, except the by-law directed to be so submitted, nor to comply with the other formalities required only for or on account of such submission. Assent of electors not required.

(5) Debentures issued under this section shall be so issued in conformity with section 386 of this Act. 58 V. c. 42, s. 35, *part*. Issuing debentures.

Establishment of Parks, Gardens, etc.

746.—(1) Upon the petition of three-fourths of the persons entitled to vote upon a money by-law in any police village, the township council of the township in which such police village is situate may pass a by-law or by-laws for acquiring real property within or without the limits of said police village for a public park, garden or place for exhibitions, and for the erection thereon of such buildings and fences as the said council may deem necessary for the purposes of such park, garden or place for exhibitions and for the disposal of such real property and improvements when no longer required for such purposes. Establishment of parks, gardens, etc., in police villages.

(2) The council may by by-law make provision for assessing and levying on the real property of the said police village, the cost of such park, garden or place for exhibitions, and of the erection thereon of buildings and fences and of the repair and maintenance thereof, or for issuing debentures of the township payable during a period not exceeding ten years in annual proportions with interest, and for levying upon such real property the amount from time to time payable on such debentures. Assessing property in police villages for cost of parks.

(3) The police trustees shall have the charge, control and management of such public park, garden or place for exhibitions, and shall annually before the striking of the rate for the year by the township council furnish to the council a statement showing in detail the amount required to be levied for the current year for managing and maintaining such public park, garden or place for exhibitions. Police trustees to have control of park.

(4) It shall not be necessary to submit any of the said by-laws in this section mentioned to a vote of the electors, nor to comply with the other formalities required only for or on account of such submission. 58 V. c. 42, s. 36. Assent of electors not required.

Regulations governing Police Villages.

747. The trustees of every police village shall execute and enforce therein the regulations following: Following regulations to be enforced:

Prevention of Fire.

For providing ladders, etc.

1. Every proprietor of a house more than one storey high, shall place and keep a ladder on the roof of such house near to or against the principal chimney thereof, and another ladder reaching from the ground to the roof of such house, under a

Penalty.

penalty of $1 for every omission; and a further penalty of $2 for every week such omission continues.

Fire buckets.

2. Every householder shall provide himself with two buckets

Penalty.

fit for carrying water in case of accident by fire, under a penalty of $1 for each bucket deficient.

As to furnaces, etc.

3. No person shall build any oven or furnace unless it adjoins and is properly connected with a chimney of stone or

Penalty.

brick at least three feet higher than the house or building in which the oven or furnace is built, under a penalty not exceeding $2 for non-compliance.

Stove pipes, etc.

4. No person shall pass a stove-pipe through a wooden or lathed partition or floor, unless there is a space of four inches between the pipe and the wood-work nearest thereto; and the pipe of every stove shall be inserted into a chimney; and there

Penalty.

shall be at least ten inches in the clear between any stove and any lathed partition or wood-work, under a penalty of $2.

Lights in stables, etc.

5. No person shall enter a mill, barn, outhouse or stable, with a lighted candle or lamp, unless well enclosed in a lantern,

Penalty.

nor with a lighted pipe or cigar, nor with fire not properly secured, under a penalty of $1.

Chimneys.

6. No person shall light or have a fire in a wooden house or

Penalty.

outhouse, unless such fire is in a brick or stone chimney, or in a stove of iron or other metal, properly secured, under a penalty of $1.

Securing fire carried through streets, etc.

7. No person shall carry fire or cause fire to be carried into or through any street, lane, yard, garden or other place, without having such fire confined in some copper, iron or tin

Penalty.

vessel, under a penalty of $1 for the first offence, and of $2 for every subsequent offence.

Lighting fires on streets.

8. No person shall light a fire in a street, lane or public

Penalty.

place, under a penalty of $1.

Hay, straw, etc.

9. No person shall place hay, straw or fodder, or cause the

Penalty.

same to be placed, in a dwelling-house, under a penalty of $1 for the first offence, and of $5 for every week the hay, straw or fodder is suffered to remain there.

Ashes, etc.

10. No person, except a manufacturer of pot or pearl ashes, shall keep or deposit ashes or cinders in any wooden vessel,

Penalty.

box or thing not lined or doubled with sheet-iron, tin or copper, so as to prevent danger of fire from such ashes or cinders, under a penalty of $1.

11. No person shall place or deposit any quick or unslacked lime in contact with any wood of a house, outhouse or other building, under a penalty of $1, and a further penalty of $2 a day until the lime has been removed, or secured to the satisfaction of the inspecting trustee, so as to prevent any danger of fire. Lime. Penalty.

12. No person shall erect a furnace for making charcoal of wood, under a penalty of $5. Charcoal furnaces. Penalty.

Gunpowder.

13. No person shall keep or have gunpowder for sale, except in boxes of copper, tin or lead, under a penalty of $5 for the first offence, and $10 for every subsequent offence. Gunpowder, how to be kept. Penalty.

14. No person shall sell gunpowder, or permit gunpowder to be sold in his house, storehouse or shop, outhouse or other building, at night, under a penalty of $10 for the first offence, and of $20 for every subsequent offence. Not to be sold at night. Penalty.

Nuisances.

15. No person shall throw, or cause to be thrown, any filth or rubbish into a street, lane or public place, under a penalty of $1, and a further penalty of $2 for every week he neglects or refuses to remove the same after being notified to do so by the inspecting trustee, or some other person authorized by him. 55 V. c. 42, s. 667. Certain nuisances prohibited.

Penalties.

748. The inspecting trustee, or in his absence, or when he is the person complained of, one of the other trustees, shall sue for all penalties incurred under the regulations of police herein established, before a Justice of the Peace having jurisdiction in the police village and residing therein, or within five miles thereof; or if there be no such Justice then before any Justice of the Peace having jurisdiction in the police village; and the Justice shall hear and determine such complaint in a summary manner, and may convict the offender, upon the oath or affirmation of a credible witness, and cause the penalty, with or without costs, to be levied by distress and sale of the goods of the offender, and to be paid over to the path-master or path-masters of the division or divisions to which the police village belongs, or to such of the said path-masters as the trustees may direct; and such path-master or path-masters shall, under the direction of the trustees, apply the penalty to the repair and improvement of the streets and lanes of the police village. 55 V. c. 42, s. 668. Who to sue for penalties. And before whom. Conviction and levy of penalty.

749. Any police trustee who wilfully neglects or omits to prosecute an offender at the request of any resident householder of the village offering to adduce proof of an offence against the regulations of police herein established, or who wilfully neglects or omits to fulfil any other duty imposed on him by this Act, shall incur a penalty of $5. 55 V. c. 42, s. 669. Penalty for breach of duty by trustees.

When prosecutions to be commenced.

750. The penalties prescribed by the next preceding section, or by that for the establishment of regulations of police, shall be sued for within ten days after the offence has been committed or has ceased, and not subsequently. 55 V. c. 42, s. 670.

SCHEDULE A.

FORM OF BALLOT PAPER.

(*Section* 141.)

FORM FOR THE ELECTION OF COUNTY COUNCILLORS.

Election of County Councillors for the First (*or as the case may be*) County Council Division of the County (*or* United Counties of), Township (*or as the case may be*) of Ward No. , Polling Subdivision No. , day of January, 18 .

FOR COUNTY COUNCILLOR.

CHUZZLEWIT.

Martin Chuzzlewit, of the Town of Bothwell, Barrister.

COPPERFIELD.

David Copperfield, of the Village of Tilbury, Gentleman.

PENDENNIS.

Arthur Pendennis, of the Township of Harwich, Farmer.

(1. *In the case of Cities.*)

FORM FOR MAYOR.

Election for the Members of the Municipal Council of the City of , Ward No. , Polling Subdivision No. , day of January, 18 .

FOR MAYOR.

ALLAN.

Charles Allan, of King Street, in the City of Toronto, Merchant.

BROWN.

William Brown, of the City of Toronto, Banker.

FORM FOR ALDERMAN.

Election for the Members of the Municipal Council of the City of , Ward No. , Polling Subdivision No. , day of January, 18 .

FOR ALDERMAN.

ARGO.

James Argo, of the City of Toronto, Gentleman.

BAKER.

Samuel Baker, of the City of Toronto, Baker.

DUNCAN.

Robert Duncan, of the City of Toronto, Printer.

(2. *In the case of Towns divided into Wards.*)

FORM FOR MAYOR, REEVE AND DEPUTY REEVE.

Election for the Members of the Municipal Council of the Town of
Ward No. , Polling Subdivision No.
day of January, 18 .

FOR MAYOR.

THOMPSON.

Jacob Thompson, of the Town of Barrie, Merchant.

WALKER.

Robert Walker, of the Town of Barrie, Physician.

FOR REEVE (if any).

BROWN,

John Brown, of the Town of Barrie, Merchant.

ROBINSON.

George Robinson, of the Town of Barrie, Merchant.

FOR DEPUTY REEVE (if any).

ARMOUR.

Jacob Armour, of the Town of Barrie, Pumpmaker.

BOYD.

Zachary Boyd, of the Town of Barrie, Tinsmith.

FORM FOR COUNCILLORS.

Election for the Members of the Municipal Council of the
Town of , Ward No. , Polling
Subdivision No.
day of January, 18 .

FOR COUNCILLOR.

BULL.

John Bull, of the Town of Barrie, Butcher.

JONES

Morgan Jones, of the Town of Barrie, Grocer.

McALLISTER.

Allister McAllister, of the Town of Barrie, Tailor.

O'CONNELL.

Patrick O'Connell, of the Town of Barrie, Milkman.

(3. *In the case of Townships divided into Wards.*)

FORM FOR COUNCILLORS.

Election of Members of the Municipal Council of the Township of , in the County of , Ward No. , day of January, 18 .

FOR COUNCILLOR.

BULL.

John Bull, of the Township of York, Doctor of Medicine.

JONES.

Morgan Jones, of the Township of York, Farmer.

McALLISTER.

Allister McAllister, of the Township of York, Farmer.

O'CONNELL.

Patrick O'Connell, of the Township of York, Lumber Merchant.

RUAN.

Malachi Ruan, of the Township of York, Farmer.

SCHULTZE.

Gottfried Schultze, of the Township of York, Farmer.

WASHINGTON.

George Washington, of the Township of York, Gentleman.

FORM FOR REEVE.

Election of Members of the Municipal Council of the Township of , in the County of Ward No. , day of January, 18 .

FOR REEVE.

BARDELL.

Thomas Bardell, of the Township of Peel, Yeoman.

SNODGRASS.

Alfred Snodgrass, of the Township of Peel, Yeoman.

(4. *In the case of Incorporated Villages and Townships not divided into Wards.*)



Election of Members of the Municipal Council of the Village (*or* Township) of , in the County of

, Polling subdivision No.

day of January, 18 .

FOR REEVE.

BROWN.

John Brown, of the Village of Weston, Merchant.

ROBINSON.

George Robinson, of the Village of Weston, Physician.

FOR DEPUTY REEVE. (if any).

ARMOUR.

Jacob Armour, of the Village of Weston, Pumpmaker.

BOYD.

Zachary Boyd, of the Village of Weston, Tinsmith.

FOR COUNCILLOR.

BULL

John Bull, of the Village of Weston, Butcher.

JONES.

Morgan Jones, of the Village of Weston, Grocer.

McALLISTER.

Allister McAllister, of the Village of Weston, Tailor.

O'CONNELL.

Patrick O'Connell, of the Village of Weston, Milkman.

NOTE.—In any case where there are two or more Deputy Reeves, the ballot paper will make provision accordingly, naming them as first Deputy Reeve, second Deputy Reeve, etc.

55 V. c. 42, *Sched.* A; 59 V. c. 52, s. 10.

SCHEDULE B.

(*Section* 146.)

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and with the pencil provided in the compartment, place a cross, thus **X**, on the right hand side, opposite the name or names of the candidate or candidates for whom he votes or at any other place within the division which contains the name or names of such candidate or candidates. 55 V. c. 42, *Sched.* B, *part.*

Where two county councillors are to be elected, and the voter desires to give two votes for one candidate, he shall place two crosses, thus **X X**, on the right hand side opposite the name of the candidate for whom he votes, or at any other place in the division which contains the name of such candidate; but no person is allowed to give two votes for one candidate except as aforesaid. 59 V. c. 52, s. 25.

The voter will fold up the ballot paper so as to shew the name or initials of the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) signed on the back, and leaving the compartment will, without showing the front of the paper to any person, deliver such ballot so folded to the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he may return it to the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter votes for more candidates for any office than he is entitled to vote for, his ballot paper will be void as far as relates to that office, and will not be counted for any of the candidates for that office.

If the voter places any mark on his ballot paper by which he may afterwards be identified, or if the ballot paper has been torn, defaced, or otherwise dealt with by the voter so that he can thereby be identified, it will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the Officer, he will be subject to imprisonment for any term not exceeding 6 months, with or without hard labour.

In the following forms of Ballot Paper, given for illustration, the Candidates are, for County Councillors MARTIN CHUZZLEWIT, DAVID COPPERFIELD *and* ARTHUR PENDENNIS; *for Mayor,* JACOB THOMPSON *and* ROBERT WALKER; *for Reeve,* JOHN BROWN *and* GEORGE ROBINSON; *for Deputy Reeve,* JACOB ARMOUR *and* ZACHARY BOYD; *and for Councillors,* JOHN BULL, MORGAN JONES, ALLISTER MCALLISTER *and* PATRICK O'CONNELL; *and the elector has marked the first ballot paper in favour of* MARTIN CHUZZLEWIT *and* ARTHUR PENDENNIS *for County Councillors, the second ballot paper in favour of* JACOB THOMPSON *for mayor,* GEORGE ROBINSON *for Reeve, and* ZACHARY BOYD *for Deputy Reeve, and the third ballot paper in favour of* JOHN BULL *and* PATRICK O'CONNELL *for Councillors.*

Election of County Councillors for the (*First*) County Council Division of the (*County*) of
Ward No. , Township of , Polling Subdivision No. , day of January, 18

FOR COUNTY COUNCILLOR.

CHUZZLEWIT.

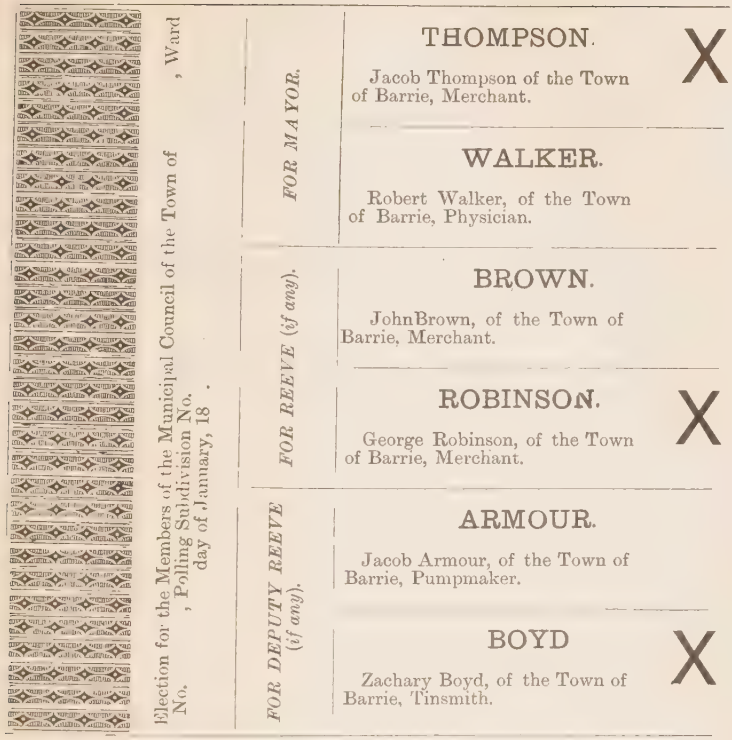
Martin Chuzzlewit, of the Town of Bothwell, Barrister. **X**

COPPERFIELD.

David Copperfield, of the Village of Tilbury, Gentleman.

PENDENNIS.

Arthur Pendennis, of the Township of Harwich, Farmer. **X**



Election for the Members of the Municipal Council of the Town of , Ward No. , Polling Subdivision No. day of January, 18 .

FOR MAYOR.

THOMPSON.
Jacob Thompson of the Town of Barrie, Merchant. X

WALKER.
Robert Walker, of the Town of Barrie, Physician.

FOR REEVE (if any).

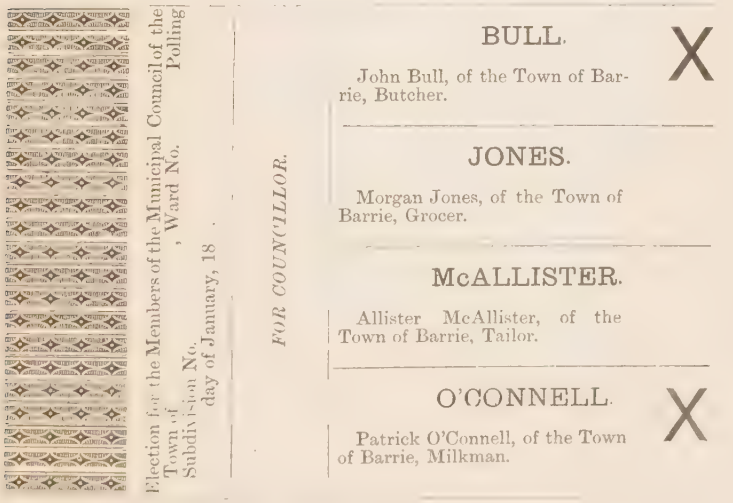
BROWN.
JohnBrown, of the Town of Barrie, Merchant.

ROBINSON. X
George Robinson, of the Town of Barrie, Merchant.

FOR DEPUTY REEVE (if any).

ARMOUR.
Jacob Armour, of the Town of Barrie, Pumpmaker.

BOYD X
Zachary Boyd, of the Town of Barrie, Tinsmith.



Election for the Members of the Municipal Council of the Town of , Ward No. , Polling Subdivision No. day of January, 18 .

FOR COUNCILLOR.

BULL. X
John Bull, of the Town of Barrie, Butcher.

JONES.
Morgan Jones, of the Town of Barrie, Grocer.

McALLISTER.
Allister McAllister, of the Town of Barrie, Tailor.

O'CONNELL. X
Patrick O'Connell, of the Town of Barrie, Milkman.

55 V. c. 42, *Sched.* B, *part*: 59 V. c. 52, s. 25.

SCHEDULE C.

(*Sections* 149, 150, 151, 152, 155 *and* 348).

FORM IN WHICH THE VOTERS' LIST AND POLL BOOK TO BE FURNISHED TO DEPUTY RETURNING OFFICERS IS TO BE PREPARED.

Column for mark indicating that the voter has voted.	NAMES OF THE VOTERS.	Description of Property in respect of which the voter is entitled to vote.	Freeholder, Tenant, Farmers' Son or Income Voter.	Residence of voter.	Objections.	Sworn or affirmed.	Refused to swear or affirm.	County Councillors.	Mayor and Reeve.	Councillor.	REMARKS.

NOTE.—In Cities, the column above headed "Mayor and Reeve" will be headed "Mayor;" and the column above headed "Councillors" will be headed "Aldermen." In Townships and Villages, the column above headed "Mayor and Reeve" will be headed "Reeve."

55 V. c. 42, *Sched* C; 59 V. c. 52, s. 26.

SCHEDULE D.

(*Section* 156.)

CERTIFICATE AS TO ASSESSMENT ROLL.

Election to the Municipal Council of the
of 18 .

I, *A. B.*, Clerk of the Municipality of , in the County of , do hereby certify that the assessment roll for this Township (*or as the case may be*) of upon which the voters' list to be used at this election is based, was returned to me by the Assessor for said Township (*or as the case may be*) on the day of , 18 , and that the same was finally revised and corrected on the day of , 18 .

Dated this day of 18 .

A. B.,
Clerk.

55 V. c. 42, *Sched.* D.

SCHEDULE E.

(*Section* 171.)

FORM OF DECLARATION OF INABILITY TO READ, ETC.

I, *A. B.*, of , being numbered on the voters' list, for polling subdivision No. , in the City (*or as the case may be*) of and County of , being a legally qualified elector for the said City (*or as the case may be*) of , do hereby declare that I am unable to read (*or* that I am from physical incapacity unable to mark a voting paper, *or* that I object on religious grounds to mark a ballot paper *as the case may be*).

(*A. B.*, His + mark.)

Dated this day of , A. D. 18 .

55 V. c. 42, *Sched.* E.

NOTE.—*In the case of a person who objects on religious grounds to mark a ballot paper the declaration may be made orally and to the above effect. See sec. 171.*

SCHEDULE F.

(*Section* 171.)

FORM OF ATTESTATION CLAUSE TO BE WRITTEN UPON OR ANNEXED TO THE DECLARATION OF INABILITY TO READ, ETC.

I, *C. D.*, the undersigned, being the Deputy Returning Officer for polling subdivision No. , for the City (*or as the case may be*) of , do hereby certify that the above (*or as the case may be*) declaration, having been first read to the above-named *A. B.*, was signed by him in my presence with his mark.

(*Signed*) *C. D.*,
Deputy Returning Officer for Polling Sub-Division No. , in the City (*or as the case may be*) of

Dated this day of , A.D., 18 .

55 V. c. 42, *Sched.* F.

SCHEDULE G.

(*Sections* 177, 361 *and* 362.)

OATH OF DEPUTY RETURNING OFFICER AFTER THE CLOSING OF THE POLL.

I, *C. D.*, the undersigned Deputy Returning Officer for polling sub-division No. , of the City (*or as the case may be*) of , in the County of , do solemnly swear (*or if he is a person permitted by law to affirm*, do solemnly affirm) that to the best of my knowledge the annexed voters' list and poll book used in and for the said polling sub-division No. of the said city (*or as the case be*) were so used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made.

(*Signed*) C.D.,
Deputy Returning Officer.

Sworn (*or* affirmed) before me at , this day of A. D. 18 .

(*Signed*) X. Y.,
Justice of the Peace.

Or A. B.,
Clerk of the Municipality of

NOTE.—*The foregoing oath is to be annexed to the voters' list used at the election.*

55 V. c. 42, *Sched.* G.; 58 V. c. 42, s. 9.

SCHEDULE H.

(*Section* 181.)

FORM OF CERTIFICATE OF RESULT OF POLLS AT AN ELECTION OF MEMBERS OF A COUNTY COUNCIL.

I, , Clerk of the municipal corporation of the of , hereby certify that at the election of county councillors for the first (*or as the case may be*) county council division of the county (*or united counties of*) each candidate received the number of votes placed after his name in the list hereunder written.

Name.	Occupation.	Number of Votes.

Dated at this day of , A. D. 18

A. B.
Clerk of the municipality of

59 V. c. 52, *Sched.*

SCHEDULE I.

(*Section* 199.)

FORM OF STATUTORY DECLARATION OF SECRECY.

I, *A. B.*, solemnly promise and declare that I will not at this election of members of the Municipal Council of the City (*or as the case may be*) of , disclose to any person or persons the name of any person who has voted, and that I will not in any way whatsoever unlawfully attempt to ascertain the candidate or candidates for whom any elector shall vote or has voted, and will not in any way whatsoever aid in the unlawful discovery of the same ; and I will keep secret all knowledge which may come to me of the person for whom any elector has voted.

Made and declared before me at , this day of A. D. 18 .

C. D.,
Justice of the Peace (*or* Clerk of the Municipality of

55 V. c. 42, *Sched.* H.

SCHEDULE J.

(*Section* 340.)

FORM OF BALLOT PAPER FOR VOTING ON A BY-LAW.

Voting on By-law to (*here insert object of the By-law*), submitted to the Council of the of .....18 .

FOR

The By-law.

AGAINST

The By-law.

55 V. c. 42, *Sched.* J.

SCHEDULE K.

(*Sections* 343 *and* 345.)

I, the undersigned, *A. B.*, solemnly declare that I am a ratepayer of the Township (*or as the case may be*) of (*the municipality the council of which proposed the by-law*), and that I am desirous of promoting (*or* opposing, *as*

the case may be) the passing of the By-law to (*here insert object of the by-law*), submitted to the Council of said Township (*or as the case may be*).

(*Signature*) *A. B.*

Made and declared before me this day of A. D. 18 .

C. D.,
Head of Municipality.

55 V. c. 42, *Sched.* K.

SCHEDULE L.

(*Section* 352).

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and with the pencil provided in the compartment, place a cross (thus **X**) on the right hand side, in the upper space if he votes for the passing of the by-law, and in the lower space if he votes against the passing of the by-law.

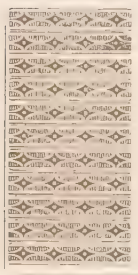
The voter will then fold up the ballot paper so as to shew the name or initials of the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) signed on the back, and leaving the compartment will, without showing the front of the paper to any person, deliver such ballot so folded to the Deputy Returning Officer (*or* Returning Officer *as the case may be*) and forthwith quit the polling place.

If the voter inadvertently spoils a ballot poper, he may return it to the Deputy Returning Officer (*or* Returning Officer *as the case may*), who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter places on the paper more than one mark, or places any mark on his ballot paper by which he may be afterwards identified, or if the ballot paper has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified, it will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the Deputy Returning Officer (*or* Returning Officer, *as the case may be*) he will be subject to imprisonment for any term not exceeding six months, with or without hard labour.

In the following form of Ballot Paper, given for illustration, the Elector has marked his ballot paper in favour of the passing of the By-law:



Voting on By-law to (*here insert object of the by-law*) submitted to the Council of the ..... of ..... 18 .

FOR

The By-law.

X

AGAINST

The By-law.

55 V. c. 42, *Sched.* L.

SCHEDULE M.

(*Section* 368.)

FORM OF STATUTORY DECLARATION OF SECRECY.

I, *A. B.*, solemnly promise and declare that, at the voting on the by-law submitted to the electors by the Council of the Township (*or as the case may be*) of (and the voting on which has been appointed for this day), I will not attempt in any way whatsoever unlawfully to ascertain the manner in which any elector shall vote or has voted, and will not in any way whatsoever aid in the unlawful discovery of the same ; and I will keep secret all knowledge which may come to me, of the manner in which any elector has voted.

Made and declared before me at , this day of , A.D., 18 .

C. D.,
Justice of the Peace (*or* Clerk of the Municipality of).

55 V. c. 42, *Sched.* M.

SCHEDULE N.

(*Section* 670.)

SHORT FORM OF LOCAL IMPROVEMENT BY-LAW.

A By-law to provide for borrowing money by the issue of debentures, secured by local special rates, on the property fronting or abutting on (*King Street between Yonge Street and Church Street, in Ward number 2,*) for the paving of said portion of said street.

(Passed 18 ,)

Whereas, upon the recommendation of the city engineer and in the opinion of the council of the corporation of it became desirable and necessary to pave with asphalt paving and stone curbing, (or as the case may be), part of *King Street between Yonge Street and Church Street, in Ward number two of this* as a local improvement, and the said council thereupon gave due notice of their intention to pass a by-law for that purpose, and to assess and levy the cost of such improvement and work upon the real property fronting or abutting upon *King Street*, within the limits hereinafter described, pursuant to the provisions of the statutes in that behalf ;

And whereas although duly notified as aforesaid, the majority of the owners of such real property, representing at least half of the value thereof, have not petitioned the said Council against the said work and assessment ; [*or in lieu of the above two recitals if the work is petitioned for use the following :*

Whereas and others have petitioned to have *King Street between Yonge Street and Church Street* paved with asphalt paving and stone curbing.]

And whereas it has been ascertained and determined that the real property fronting or abutting upon the lines described as follows, that is to say :—

1. Commencing at a point on the north side of *King Street at its intersection with the east side of Yonge Street, thence easterly along the north side of King Street* feet, more or less, *to the west side of Church Street, being the frontage on the north side of King Street, from Yonge Street to Church Street*, producing, after deducting the width of feet for street intersections and exempt properties, as shown by the statement of the frontage liable for assessment as finally settled feet, more or less, of frontage assessable on the north side of the street.

2. Commencing at a point on the *south side of King Street, at its intersection with the east side of Yonge Street; thence easterly along the south side of King Street* feet, more or less, *to the east side of Church Street, being the frontage on the south side of King Street, from Yonge Street to Church Street*, producing after deducting the width of feet for street intersections and exempt properties as shown by the report of the City Engineer, feet, more or less, of frontage assessable on the south side of the street; or, a total of feet, more or less, of assessable property on both sides of *King Street*, aforesaid, is immediately, directly, equally and especially benefited by the said improvement;

And whereas the total assessed value of the said property is $

And whereas the said pavement has been laid, and the total cost thereof is the sum of $, of which amount the (*city*) disburses the sum of $, being the cost of laying down the said pavement opposite the said street intersections and exempt properties [*add* and flankages *if flankages are allowed by a by-law of the municipality*]; and the remaining $ is to be defrayed by the ratepayers, and is the amount of the debt to be created by this by-law;

And whereas it will require the sum of $ to be raised annually for a period of years, the currency of the debentures to be issued under and by virtue of this by-law, to pay the interest of the said debt, and the sum of $ to be raised annually during the said period for the payment of the debt to be created by this by-law, such last mentioned sum being sufficient, with the estimated interest on the investment thereof, to discharge the said debt when the same becomes payable, making in all the sum of $ to be raised annually as aforesaid;

And whereas there are feet of frontage of the said assessable real property on both sides of (*King Street*), within the limits aforesaid according to the said description, immediately, directly, equally and specially benefited by the said improvement and work, upon which it will be required to charge an annual special rate per foot, sufficient to pay the interest and create an annual sinking fund for paying the said principal debt of $ within years, which said debt is created on the security of the special rate settled by this by-law, and on that security only; [*or if the debentures are to be guaranteed by the municipality at large substitute for all the words after the word* "by-law, *the following*: "and further guaranteed by the said municipality at large."]

And whereas it is expedient to raise the said sum of $ by debentures of the corporation of to defray that part of the expense of said work payable by local special rates.

Therefore the municipal council of the corporation of enacts as follows:—

60 V. c. 47, *Sched.* A.

SCHEDULE O.

(*Section* 670.)

SHORT CLAUSES FOR LOCAL IMPROVEMENT BY-LAWS.

1. Insert in the blanks in the short forms the number of years in which the rate is to be raised, the sum to be raised for interest and sinking fund, the rate to be imposed on each foot and other particulars.

Column One.	*Column Two.*
1. During years $ shall be raised for interest and $ for debt, making together $	1. During years, the currency of the debentures to be issued under the authority of this by-law the sum of $ shall be raised annually for the payment of interest on said debentures and also the sum of $ shall be raised annually for the payment of the debt, making in all the sum of $ to be raised annually as aforesaid.
2. A special rate of per foot is imposed on each foot of above described property to produce $ and shall be collected by collector of taxes as other rates.	2. A special rate of per foot is hereby imposed on the real property above described, according to the frontage thereof, over and above all other rates and taxes, which special rate shall be sufficient to produce in each year the said sum of $, and shall be annually inserted on the collector's roll for ward number two in each year for the next succeeding years and shall be payable to and collected by in the same way as other rates on the said roll.
3. During years commencing with 189 above described property shall be exempt from general rates for improvements.	3. During the period of years commencing from and after the first day of January, A.D. 189 , the said above described real property shall be exempt from all general rates or assessments for improvements and works similar to those above mentioned, save and except the costs of similar works and improvements at the intersection of streets, and except such portion of the general rate as may be imposed to meet the costs of like works and improvements opposite real property which is exempt from such special assessment.
4. $ shall be raised by loan on above special rate and debentures therefor shall be issued.	4. The sum of $ shall be raised by loan by this corporation on the security of the special rate

Column One.	*Column Two.*
	hereby imposed, and on that security only; and debentures amounting to the sum of $ shall be issued by the said corporation therefor. [*If the debentures are to be guaranteed by the municipality add after the word* "issued" *in the first column* "guaranteed by the municipality," *and after the word* "only" *in the second column* "and further guaranteed by the said municipality at large."]
5. Debentures shall be payable years after issue, and shall bear per cent. interest.	5. The said debentures shall be made payable at the expiration of years from the date of issue of the same, and bear interest at the rate not exceeding per cent. per annum.
6. Debentures may be made payable anywhere, in any currency, and proceeds thereof shall be used in paying off loans for work (if any).	6. The debentures may, both as to principal and interest, be payable in any place in Great Britain, in the United States of America or Canada, and may be expressed in sterling money or in any other currency, and may be made payable in gold, and the amount to be raised thereon shall be paid out and expended in paying off and discharging any temporary loans heretofore obtained on account of the said improvement and works and in no other way and for no other purpose whatsoever.
7. Owners may commute assessment by paying per foot in first year and a proportionately reduced rate for the years collected.	7. If at any time any of the owners of the said real property hereinbefore described, or of any part thereof, desire to commute the assessment imposed by this by-law by the payment of his, her or their proportionate share or shares of the cost thereof as a principal sum in lieu thereof, he, she or they may so commute by the payment of per foot on his, her or their property on street aforesaid, at any time during the first year after the passing of this by-law, or in any subsequent year, by the payment of such sum as may be necessary to realize at the end of the currency of such debentures a sum equivalent to the balance then unpaid of the said annual special rate thereon.
8. Moneys received from special rate or commutation shall be invested.	8. All moneys arising out of the said annual special rate and all moneys received in commutation thereof under the preceding section of this by-law, shall be invested by the treasurer of this municipality from time to time as the law directs.

Column One.	*Column Two.*
9. Debentures shall contain provision of section 434 of *The Municipal Act.*	9. Every debenture to be issued hereunder shall contain a provision in the following words :—"This debenture, or any interest therein, shall not, after a certificate of ownership has been indorsed thereon by the treasurer of this municipal corporation, be transferable except by entry by the treasurer or his deputy in the debenture registry book of the said corporation at the town (*or* village) of (*or to the like effect.*)
10. Debentures shall be subject to consolidation.	10. The amount of debentures authorized to be issued under this by-law is subject to consolidation by including the same in a collective or cumulative by-law to be hereafter passed, consolidating the same with other amounts authorized, or to be authorized, by other local improvement by-laws, and under which consolidating by-law the required debentures to provide for the amounts to be raised under this and said other individual by-laws shall be issued in a consecutive issue, as shall in said consolidating by-law be more particularly enacted in that behalf.
11. This by-law to take effect now.	11. This by-law shall come into operation and take effect on the day of the passing hereof.

60 V. c. 47, *Sched.* B.

CHAPTER 224.

An Act respecting the Assessment of Property.

PRELIMINARY PROVISIONS ss. 1-5.
PROPERTY LIABLE TO TAXATION, ss. 6-12.
Exemptions, s. 7.
ASSESSORS :
Duties of Assessors, ss. 13-17.
Mode of assessing real property, ss. 18-34.
Mode of assessing personal property, ss. 35-46.
General provisions, ss. 47-57.
Special provisions as to cities, towns and villages, ss. 58-61.
APPEALS :
To Court of Revision, ss. 62-74.
To County Judge, ss, 75-85.
By non-residents, s. 86.
CERTIFIED COPY OF ASSESSMENT ROLL TO BE EVIDENCE, s. 73.
EQUALIZATION OF ASSESSMENTS, ss. 87-95.
STATUTE LABOUR, ss. 96-128.
COLLECTION OF RATES :
Collectors' roll, ss. 129-132.
Collectors' duties, ss. 133-149.
LIST OF LANDS GRANTED, ETC., BY THE CROWN, ss. 150, 151.
ARREARS OF TAXES :
Duties of treasurers, clerks and assessors, ss, 152-172.
Sale of lands for taxes, ss. 173-192.
Certificate of sale and deed, ss. 193-208.
Deed binding unless questioned within two years, s. 209.
Deed to be valid if sale valid though statute authorizing it be repealed, s. 210.
Right of entry adverse to purchaser in possession not to be conveyed, s. 211.
Right to improvements when sale void, s. 212 (1).
Option of purchaser to retain land on paying its value, s. 212 (2).
Payment into Court, ss. 213-216.
Costs when value of land and improvements alone in question, s. 217.
Lien of tax purchaser for purchase money when title invalid, s. 218.
Contracts between tax purchaser and original owner continued, s. 219.
Application of sections 210-220 limited, ss. 220, 221.
Interpretation, s. 222.
DEFICIENCY FROM NON-PAYMENT TO BE MADE UP BY MUNICIPALITY IN CERTAIN CASES, s. 223.
ARREARS IN CITIES AND TOWNS, ss. 224-226.
ARREARS IN NEW MUNICIPALITIES, ss. 227-230.
ARREARS ON LANDS ADDED TO A CITY OR TOWN, s. 231.
NON-RESIDENT LAND FUND, ss. 232-245.
ARREARS TO FORM ONE CHARGE ON LAND, s. 246.
RESPONSIBILITY OF OFFICERS, ss. 247-274.
MISCELLANEOUS, ss. 275-277.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PRELIMINARY PROVISIONS.

Short title.

1. This Act may be cited as "*The Assessment Act.*" *See* 55 V. c. 48, s. 1.

2. Where the words following occur in this Act or the Schedules thereto, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears : Interpretation clause.

1. "Gazette" shall mean the *Ontario Gazette*; "Gazette."

2. "Township" shall include a union of townships, while such union continues ; "Township."

3. "County Council" shall include provisional county council ; "County Council."

4. "Town" and "Village" shall mean respectively incorporated town and village; "Town." "Village."

5. "Ward" unless so expressed, shall not apply to a township ward ; "Ward."

6. "Municipality" shall not include a county ; "Municipality."

7. "Local Municipality" shall mean and include a city, town, incorporated village or township, as the case may be ; "Local municipality."

8. "Property" shall include both real and personal property as hereinafter defined ; "Property."

9. "Land," "Real Property," and "Real Estate," respectively, shall include all buildings or other things erected upon or affixed to the land, and all machinery or other things so fixed to any building as to form in law part of the realty, and all trees or underwood growing upon the land, and land covered with water, and all mines, minerals, quarries and fossils in and under the same, except mines belonging to Her Majesty ; "Land." "Real property." "Real Estate."

10. "Personal Estate" and "Personal Property" shall include all goods, chattels, interest on mortgages, dividends from bank stock, dividends on shares or stocks of other incorporated companies, money, notes, accounts and debts at their actual value, income and all other property, except land and real estate, and real property as above defined, and except property herein expressly exempted. 55 V. c. 48, s. 2 (1-10). "Personal Estate." "Personal property."

11. "Last revised assessment roll" shall mean the last revised assessment roll of a local municipality; and an assessment roll shall be understood to be finally revised and corrected when it has been so revised and corrected by the Court of Revision for the municipality, or by the Judge of the County Court on appeal as by this Act provided, or when the time within which appeal may be made has elapsed. 55 V. c. 48, s. 2 ; 60 V. c. 15, Sched. C (129). "Last revised assessment roll."

12. "List of voters" shall mean the alphabetical list referred to in section 6 of *The Ontario Voters' Lists Act*. 55 V. c. 48, s. 2 (17). "List of voters." Rev. Stat. c. 7.

[*See also Rev. Stat.* c. 1, s. 10.]

3. Unoccupied land shall be denominated "Lands of non-residents," unless the owner thereof has a legal domicile or Unoccupied land to be denominated

"lands of non-residents," unless owner is domiciled in municipality or requires his name to be entered on roll.

place of business in the local municipality where the same is situate, or gives notice in writing setting forth his full name, place of residence and post-office address, to the clerk of the municipality, on or before the 20th day of April in each year, that he owns such land, describing it, and requires his name to be entered on the assessment roll therefor, which notice may be in the form or to the effect of Schedule A to this Act; and the clerk of the municipality shall, on or before the 25th day of April in each year, make up and deliver to the assessor a list of the persons requiring their names to be entered on the roll, and the lands owned by them. It shall not be necessary to renew such notice from year to year, but the notice shall stand until revoked, or until the ownership of the property is changed. 55 V. c 48, s. 3.

Owner may apply to have his name entered on roll whether notice given or not.

4.—(1) When the name of any owner of such unoccupied land has been entered upon the assessment roll in respect thereof by the assessor, such owner or his agent shall be entitled

(*a*) To apply to the Court of Revision to have the same so entered, whether the notice in the preceding section mentioned has or has not been given; and the Court may order the name to be entered, notwithstanding such notice has not been given, or has not been given by the time in this Act provided; or,

(*b*) Within the time allowed by law for other applications in that behalf, to apply to the Judge to have the name of such owner entered upon the voters' lists, whether such notice has or has not been given; and the Judge may direct that the same be so entered, notwithstanding such notice has not been given, or has not been given by the time in this Act provided. 55 V. c. 48, s. 4.

Real estate of railway companies.

5. The real estate of a railway company shall be considered as lands of a resident, although the company has not an office in the municipality; except in cases where the company ceases to exercise its corporate powers, through insolvency, or other cause. 55 V. c. 48, s. 5.

PROPERTY LIABLE TO TAXATION.

All taxes to be levied equally upon the rateable property, when no other provision made.

6. All municipal, local or direct taxes or rates, shall, where no other express provision has been made in this respect, be levied equally upon the whole rateable property, real and personal, of the municipality or other locality, according to the assessed value of such property, and not upon any one or more kinds of property in particular, or in different proportions. 55 V. c. 48, s. 6.

Taxable property and exemptions.

7. All property in this Province shall be liable to taxation, subject to the following exemptions, that is to say:

Exemptions.

All property belonging to Her Majesty.

1. All property vested in or held by Her Majesty, or vested in any public body or body corporate, officer or person in trust for Her Majesty, or for the public uses of the Province; and also all property vested in or held by Her Majesty, or any other person or body corporate, in trust for, or for the use of any tribe or body of Indians, and either unoccupied or occupied by some person in an official capacity.

Indian lands unoccupied, or occupied officially.

But if occupied not officially.

2. Where any property mentioned in the preceding clause is occupied by any person otherwise than in an official capacity, the occupant shall be assessed in respect thereof but the property itself shall not be liable.

Assessment of lands in connection with churches for local improvements.

3. Every place of worship, and land used in connection therewith, churchyard or burying ground; but land on which a place of worship is erected, and land used in connection with a place of worship, shall be liable to be assessed for local improvements in the same way and to the same extent as other land. *See also Cap. 223, Sec. 683.*

Public educational institutions.

4. The buildings and grounds of and attached to every university, college, high school, or other incorporated seminary of learning, whether vested in a trustee or otherwise, so long as such buildings and grounds are actually used and occupied by such institution, or if unoccupied, but not if otherwise occupied.

Proviso.

(*a*) The buildings and ground of and attached to a university, college, or other incorporated seminary of learning, whether vested in a trustee or otherwise, shall, nevertheless, be liable to be assessed for local improvements in the same manner and to the same extent as other land, but this shall not apply to schools which are maintained in whole or in part by a legislative grant or school tax. *See also Cap. 223, Sec. 684.*

City and Town halls, etc.

5. Every public school house, city or town or township hall, court house, gaol, house of correction, lock-up house and public hospital, with the land attached thereto, and the personal property belonging to each of them.

Public roads, etc.

6. Every public road and way or public square.

Municipal property.

7. The property belonging to any county or local municipality, whether occupied for the purposes thereof or unoccupied; but not when occupied by any person as tenant or lessee, or otherwise than as a servant or officer of the corporation for the purposes thereof. 55 V. c. 48, s. 7 (1-7).

Public parks.

8. The property belonging to any municipality, and in use as a public park whether situate within the municipality owning the same or in another municipality or municipalities. 56 V. c. 38, s. 1.

Provincial Penitentiary, etc.

9. The Provincial Penitentiary, the Central Prison and the Provincial Reformatory, and the land attached thereto.

Poor houses, etc.

10. Every industrial farm, poor-house, alms-house, orphan asylum, house of industry, and lunatic asylum, and every house belonging to a company for the reformation of offenders, and the real and personal property belonging to or connected with the same.

Scientific institutions, etc.

11. The property of every public library, mechanics' institute and other public, literary or scientific institution, and of every agricultural or horticultural society, if actually occupied by such society; and all the lands and buildings of every company formed under the provisions of *The Act respecting Joint Stock Companies for the erection of Exhibition Buildings*, where the council of the municipality in which such lands and buildings are situated consents to such exemption.

Rev. Stat. c. 196.

Personal property of Governors.

12. The personal property and official income of the Governor-General of the Dominion of Canada, and the official income of the Lieutenant-Governor of this Province.

Land occupied by military or naval officers, etc., and their pay, salaries, pensions, etc.

13. The houses and premises of any officers, non-commissioned officers and privates of Her Majesty's regular Army or Navy in actual service, while occupied by them, and not exceeding $2,000 in value, and the full or half-pay of any one in either of such services; and any pension, salary, gratuity or stipend derived by any person from Her Majesty's Imperial Treasury, and the personal property of any person in such Naval or Military services, on full pay, or otherwise in actual service.

Property of officers etc., on full pay.

Pensions under $200.

14. All pensions of $200 a year and under payable out of the public moneys of the Dominion of Canada, or of this Province.

Grain, etc., *in transitu*.

15. All grain, cereals, flour, live or dead stock, the produce of the farm or field, in store or warehouse, and at any time owned or held by or in the possession of any person in any municipality, such person not being the producer thereof, and being so held, owned or possessed solely for the *bona fide* purpose of being conveyed by water or railway for shipment or sale at some other place.

Horses, cattle sheep and swine.

16. All horses, cattle, sheep, and swine, which are owned and held by any owner, or tenant of any farm, when such owner or tenant is carrying on the general business of farming or grazing.

Incomes of farmers, etc.,

17. The income of a farmer derived from his farm, and the income of merchants, mechanics, or other persons derived from capital liable to assessment.

Personal property secured by mortgage, or Provincial

18. So much of the personal property of any person as is invested in mortgage upon land, or is due to him on account of the sale of land, the fee or freehold of which is vested in

him, or as is invested in the debentures of the Dominion of Canada or of this Province, or of any municipal corporation thereof, and such debentures. or municipal debentures.

19. The shares held by any person in the capital stock of any incorporated or chartered bank, doing business in this Province; but any interest, dividends or if derived from any such shares held by any person resident in this Province shall be deemed to come within and to be liable to assessment under section 35 of this Act. Dividends only of Bank Stock to be assessed.

20. The stock held by any person in any incorporated company, whose personal estate is liable to assessment in this Province Stock in companies.

21. The stock held by any person in any railway company, the shares in building societies, and so much of the personal property of any person as is invested in any company incorporated for the purpose of lending money on the security of real estate; but the interest and dividends derived from shares in such building societies, or from investments in such companies as aforesaid, shall be liable to be assessed. 55 V. c. 48, s. 7 (8—19). Railway and building Society stock.

22. The stock or shares held by any person in any toll road, and the dividends or income derivable therefrom. 55 V. c. 48, s. 29*c*. Toll road stock.

23. All personal property which is owned out of this Province, except as hereinafter provided. Personal property owned out of the Province.

24. So much of the personal property of any person as is equal to the just debts owed by him on account of such property, except such debts as are secured by mortgage upon his real estate, or are unpaid on account of the purchase money therefor. Personal property equal to debts due.

25. The net personal property of any person; provided the same is under $100 in value. Personalty under $100.

26. The annual income of any person derived from his personal earnings to the amount of $700, and the annual income of any person to the amount of $400 derived from any source other than personal earnings; Personal earnings not exceeding $700. Income up to $400.

(*a*) But no person shall be exempted for or in respect of income for a sum greater than $700, whether derived from personal earnings or from other sources of income, or from the two combined. Proviso.

27. Rental or other income derived from real estate, except interest on mortgages. Rental of real estate, etc.

28. Household effects of whatever kind, books and wearing apparel. Household effects, books, etc.

Vessels.

29. Vessel property of the following description, namely: steamboats, sailing vessels, tow barges and tugs; but the income earned by or derived through, or from any such property shall be liable to be assessed. 55 V. c. 48, s. 7 (20-28); c. 49, s. 1, 2, 3.

Assessment of farm lands in towns and villages, etc.

8.—(1) In any town or village in which there are lands held and used as farm lands only, and in blocks of not less than five acres by any one person, such lands shall be assessed as farm lands. 55 V. c. 48, s. 7 *a* (1).

(*a*) Subject to the other sub-sections of this section, such assessment shall be on the principles provided by section 29 for cases under that section.

(*b*) This section and section 29 shall apply whether the lands assessed have or have not been divided into building lots. 57 V. c. 51, s. 1.

Exemption of farm lands in towns and villages from assessment for certain improvements.

(2) Where such lands are not benefited to as great an extent by the expenditure of moneys for and on account of public improvements of the character hereinafter mentioned in the municipality as other lands therein generally, the council of such town or village shall annually at least two months before striking the rate of taxation for the year, pass a by-law declaring what part of the said lands so held and used as farm lands only, shall be exempt or partly exempt from taxation for the expenditure of the municipality incurred for water works, whether for domestic use or for fire protection or both, the making of sidewalks, the construction of sewers or the lighting and watering of the streets, regard being had in determining such exemption to any advantage, direct or indirect, to such lands arising from such improvements, or any of them.

Proviso.

(*a*) Nothing in this subsection contained shall exempt or relieve any lands therein mentioned from the general rate for the payment of any debenture debt contracted before the 14th day of April, 1892, or that may be renewed in whole or in part. 55 V. c. 48, s. 7*a* (2); c. 49, s. 4 (7*a*, 1, 2); 58 V. c. 47, s. 1.

Person claiming exemption to notify council.

(3) Any person claiming such exemption in whole or in part shall notify the council of the municipality thereof within one month after the time fixed by law for the return of the assessment roll, and shall by some intelligible description indicate the land and quantity as nearly as may be in respect of which exemption is claimed.

Appeals from by-laws to County Judge.

(4) Any person complaining that the said by-law does not exempt or sufficiently exempt him or his said farm lands from taxation as aforesaid, may within 14 days after the passing thereof notify the clerk of the municipality of the intention to appeal against the provisions of such by-law or any of them to the Judge of the County Court who shall have full power to alter or vary any or all of the provisions of the said by-law,

and determine the matter of complaint in accordance with the spirit and intent of the provisions of this section.

Procedure upon appeals to County Judge.

(5) The provisions relating to appeals from a Court of Revision to the County Judge and to the amendment of the assessment roll thereon, shall, so far as applicable, regulate and govern the procedure to be followed upon appeals to the County Judge under this section and the amendment of the by-law thereon.

Appeals from Court of Revision not affected.

(6) Nothing in the last two preceding subsections contained, shall be deemed to prevent or affect the right of appeal to the County Judge from the decision of a Court of Revision upon any appeal against an assessment. 55 V. c. 48, s. 7*a* (3-6); c. 49, s. 4 (3-6).

The case of income exempted from assessment.

9. Where any person derives from some trade, office, calling or profession, an income which is entitled by law to exemption from assessment, he shall not be bound to avail himself of such right to exemption, but if he thinks fit, he may require his name to be entered in the assessment roll for such income, for the purpose of being entitled to vote at elections for municipal councils, and such income shall in such case be liable to taxation like other assessable income or property, and it shall be the duty of the assessor to enter the name of such person in the assessment roll. 55 V. c. 48, s. 8

Realty within, but owned out of Ontario to be assessable.

10. All real property situate within, but owned out of the Province, shall be liable to assessment in the same manner and subject to the like exemptions as other real property under the provisions of this Act. 55 V. c. 48, s. 9.

Personalty in control of agent for non-resident owner assessable.

11. All personal property within the Province in the possession or control of any agent or trustee for, or on behalf of any owner thereof, who is resident out of this Province, shall be liable to assessment in the same manner, and subject to the like exemption as in the case of other personal property of the like nature under this Act. 55 V. c. 48, s. 10.

Exemption of certain officers of Superior Courts abolished as to future appointments.

12. The exemption to which certain officers connected with the Superior Courts were, at the time of their appointment, and on the 5th day of March, 1880, entitled by Statute, in respect of their salaries, is abolished as respects all persons appointed by the Lieutenant-Governor to such offices after the said 5th day of March, 1880, and shall continue in respect of such officers only as were appointed before that date. 55 V. c. 48, s. 11.

DUTIES OF ASSESSORS.

[*For the appointment of Assessors and Collectors, see c. 223, ss. 295-298.*]

Assessment rolls, their form, contents, etc.

13.—(1) Every assessor shall prepare an assessment roll, in which, after diligent inquiry, he shall set down according to the best information to be had—

Names of residents.

(*a*) The names and surnames in full, if the same can be ascertained, of all taxable persons resident in the municipality, or in the district for which the assessor has been appointed, who have taxable property therein;

Of non-residents.

(*b*) And of all non-resident owners who have given the notice in writing mentioned in section 3, and required their names to be entered in the roll;

Property assessable.

(*c*) The description and extent or amount of property assessable against each. 55 V. c. 48, s. 14 (1).

Assessing property of deceased persons.

(2) No property shall be assessed in the name of any deceased person, but when an assessor is unable to ascertain the names of the persons who should be assessed in lieu of the deceased person, he may insert, instead of such names, the words "Representatives of A. B., deceased," giving the name of such deceased person; 60 V. c. 3, s. 3; *See* 57 V. c. 3, s. 8 (1).

Inquiry as to births and deaths.

(3) In the case of every township, town or village, it shall also be the duty of the assessor when making the annual assessment, to inquire of every resident taxable person whether there has been a birth or death in the family within the previous twelve months, and if either, whether the same has been registered or not; if it has not been registered the assessor shall put the figure 1 opposite the name, in the column headed "Birth" or "Death," as the case may be; if registered, the letter "R" in the column (28) set apart for "Registered." 55 V. c. 48, s. 14 (2).

Further particulars.

(4) The assessor shall set down the particulars in separate columns as follows:

Column 1.—The successive number on the roll.

Column 2.—Name (surname first) and post office address of taxable person.

Column 3.—Occupation, and in the case of females, a statement whether the person is a spinster, married woman, or widow, by inserting opposite the name of the person the letter "S," "M" or "W," as the case may be. 55 V. c. 48, s. 14 (3, cols. 1-3); c. 49, s. 5 (1). [*See also Sec. 27*].

Column 4.—Statement whether the person is a freeholder, or tenant, by inserting opposite his name the letter "F."

or "T." as the case may be; and where, in any municipality in which *The Manhood Suffrage Registration Act* is not in force, the person is entitled to be entered upon the roll as qualified to vote under *The Ontario Election Act*, and, where in any municipality in which the first mentioned Act is in force the person is qualified to vote at municipal elections therein as well as at elections for the Legislative Assembly, there shall also be inserted opposite his name in said column, in capitals, the letters "M. F." meaning thereby "Manhood Franchise," and where the person is, within the meaning of *The Municipal Act*, a "farmer's son," there shall also be similarly inserted the letters "F. S."; and all such names shall be numbered. 55 V. c. 48, s. 14 (3, col. 4); c. 49, s. 26; 57 V. c. 4, s. 2; 58 V. c. 3, s. 2.

Rev. Stat. c. 8.

Rev. Stat. c. 9.

Rev. Stat. c. 223, s. 86.

[*For enactment prohibiting the assessor, in municipalities where The Manhood Suffrage Registration Act is in force, from placing on the roll the name of any person not liable to assessment for taxes, see Cap. 8, sec. 2.*]

Column 5.—The age of the assessed person.

Column 6.—Name and address of the owner, where the person named in column 2 is not the owner.

Column 7.—School section, and whether a public or separate school supporter.

Column 8.—Number of concession, name of street, or other designation of the local division in which the real property lies, or residence, in the case of manhood suffrage voters.

Column 9.—Number of lot, house, etc., in such division.

Column 10.—Number of acres, or other measure shewing the extent of the property.

Column 11.—Number of acres cleared, (or, in cities, towns, or villages, whether vacant or built upon.)

Column 12.—Value of each parcel of real property.

Column 13.—Total value of real property.

Column 14.—Value of personal property other than income.

Column 15.—Taxable income.

Column 16.—Total value of personal property and taxable income.

Column 17.—Total value of real and personal property and taxable income.

Column 18.—Statute labour (in case of male persons from twenty-one to sixty years of age), and number of days' labour.

Column 19.—Dog tax; number of dogs and number of bitches.

Column 20.—Number of persons in the family of each person rated as a resident.

Column 21.—Religion.

Column 22.—Number of cattle.

Column 23.—Number of sheep.
Column 24.—Number of hogs.
Column 25.—Number of horses.
Column 26.—Birth.
Column 27.—Death.
Column 28.—Registered. } *These 3 columns apply to townships, towns and villages only.*
Column 29.—Acres of woodland.
Column 30.—Acres of swamp, marsh, or waste land.
Column 31.—Acres of orchard and garden.
Column 32.—Number of acres under fall wheat.
Column 33.—Date of delivery of notice under section 51.
Column 34.—Each and every steam boiler in the municipality used for driving machinery or for any manufacturing purpose, with the name of the owner and the purpose for which the same is used. 55 V. c. 48, s. 14 (3, cols. 5-34); c. 49, s. 5 (2); *see* Schedule B.

Evidence on which Assessor to enter persons as Separate School supporters. Rev. Stat. c. 294.

(5) In any case where the trustees of any Roman Catholic separate school avail themselves of the provisions contained in section 49 of *The Separate Schools Act*, for the purpose (amongst others) of ascertaining through the assessors of the municipality the persons who are the supporters of separate schools in such municipality, the assessor (where the entry in the Index Book mentioned in section 54 does not shew a ratepayer to be a supporter of separate schools) shall accept the statement of the ratepayer, or a statement made on his behalf and by his authority and not otherwise, that he is a Roman Catholic, as sufficient *prima facie* evidence for placing such person in the proper column of the assessment roll for separate school supporters, or if the assessor knows personally any ratepayer to be a Roman Catholic this shall also be sufficient for placing him in such last mentioned column. 53 V. c. 71, s. 4; 55 V. c. 48, s. 14 (4). *See also Cap. 294, Sec. 49.*

(6) Opposite the name of every person entitled to be entered on the assessment roll the assessor shall, in the column 8 mentioned in subsection 4 of this section enter:

(*a*) In the assessment roll of a city, town or village, the residence of such person by the number thereof (if any) and the street or locality whereon or wherein the same is situate;

(*b*) In the assessment roll of a township, the concession wherein and the lot or part of a lot whereon such person resides,

and in all cases any additional description, as to locality or otherwise, which may be reasonably necessary to enable such residence to be ascertained and verified. 55 V. c. 48, s. 14 *b* (6).

(7) It shall be the duty of the mayor and of the assessment commissioner, if there is an assessment commissioner, to see that the assessors duly perform the duties mentioned in this section. 56 V. c. 3, s. 7. Duty of mayor and assessment commissioner.

14.—(1) In this section the words and expressions "Farm," "Son," "Sons," "Farmer's Son," "Father," "Election," "To Vote," shall respectively have the meaning given thereto by section 86 of *The Municipal Act.* Interpretation. Rev. Stat. c. 223.

(2) Every farmer's son *bona fide* resident on the farm of his father or mother, at the time of the making of the assessment roll, shall be entitled to be, and may be, entered, rated and assessed on such roll, in respect of such farm, in manner following: Farmers' sons.

(*a*) If the father is living, and either the father or mother is the owner of the farm, the son or sons may be entered, assessed, and rated in respect of the farm, jointly with the father, and as if such father and son or sons were actually and *bona fide* joint owners thereof.

(*b*) If the father is dead, and the mother is the owner of the farm, and is a widow, the son or sons may be entered, rated and assessed in respect of the farm, as if he or they was or were actually and *bona fide* an occupant or tenant, or joint occupants or tenants thereof, under the mother.

(*c*) Occasional or temporary absence from the farm for a time or times, not exceeding in the whole six months of the twelve months next prior to the return of the roll by the assessor, shall not operate to disentitle a son to be considered *bona fide* resident as aforesaid.

(*d*) If there are more sons than one so resident, and if the farm is not assessed and rated at an amount sufficient, if equally divided between them, to give a qualification to vote at a municipal election, to the father and all the sons, where the father is living, or to the sons alone where the father is dead and the mother is a widow, then the right to be assessed under this Act shall belong to and be the right only of the father and the eldest or such of the elder of said sons to whom the amount at which the farm is assessed and rated will, when equally divided between them, give a qualification so to vote.

(*e*) If the amount at which the farm is so assessed and rated is not sufficient, if equally divided between the father, if living, and one son, to give to each a qualification so to vote, then the father shall be the only person entitled to be assessed in respect of such farm.

(*f*) A farmer's son entitled to be assessed under any of the preceding provisions, may require his name to be entered and rated on the assessment roll as a joint or separate owner, occupant, or tenant of the farm, as the case may be; and such farmer's son so entered and rated shall be liable in respect of such assessment as such owner, tenant, or occupant, and the initials "F" or "T" and the initials "M. F." where the person assessed has the necessary qualifications shall be added in the proper column. 55 V. c. 48, s. 14 *a*.

Persons to be entered on roll as M. F. voters.

Rev. Stat. c. 8.

Rev. Stat. c. 9.

15.—(1) In municipalities in which *The Manhood Suffrage Registration Act* is not in force the assessor shall place on the assessment roll, as qualified to be a voter under *The Ontario Election Act* the name of every male person of the full age of twenty-one years not disqualified from voting at elections for the Legislative Assembly of Ontario, and a subject of Her Majesty by birth or naturalization, who delivers or causes to be delivered to the assessor, an affidavit signed by such person in one of the forms in Schedule B appended hereto, or to the effect therein set forth, if the facts stated are such as entitle such person to be placed thereon, and the affidavit may be made before any assessor or Justice of the Peace, commissioner for taking affidavits, or notary public; and every such officer shall, upon request, administer an oath to any person wishing to make the affidavit;

Proviso.

Provided that such person had resided within the Province for the nine months next preceding the time fixed by statute (or by a by-law authorized by statute) for beginning to make the assessment roll in which he is entitled to be entered as a person qualified to vote;

Proviso.

And provided that such person was in good faith at the time fixed as aforesaid, for beginning to make said roll, and still is a resident of, and domiciled in the municipality on the roll of which he desires to be entered, and has resided in the said municipality continuously from the time fixed as aforesaid for beginning to make said roll.

Temporary absence not to disqualify.

(2) A person may be resident in the municipality within the meaning of this section, notwithstanding occasional or temporary absence in the prosecution of his occupation as a lumberman, mariner, or fisherman, or of his attendance as a student in an institution of learning in the Dominion of

Canada; and such occasional or temporary absence shall not disentitle such person to be entered on the assessment roll as a qualified voter.

Inquiries by assessors.

(3) The assessor shall also make reasonable inquiries in order to ascertain what persons resident in his municipality, or in the section of the municipality in respect of which the assessor is acting, are entitled to be placed on the assessment roll as qualified to be voters under *The Ontario Election Act*, and shall place such persons on the roll as qualified to be voters without the affidavit referred to in subsection 1. 55 V. c. 48, s. 14 *b* (1-3).

Rev. Stat. c. 9.

Students at college, etc.

16.—(1) No person shall be entitled to be marked or entered by the assessor on the assessment roll as a qualified voter under *The Ontario Election Act*, in respect of residence in a municipality where he is in attendance as a scholar or student at any school, university or other institution of learning, unless he has no other place of residence entitling him to vote under said Act.

Rev. Stat. c. 9.

Other persons.

(2) No person shall be entitled to be marked or entered by the assessor in the assessment roll as qualified to vote under *The Ontario Election Act*, who at the time of marking or entering is a prisoner undergoing punishment for a criminal offence in a gaol or prison; or is a patient in a lunatic asylum; or is maintained, in whole or in part, as an inmate receiving charitable support or care in a municipal poorhouse or house of industry, or as an inmate receiving charitable support or care in a charitable institution receiving aid from the Province under any statute in that behalf. 55 V. c. 48, s. 14 *b* (4, 5).

Rev. Stat. c. 9.

Complaints respecting roll.

(3) Complaints of persons having been wrongfully entered on the assessment roll as qualified to be voters under *The Ontario Election Act*, or of persons not having been entered thereon as qualified to be voters under said Act, who should have been so entered, may, by any person entitled to be a voter under said Act, or to be entered on the voters' list in the municipality or in the electoral district in which the municipality is situate, be made to the Court of Revision as in the case of assessments, or the complaints may be made to the County Judge under the *The Voters' Lists Act*. 55 V. c. 48, s. 14*b* (8).

Rev. Stat. c. 9.

Rev. Stat. c. 7.

17.—(1) The assessors of every municipality shall annually when making their assessment roll, in a book to be provided by the clerk of the municipality, in the form set forth in Schedule C to this Act, the name, age and residence of every child between the ages of eight and fourteen years, resident in the municipality, and the name and residence of such child's parent or guardian, and return the said book to the clerk of the municipality with the assessment roll for the use of the truant officer and others. 54 V. c. 56, s. 11.; 55 V. c. 48, s. 14*c*.

Assessors to make lists of children between 8 and 14 years of age.

Census of children between 5 and 21.

(2) The assessors of every municipality shall make an annual census of all the children in the municipality between the ages of five and twenty-one years. The clerk shall report such census to the public school inspector and to the secretary of the board of trustees. In the case of townships the clerk shall report to the inspector of the division and to the secretary of each school section. 56 V. c. 38 s. 2.

Mode of Assessing Real Property.

Land to be assessed in the municipality or ward.

Personal property.

18. Land shall be assessed in the municipality in which the same lies and, in the case of cities and towns, in the ward in which the property lies; (and this shall include the land of incorporated companies, as well as other property;) and where any business is carried on by a person in a municipality in which he does not reside, or in two or more municipalities, the personal property belonging to such person shall be assessed in the municipality in which such personal property is situated, and against the person in possession or charge thereof, as well as against the owner. 55 V. c. 48, s. 15.

Land occupied by owner to be assessed in his name.

19. Land occupied by the owner shall be assessed in his name, but where a married woman is assessed as owner, the name of the husband shall also be entered upon the assessment roll as an occupant. 55 V. c. 48, s. 16; c. 49, s. 6.

Where land not occupied by the owner, but the owner is known.

20. Land not occupied by the owner, but of which the owner is known and, at the time of the assessment being made, resides or has a legal domicile or place of business in the municipality, or has given the notice mentioned in section 3, shall be assessed against the owner alone, if the land is unoccupied, or against the owner and occupant, if the occupant is any person other than the owner. 55 V. c. 48, s. 17.

Where [illegible] not resident in [illegible] by [illegible] resident in Province.

21. If the owner of the land is not resident within the municipality, but is resident within this Province, then, if the land is occupied it shall be assessed in the name of and against the occupant and owner; but if the land is not occupied, and the owner has not requested to be assessed therefor, then it shall be assessed as land of a non-resident. 55 V. c. 48, s. 18.

Where owner not resident in Province.

22. In the case of real property, owned by a person not resident within this Province, who has not required his name to be entered on the assessment roll, then if the land is occupied, it shall be assessed in the name of and against the occupant as such, and, for the purpose of imposing and collecting taxes upon and from the same land, he shall be deemed the owner thereof; but if the land is not occupied, and the owner has not requested to be assessed therefor, then it shall be assessed as land of a non-resident; and it shall not be necessary that the name of such non-resident or owner be inserted in the assessment roll, but it shall be sufficient to mention therein the name of the

reputed owner or the words "Owner Unknown," according to the assessor's knowledge or information. 55 V. c. 48, s. 19.

Assessment of land purchased from the Crown.

23.—(1) Land which has been purchased from and mortgaged to the Crown to secure the repayment of the purchase money or some part thereof, or which is subject to any claim of the Crown for unpaid purchase money, shall be liable to be assessed to the extent of the interest of the owner for the time being of the equity of redemption therein, or of the purchaser as the case may be:

(2) This section shall apply to lands purchased from the Crown whether as represented by the Government of the Dominion of Canada, or as represented by the Government of this Province; but nothing herein contained shall be construed to derogate from or in any wise affect the interest of the Crown in such lands;

(3) No more than six years past arrears of taxes shall be collectable under this section and no sale for non-payment of taxes which has taken place before the 14th day of April, 1892, shall be rendered valid by this Act, but the taxes to the extent of six years if not satisfied shall be a charge on the land and payment thereof shall be enforced by sale as in other cases. 55 V. c. 48, s. 19*a*; c. 49, s. 28.

Where land assessed against owner and occupant.

24.—(1) Where land is assessed against both the owner and occupant, or owner and tenant, the assessor shall place both names within brackets on the roll, and shall write opposite the name of the owner the letter "F," and opposite the name of the occupant or tenant the letter "T," and both names shall be numbered on the roll. 55 V. c. 48, s. 20 (1).

Ratepayer to be counted only once.

(2) No ratepayer shall be counted more than once in returns and lists required by law for municipal purposes, and the taxes may be recovered from either the owner, tenant, or occupant, or from any future owner, tenant, or occupant, saving his recourse against any other person. 55 V. c. 48, s. 20 (3).

[*As to the amount collectable from an owner in consequence of the tenant's default where the school rate and the separate school rate are not the same, see Cap. 294, Sec. 53.*]

Assessment of land owned or occupied by several persons.

25.—(1) Where land is owned or occupied by more persons than one, and all their names are given to the assessor, they shall be assessed therefor in the proportions belonging to or occupied by each respectively: and if a portion of the land so situated is owned by persons who are non-resident, and have not required their names to be entered on the roll, the whole of the property shall be assessed in the names furnished to the assessor as the names of the owners, saving the recourse of the persons whose names are so given against the others.

Assessment of partnership property.

(2) If any member of a partnership so requests, his share or interest of, or in the real or personal property of, or belonging to the partnership, shall for all purposes and in all respects be assessed as if the same were the separate and individual property of such member, and formed no part of said partnership property.

Assessment of property of company for school purposes.

(3) A company may, by notice in that behalf to be given to the clerk of any municipality wherein a separate school for Roman Catholics exists, require any part of the real property of which such company is either the owner and occupant, or, not being such owner, is the tenant, occupant or actual possessor, and any part of the personal property (if any) of such company, liable to assessment, to be entered, rated and assessed for the purposes of said separate school, and the proper assessor shall thereupon enter said company as a separate school supporter in the assessment roll in respect of the property specially designated in that behalf in or by said notice, and the proper entries in that behalf shall be made in the prescribed column for separate school rates, and so much of the property as is so designated shall be assessed accordingly in the name of the company for the purposes of the separate school and not for public school purposes, but all other property of the company shall be separately entered and assessed in the name of the company as for public school purposes: provided always that the share or portion of the property of any company entered, rated or assessed in any municipality for separate school purposes, under the provisions of this section, shall bear the same ratio and proportion to the whole of the property of the company assessable within the municipality that the amount or proportion of the shares or stock of the company, so far as the same are paid or partly paid up, and are held or possessed by persons who are Roman Catholics, bears to the whole amount of such paid or partly paid up shares or stock of the company.

(4) A notice by the company to the clerk of the local municipality under the provisions of this section may be in the form or to the effect following:

To the Clerk of (*describing the Municipality*),

Take notice that (*here insert the name of the company so as sufficiently and reasonably to designate it*) pursuant to a resolution in that behalf of the directors of said company requires that hereafter and until this notice is either withdrawn or varied, so much of the property of the company assessable within (*giving the name of the municipality*), and hereinafter specially designated shall be entered, rated, and assessed for separate school purposes, namely, one-fifth (*or as the case may be*) of all real property, and one-fifth (*or as the case may be*) of all personal property of said company, liable to assessment in said municipality.

Given on behalf of the said company this (*here insert date*).

R. S., Secretary of said Company.

(5) Any such notice given in pursuance of a resolution in that behalf of the directors of the company, shall for all purposes be deemed to be sufficient, and every such notice so

given shall be taken as continuing and in force and to be acted upon, unless and until the same is withdrawn, varied or cancelled by any notice subsequently given, pursuant to any resolution of the company or of its directors

(6) Every such notice so given to such clerk shall remain with and be kept by him on file in his office, and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect any assessment roll; and the assessor shall in each year, before the completion and return of the assessment roll, search for and examine all such notices as may be so on file in the clerk's office, and shall thereupon in respect of the said notices (if any) follow and conform thereto and to the provisions of this Act in that behalf.

(7) The word "company" in this section shall mean and include any body corporate. 55 V. c. 48, s. 21.

When tenants may deduct taxes from rent.

26. Any occupant may deduct from his rent any taxes paid by him, if the same could also have been recovered from the owner, or previous occupant, unless there is a special agreement between the occupant and the owner to the contrary. 55 V. c. 48, s. 24.

Assessor to note non-residents if required, on the roll.

27. The assessor shall write opposite the name of any non-resident freeholder, who requires his name to be entered on the roll, as hereinbefore provided, in column number 3, the letters "N. R," and the address of such freeholder. 55 V. c. 48, s. 25.

How property estimated.

28.—(1) Except in the case of mineral lands hereinafter provided for, real and personal property shall be estimated at their actual cash value, as they would be appraised in payment of a just debt from a solvent debtor.

Mineral lands.

(2) In estimating the value of mineral lands, such lands and the buildings thereon shall be valued and estimated at the value of other lands in the neighbourhood for agricultural purposes, but the income derived from any mine or mineral work shall be subject to taxation in the same manner as other incomes under this Act. 55 V. c. 48, s. 26.

What shall be deemed vacant land, and how its value shall be calculated in cities, etc.

29.—(1) In assessing vacant ground, or ground used as a farm, garden, or nursery, and not in immediate demand for building purposes, in cities, towns, or villages, whether incorporated or not, the value of such vacant or other ground shall be that at which sales of it can be freely made, and where no sales can be reasonably expected during the current year, the assessors shall, where the extent of such ground exceeds two acres in cities and ten acres in towns and incorporated villages, value such land as though it was held for farming or gardening purposes, with such percentage added thereto as the situation of the land reasonably calls for.

(2) Such vacant land, though surveyed into building lots, if unsold as such, may be entered on the assessment roll as so many acres of the original block or lot, describing the same by the description of the block, or by the number of the lot and concession of the township in which the same is situated, as the case may be. 55 V. c. 48, s. 27, (1); 58 V. c. 47, s. 2; 59 V. c. 58, s. 1; *See sec. 8. (1, a. b.).*

Assessment thereof.

(3) In such case, the number and description of each lot, comprising each such block shall be inserted in the assessment roll; and each lot shall be liable for a proportionate share as to value, and the amount of the taxes, if the property is sold for arrears of taxes. 55 V. c. 48, s. 27, (2).

Where not held for sale, but for gardens, etc.

30.—(1) Where ground is not held for the purposes of sale, but is *bona fide* enclosed and used in connection with a residence or building as a paddock, park, lawn, garden or pleasure ground, it shall be assessed therewith, at a valuation which, at six per centum, would yield a sum equal to the annual rental which, in the judgment of the assessors, it is fairly and reasonably worth for the purposes for which it is used, reference being always had to its position and local advantages, unless by by-law the council requires the same to be assessed like other ground.

Islands used as summer resorts.

(2) The owner or tenant of an island in the lakes not exceeding ten acres in extent and used with the houses erected thereon exclusively as summer resorts and upon which the owner or his tenants do not reside more than three months in the year and whereon no statute labour is done shall not be rated for statute labour nor shall the owner or tenant thereof be liable for the performance of statute labour or for the payment of commutation thereof for or in respect of such property. 55 V. c. 48, s. 28; c. 49, s. 7.

Railway companies to furnish certain statements to clerks of municipalities.

31. Every railway company shall annually transmit, on or before the 1st day of February, to the clerk of every municipality in which any part of the roadway or other real property of the company is situated, a statement shewing:

1. The quantity of land occupied by the roadway, and the actual value thereof, according to the average value of land in the locality, as rated on the assessment roll of the previous year;

2. The real property, (other than the roadway) in actual use and occupation by the company, and its value; and

3. The vacant land not in actual use by the company, and the value thereof, as if held for farming or gardening purposes;

Duties of clerks thereon.

And the clerk of the municipality shall communicate such statement to the assessor, who shall deliver at, or transmit by post to, any station or office of the company a notice addressed to the company of the total amount at which he has assessed

the real property of the company in his municipality or ward, shewing the amount for each description of property mentioned in the above statement of the company; and such statement and notice respectively shall be held to be the statement and notice required by sections 47 and 51 of this Act. 55 V. c. 48 s. 29.

Assessment of toll roads.

32. Plank, gravel, macadamized or other toll roads not owned by any municipal corporation shall be assessed as real estate in the municipality in which the same are situate; and in making the assessment the assessor shall take into consideration the value of (1) the land occupied by the road, (2) the materials employed in the superstructure, (3) toll houses, buildings and gates on the road, (4) quarries and gravel pits and roads to and from such places, and used in connection therewith; but this section shall not include bridges 100 feet in length or over, and the approaches thereto, which are on or along such toll road and which are used therewith. 55 V. c. 48, s. 29*a*; c. 49, s. 8.

Toll roads not owned by municipalities.

33. Every toll road owned by any person or corporation other than a municipal corporation, upon which any toll is established, whether leased to a tenant or not, shall be assessed in the local municipality in which the same is situate and where the road extends or runs into or through more local municipalities than one, each local municipality shall assess that part thereof which lies within its limits, and according to the value of that part, whether a toll gate or bar is or is not upon the road in the municipality. 55 V. c. 48, s. 29*b*; c. 49, s. 9.

Proceedings in case of non-resident lands.

34. As regards the lands of non-residents who have not required their names to be entered in the roll, the assessors shall proceed as follows:

To be inserted in roll separately.

1. They shall insert such land in the roll separated from the other assessments, and shall head the same as *Non-residents' Land Assessments.*

When not known to be subdivided into lots.

2. If the land is not known to be subdivided into lots, it shall be designated by its boundaries or other intelligible description.

When known to be subdivided into lots.

3. If it is known to be subdivided into lots, or is part of a tract known to be so subdivided, the assessors shall designate the whole tract in the manner prescribed with regard to undivided tracts; and, if they can obtain correct information of the subdivisions, they shall put down in the roll, and in a first column, all the unoccupied lots by their numbers, and names alone, and without the names of the owners, beginning at the lowest number and proceeding in numerical order to the highest; in a second column, and opposite to the number of each lot, they shall set down the quantity of land therein liable to

taxation; in a third column, and opposite to the quantity, they shall set down the value of such quantity, and, if such quantity is a full lot, it shall be sufficiently designated as such by its name or number, but if it is part of a lot, the part shall be designated in some other way whereby it may be known. 55 V. c. 48, s. 30.

Mode of Assessing Personal Property

Assessment of income derived from trade or profession.

35. Subject to the provisions of section 9, no person deriving an income from any trade, calling, office, profession, or other source whatsoever, not declared exempt by this Act, shall be assessed for a less sum as the amount of his net personal earnings or income during the year then last past than the excess of such earnings or income over and above the exemptions specified in subsection 26 of section 7 of this Act; and such last year's income in excess of such exempted sums shall be held to be his net personal property, unless such person has other personal property liable to assessment, in which case such excess of income and other personal property shall be added together and constitute his personal property liable to assessment. 55 V. c. 48, s. 31; c. 49, s. 10.

Assessment of merchants.

36.—(1) In the case of persons carrying on a mercantile business in a municipality the council of the municipality may pass a by-law or by-laws for imposing and levying an annual business tax in respect of all classes of mercantile business, without classification, or of any class or classes of mercantile business, provided that such business tax does not exceed seven and a half per cent. of the annual value of the premises in which the business is carried on; and the council may in their by-law classify different kinds of mercantile business and fix the business tax on the respective classes at such a percentage on the annual value of the premises occupied within the limits provided by this section as to the council may seem reasonable; and provided also that when a business tax is imposed the personal property belonging to the business, in respect of which the tax is imposed, shall not be liable to assessment or taxation otherwise.

(2) For the purposes of this section the annual value of the premises in which the business is carried on shall be taken to be an amount representing seven per cent. on the assessed real value of the said premises. 55 V. c. 48, s. 31*a*.

Beneficial owner of shares may be assessed.

37. The beneficial owner of shares which do not stand in his own name may be assessed for the income he derives therefrom as if the shares stood in his own name. 55 V. c. 48, s. 32.

Personal property in Province of non-residents assessable like property of residents.

38.—(1) All personal property within the Province, the owner of which is not resident in the Province, shall be assessable like the personal property of residents, and whether the same is or is not in the possession or control, or in the hands, of an agent or a trustee on behalf of the non-resident owner; and all such personal property of non-residents may be assessed in the owner's name, as well as in the name of the agent, trustee or other person (if any) who is in the possession or control thereof.

(2) The property shall be assessable in the municipality in which it may happen to be.

(3) This section shall not apply to dividends which are payable to, or other *choses* in action which are owned by and stand in the name of, a person who does not reside in the Province. 55 V. c. 48, s. 33.

Assessment of personal property of companies.

39.—(1) The personal property of an incorporated company, other than the companies mentioned in sub-section 2 of this section, shall be assessed against the company in the same manner as if the company were an unincorporated company or partnership.

(2) The personal property of a bank or of a company which invests the whole or the principal part of its means in gas works, water works, plank or gravel roads, railway and tramroads, harbours, or other works requiring the investment of the whole or principal part of its means in real estate, shall, as hitherto, be exempt from assessment; but the shareholders shall be assessed on the income derived from such companies. 55 V. c. 48, s. 34.

Personal property of partnerships, how and where to be assessed.

40.—(1) The personal property of a partnership shall be assessed against the firm at the usual place of business of the partnership, and a partner in his individual capacity shall not be assessable for his share of any personal property of the partnership which has already been assessed against the firm.

As to partnerships having more than one business locality.

(2) If a partnership has more than one place of business, each branch shall be assessed, as far as may be, in the locality where it is situate, for that portion of the personal property of the partnership which belongs to that particular branch; and if this cannot be done, the partnership may elect at which of its places of business it will be assessed for the whole personal property, and shall be required to produce a certificate at each of the other places of business of the amount of personal property assessed against it elsewhere. 55 V. c. 48, s. 35.

Where persons carrying on trade, etc., to be assessed for personal property.

41.—(1) Every person having a farm, shop, factory, office or other place of business where he carries on a trade, profession, or calling, shall, for all personal property owned by him, wheresoever situate, be assessed in the municipality or ward where he has such place of business, at the time when the assessment is made.

Where the person has two or more places of business.

(2) If a person has two or more such places of business in different municipalities or wards, he shall be assessed at each for that portion of his personal property connected with the business carried on thereat; or, if this cannot be done, he shall be assessed for part of his personal property at one place of business and for part at another; but he shall, in all such cases, produce a certificate at each place of business of the amount of personal property assessed against him elsewhere. 55 V. c. 48, s. 36.

When the person has no place of business.

42. If a person has no place of business, he shall be assessed at his place of residence. 55 V. c. 48, s. 37.

Place of assessment of salaries, etc.

43. Every person who holds any appointment or office of emolument to which any salary, gratuity or other compensation is attached, or who is hired or regularly employed for wages, salary or other compensation, and performs the duties of such appointment or office, or the work in which he is so employed within a municipality in which he does not reside, shall be assessed in respect of such salary, gratuity, wages or other compensation at the place where he performs such duties or is so employed, and he shall not be assessable therefor at his place of residence, but, if required, shall procure a certificate of being otherwise assessed under the provisions of this section; but this section shall not apply to clergymen, county municipal officers, or to Government officers or officers of local municipalities where the location of the office is fixed by law or regulation of the Government or municipality, but in such cases the salary, gratuity, wages or other compensation, shall be assessed against the incumbent of the office in the municipality wherein he resides. 55 V. c. 48, s. 38; c. 49, s. 11.

Where personalty of non-residents may be assessed against the agent therefor.

44. The personal property of a person not resident within this Province shall be assessed in the name of and against any agent, trustee or other person who is in the control or possession thereof, and shall be deemed to be the individual property of such agent, trustee or other person, for the purposes of this Act. 55 V. c. 48, s. 39.

Separate assessment of joint owners.

45. In case of personal property owned or possessed by or under the control of more than one person resident in the municipality or ward, each shall be assessed for his share only, or if they hold in a representative character, then each shall be assessed for an equal portion only. 55 V. c. 48, s. 40.

Case of executors, etc.

46.—(1) Personal property in the sole possession, or under the sole control of any person or trustee, guardian, executor, or administrator, shall be assessed against such person alone.

Persons assessed as trustees, etc., to have their re-

(2) Where a person is assessed as trustee, guardian, executor or administrator, he shall be assessed as such, with the addition to his name of his representative character, and such as-

sessment shall be carried out in a separate line from his individual assessment, and he shall be assessed for the value of the real and personal estate held by him, whether in his individual name, or in conjunction with others in such representative character, at the full value thereof, or for the proper proportion thereof, if other residents within the same municipality are joined with him in such representative character. 55 V. c. 48, s. 41.

presentative character attached to their names.

General Provisions.

47. It shall be the duty of every person assessable for real or personal property in any local municipality, to give all necessary information to the assessors, and, if required by the assessor, (or by one of the assessors, if there are more than one,) to deliver to him a statement in writing, signed by such person (or by his agent, if the person himself is absent) containing all the particulars respecting the real or personal property assessable against such person which are required in the assessment roll; and if any reasonable doubt is entertained by the assessor of the correctness of any information given by the party applied to, the assessor shall require from him such written statement. 55 V. c. 48, s. 42.

Particulars respecting property to be furnished to assessors by persons who are assessable

48. Every corporation whose dividends are liable to taxation as against the shareholders, shall, at the written request of the assessor of any municipality in which there is any person liable to be assessed for income derived from stock in such corporation (such written request to be communicated by delivering the same to the principal officer of the corporation in this Province, or by leaving the same at the principal office in the Province or to be made by registered letter, prepaid, addressed to the corporation at the place of such principal office) and within thirty days after the delivery, leaving or posting of such written request, deliver to such assessor, or send to him in a registered letter, prepaid, a statement in writing setting forth the names of the shareholders who are resident in such municipality, or who ought to be assessed for their income by such municipality, the amount of stock held by every such person on the day named for that purpose by the assessor in his said written request, and the amount of dividends and bonuses declared during the twelve months next preceding; which statement in writing to be so furnished to the assessor shall contain also a certificate under the hand of the principal officer of the corporation in the Province, declaring that the same contains, to the best of the knowledge and belief of such officer, a correct list of such shareholders, and of the amount of stock held by each on the day so named by the assessor, so far as appears from the books of the corporation or so far as is known otherwise by such officer. 55 V. c. 48, s. 43.

Statement to be furnished to assessor.

Statements given not binding on assessors.

49. No such statement shall bind the assessor, or excuse him from making due inquiry to ascertain its correctness; and notwithstanding the statement, the assessor may assess such person for such amount of real or personal property as he believes to be just and correct, and may omit his name or any property which he claims to own or occupy, if the assessor has reason to believe that he is not entitled to be placed on the roll or to be assessed for such property. 55 V. c. 48, s. 44.

Penalty for not giving statement or making false statement.

50.—(1) In case any person fails to deliver to the assessor the written statement mentioned in the three next preceding sections when required so to do, or knowingly states anything falsely in the written statement required to be made as aforesaid, such person shall, on complaint of the assessor, and upon conviction before a Justice of Peace having jurisdiction within the county wherein the municipality is situate, forfeit and pay a fine, as provided in subsection 2 of this section, to be recovered as provided by *The Ontario Summary Convictions Act*. 55 V. c. 48, s. 45 (1).

Rev. Stat., c. 90.

(2) The fine for failing to deliver such written statement when required to do so under section 47 shall be $20, and under section 48 shall be $100, and for knowingly stating anything falsely therein shall be $50. 60 V. c. 15, *Sched.* C. (130).

Assessor to give notice to persons of the value at which their property is assessed.

51.—(1) Subject to the provisions of section 52, every assessor, before the completion of his roll, shall leave for every person named thereon, resident or domiciled, or having a place of business within the municipality, and shall transmit by post to every non-resident who has required his name to be entered thereon, and has furnished his address to the clerk, a notice according to the form given in Schedule D to this Act, of the sum at which his real and personal property has been assessed, and shall enter on the roll opposite the name of the person, the time of delivering or transmitting such notice, which entry shall be *prima facie* evidence of such delivery or transmission. 55 V. c. 48, s. 47 (1); 60 V. c. 45, s. 66.

Assessor not required to give notice to farmers' sons.

(2) Nothing in the preceding sub-section contained shall be deemed to require the assessor to give, leave or transmit any notice to any person entered on the assessment roll as a farmer's son, either under the provisions of this Act or otherwise, but in any notice given or transmitted to any farmer under the provisions of this section the assessor shall enter and set forth the name of every person entered on said roll as a son of such farmer.

Services of notices on farmers' sons.

(3) Any notice, document or paper necessary to be given to, or left with, or served upon a farmer's son under any of the provisions of this Act, shall be deemed to be so given, to, or left with, or served upon such son if the same is given to him personally, or is left with some grown person at the residence of the farmer whose son he is. 55 V. c. 48, s. 47 (3, 4.)

(4) In this section the expression "Farmer's Son" and the word "Farmer" shall have the same meaning as in section 86 of *The Municipal Act*. 55 V. c. 48, s. 47 (5); 56 V. c. 38, s. 3. Interpretation. Rev. Stat., c. 223.

52. In any city in which a by-law has been passed under section 59 of this Act, notice of assessment shall be served upon persons resident or domiciled or having a place of business within the municipality, either personally or by leaving such notice in the office or place of business of such person in the municipality; and where such office or place of business is situate in any public building or in any building the apartments of which are occupied by different persons as places of business, the notice shall be left with the person assessed, or in his absence with some person employed in the particular office in which the person named in the notice is engaged, or, if there be no such person, then by leaving the same in the particular office in which the person assessed is employed or engaged. 60 V. c. 45, s. 66. Service of notice of assessment in certain cities.

53.—(1) In the case of a municipality in which there are supporters of a Roman Catholic separate school therein, or contiguous thereto, there shall be printed in conspicuous characters, or written across or on the assessor's notice to every ratepayer provided for by the section 51 of this Act, and set forth in Schedule D hereto, in addition to the proper entry heretofore required to be made in the column respecting the school tax, the following words: "You are assessed as a separate school supporter," or "You are assessed as a public school supporter," as the case may be; or these words may be added to the notice to the ratepayer set forth in the said Schedule. 53 V. c. 71, s. 2; 55 V. c. 48, s. 47*a*. Notice to be given when persons assessed as separate school supporters.

(2) Where a ratepayer who was in the next preceding year assessed as a public school supporter, is being assessed as a separate school supporter, or where a ratepayer who was in the next preceding year assessed as a separate school supporter, is being assessed as a public school supporter, it shall be the duty of the assessor to give, in addition to all other notices a written or printed notice to such ratepayer that such change is being made. 56 V. c. 38, s. 4. Notice to be given of change in assessment as public or separate school supporter.

54. Where the index book required by this section 18 of *The Separate Schools Act* is prepared, the assessor shall be guided thereby in ascertaining who have given the notices which are by law necessary, in order to entitle supporters of Roman Catholic separate schools to exemption from the public school tax. 53 V. c. 71, s. 3; 55 V. c. 48, s. 47*b*. Assessor to be guided by index book. Rev. Stat., c. 294.

55. Subject to the provisions of sections 58, 59 and 61, every assessor shall begin to make his roll in each year not later than the 15th day of February, and shall complete the same When assessment to be completed.

on or before the 30th day of April, and shall attach thereto his affidavit or solemn affirmation made before the Clerk, a Justice of the Peace or a Commissioner in the form in Schedule E to this Act. 55 V. c. 48, s. 49, *part*; c. 49, s. 12.

Assessment roll to be delivered to clerks of municipalities, etc.

56. Subject to the provisions of sections 58, 59 and 61 every assessor shall, on or before the thirtieth day of April, deliver to the clerk of the municipality such assessment roll, completed and added up, with the affidavits attached; and the clerk shall immediately upon the receipt of the roll, file the same in his office, and the same shall, at all convenient office hours, be open to the inspection of all the householders, tenants, freeholders and income voters, resident, owning or in possession of property, or in receipt of incomes in the municipality. 55 V. c. 48, s. 50; c. 49, s. 13.

Assessor to make inquiries so as to prevent creation of false votes.

57.—(1) To prevent the creation of false votes, where a person claims to be assessed, or to be entered or named in any assessment roll, or claims that another person should be assessed, or entered or named in such assessment roll, as entitled to be a voter, and the assessor has reason to suspect that the person so claiming, or for whom the claim is made, has not a just right to be so assessed, or to be entered or named in the roll as so entitled to be a voter, it shall be the duty of the assessor to make reasonable inquiries before assessing, entering or naming any such person in the assessment roll.

Persons entitled to be assessed, etc., to be entered on roll without request.

(2) Any person entitled to be assessed or to have his name inserted or entered in the assessment roll of a municipality, shall be so assessed, or shall have his name so inserted or entered, without any request in that behalf; and a person entitled to have his name so inserted or entered in the assessment roll, or in the list of voters based thereon, or to be a voter in the municipality, shall, in order to have the name of any other person entered or inserted in the assessment roll, or list of voters, as the case may be, have for all purposes the same right to apply, complain or appeal to a Court or a Judge in that behalf as such other person would or can have personally, unless such other person actually dissents therefrom.

Penalty for causing improper entries on roll.

(3) Any person who wilfully and improperly inserts or procures or causes the insertion of the name of a person in the assessment roll, or assesses or procures or causes the assessment of a person at too high an amount, with intent in any such case to give to a person not entitled thereto either the right or an apparent right to be a voter, or who wilfully inserts, or procures or causes the insertion of any fictitious name in the assessment roll, or who wilfully and improperly omits, or procures or causes the omission of the name of a person from the assessment roll, or assesses or procures or causes the assessment of a person at too low an amount, with intent in any such case to deprive any person of

his right to be a voter, shall, upon conviction thereof before a Court of competent jurisdiction, be liable to a fine not exceeding $200, and to imprisonment until the fine is paid, or to imprisonment in the common gaol of the county or city, for a period not exceeding six months, or to both such fine and imprisonment, in the discretion of the Court.

"Voter," meaning of, Rev. Stat. c. 7.

(4) The word "Voter" in this section shall have the meaning given thereto by *The Ontario Voters' Lists Act*. 55 V. c. 48, s. 51.

Special provisions (applicable in Cities, Towns and Villages).

Time for taking the assessment and revising the rolls in cities, etc.

58.—(1) In cities, towns and villages, the council, instead of being bound by the periods above mentioned for taking the assessment, and by the periods named for the revision of the rolls by the Court of Revision; and by the County Judge, may pass by-laws for regulating the above periods, as follows, that is to say:—For taking the assessment between the 1st day of July and the 30th day of September, the rolls being returnable in such case to the city, town or village clerk on the first day of October; and in such case the time for closing the Court of Revision shall be the 15th day of November, and for final return by the Judge of the County Court the 31st day of December; and the assessment so made and concluded may be adopted by the council of the following year as the assessment on which the rate of taxation for said following year shall be levied; and in the year following the passing of the by-law, the council may adopt the assessment of the preceding year as the basis of the assessment of that year: Provided nevertheless, that in cities containing a population of 30,000 or more, the assessment may be made between the 1st day of May and the 30th day of September. 55 V. c. 48, s. 52 (1); 58 V. c. 47, s. 3; 59 V. c. 58, s. 2.

(2) Where there has, from any cause, been delay in so completing the final revision of the said roll beyond the said 31st day of December, the council may notwithstanding adopt the assessment when finally revised, as the assessment on which the rate of taxation for the said following year shall be levied.

Assessment of localities added to cities and towns.

Rev. Stat. c. 223.

(3) Where an addition of any part of the localities adjacent to any city or town has been made to said city or town, in any year subsequent to the 30th day of September, under the provisions of section 24 of *The Municipal Act*, the council of said city or town may pass a by-law in the succeeding year, adopting the assessment of the said addition as last revised while a part of the adjoining municipality, as the basis of the assessment for said part for that year, although the assessment of the remainder of the city or town has been made, and the rate of taxation has been levied in accordance with the preceding provisions of this section; and the levying of a proportionate share of the taxation upon said addition shall

not invalidate either the assessment of the remainder or the tax levied thereon; and the qualification of municipal voters in said addition shall, for the said succeeding year, be the same as that required in the municipality from which the part has been taken. 55 V. c. 48, s. 52 (2, 3).

Council passing by-law for taking assessment between 1st July and 1st October, may act for that year on assessment already made.

(4) In case the council deem it advisable to adopt the provisions of this section in any year for which there has been an assessment made under the previous sections of this Act, the council instead of making a second assessment in the same year may pass a by-law adopting the assessment roll previously made and revised in such year, and such assessment roll shall be subject to revision in the manner provided by sub-section 1 of this section, and shall have the same effect as an assessment made under said sub-section 1. 60 V. c. 49, s. 2.

Taking assessment by wards or sub-divisions in cities of 100,000 or over.

58. (1) The council of any city having a population of 100,000 inhabitants or more, instead of proceeding in the manner set forth in section 58 of this Act, may by by-law, from time to time, provide for taking the assessment at any time prior to the 30th day of September, and may fix prior and separate dates for the return of the roll of each ward, or each sub-division of a ward, as defined in the by-law.

By-law to fix time for hearing appeals to Court of Revision.

(2) Any such by-law shall also provide for holding a Court of Revision for hearing appeals from the assessments in each ward or sub-division, in the manner provided by this Act, upon the return of the assessment roll for such ward or sub-division.

Appeals to County Judge.

(3) The County Judge may sit from time to time throughout the year, for the purpose of hearing appeals from the Court of Revision upon the determination of appeals made to the Court with respect to each roll, and the time for appeal to the Court of Revision shall be within five days after the return of the roll for each ward or sub-division of a ward, and the time for appealing from the Court of Revision to the County Judge shall be within three days after the decision of the Court of Revision is given.

When revision by Judge to take place and be completed.

(4) The Judge shall arrange to hear all such appeals from time to time throughout the year, within ten days after the sitting of the Court of Revision for each ward or sub-division of a ward, and shall complete his revision of the last of such rolls for the city by the 20th day of October, in each year.

Adoption of assessment for following year.

(5) The assessment so made and completed may be adopted by the council of the following year as the assessment on which the rate of taxation for such following year shall be fixed, and the taxes for such following year shall in such case be levied upon the said assessment.

When it is not completed by 20th October.

(6) If from any cause the final revision of the rolls for all the wards or sub-divisions in the city has not been completed by the 20th day of October, the council may adopt the

assessment, when finally revised, as the assessment upon which the taxes for the following year shall be levied.

(7) In any city in which any by-law has been passed under this section, the provisions of sections 71 and 75 of this Act, so far as the same relate to the time for appealing and giving notice thereof, shall not apply, but the Clerk shall give notice to every person appealing, or whose assessment or non-assessment is appealed against, at least five days before the sitting of the Court of Revision, such notice to be served upon such person, or left at his residence or place of business, or upon the premises concerning which such appeal arises, or addressed to such person through the post-office, but no advertisement of the Court shall be necessary; and in case of appeals to the County Judge, five days' notice of the day fixed by the County Judge for hearing such appeals shall be served in the manner provided in the case of appeals to the Court of Revision. Time for giving notice, etc.

(8) The provisions of the said sections 71 and 75, so far as the same are not inconsistent with the provisions of this section, shall apply to appeals made hereunder. 59 V. c. 58, s. 2; 60 V. c. 45, s. 59. Application of ss. 71 and 75.

60.—(1) In cities, towns, townships, or villages the council may, by by-law, require the payment of taxes and of all local improvement assessments, including sewer rents and rates, to be made into the office of the treasurer or collector by any day or days to be named therein, in bulk or by instalments, and may by any such by law, allow a discount for the prompt payment of such taxes, assessments, rents or rates. or of any instalments thereof, on or before the day or days on which the same are made payable. Payment of taxes by instalments.

(2) The council may by by-law impose an additional percentage charge not exceeding five per cent. on every tax or assessment, rent or rate, or instalment thereof, whether the same be payable in bulk or instalments, which shall not be paid on the day appointed for the payment thereof, and in towns, villages, or townships, where no day has been appointed for payment, the council may by by-law impose such percentage on those which have not been paid on or before the 14th day of December in each year, there having been fourteen days previous demand or notice, as hereinafter provided; and such additional percentage shall be added to such unpaid tax or assessment, rent or rate, or instalment thereof, and shall be collected by the collector or otherwise, as if the same had originally been imposed and formed part of such unpaid tax or assessment, rent or rate, or instalment thereof. Percentage on unpaid taxes.

(3) The notice or demand mentioned in section 134 of this Act may be given or made by the collector at any time after the receipt of the collector's roll, and may be acted upon at any time after the expiration of fourteen days from the giving of such notice or making of such demand, or after the day ap-

pointed for payment by any by-law passed under this section, whichever last happens.

Additional percentage to be added to overdue taxes on non-resident lands.

(4) The council may, by any by-law passed under subsection 2 of this section, impose the said additional percentage charge on every tax or assessment, rent or rate, or instalment thereof, whether the same be payable in bulk or instalments, imposed on the lands of non-residents whose names have not been set down on the assessor's roll, which shall not be paid on or before the first day of November in each year, and such additional percentage shall be added to such unpaid tax or assessment, rent or rate, or instalment thereof, in the return required to be made under section 132 of this Act, and, if such return is made before the first day of November, and the tax or assessment, rent or rate, or instalment thereof is afterwards paid on or before that day, such additional percentage shall not be chargeable. 55 V. c. 48, s. 53.

County councils may regulate time for taking assessment.

61.—(1) County councils may pass by-laws for taking the assessment in towns, townships and villages, between the 1st day of February and the 1st day of July.

(2) If such by-law extends the time for making and completing the assessment rolls beyond the 1st day of May, then the time for closing the Court of Revision shall be six weeks from the day to which such time is extended, and the time for final return in case of an appeal shall be twelve weeks from that day. 55 V. c. 48, s. 54.

COURT OF REVISION.

In Cities.

Courts of Revision in cities, how constituted.

Rev. Stat. c. 227.

62.—(1) In every city the Court of Revision shall consist of three members, one of whom shall be appointed by the city council, and one by the Mayor, and the third shall be the Official Arbitrator appointed for the city under *The Municipal Arbitrations Act*, and in the case of cities where there is no Official Arbitrator, the Sheriff of the county shall be the third member.

Remuneration of members.

(2) In cities having a population of 100,000 or more each member of such Court of Revision shall be paid at the rate of not more than $500 per annum for his services, and in cities having a population of 30,000 or more but less than 100,000, each member of such court shall be paid at the rate of not more than $300 per annum, and in other cities each member shall be paid such sum per annum as the council may by by-law or resolution provide.

Certain persons disqualified.

(3) No member of the city council, and no officer or employee of the city corporation shall be a member of the Court of Revision.

(4) The appointed members of such Court of Revision shall hold office until their successors are appointed, but the mayor or council may each or either of them, after the organization of a new council and before the 1st day of March in any year, appoint a member of such Court of Revision in place of any member appointed by the mayor or council in a preceding year. Appointment of members.

(5) Two members of any Court of Revision under this section shall form a quorum, and upon the death or resignation of any member of any such Court, a successor shall immediately thereafter be appointed by the authority which appointed the member so dying or resigning. In case of a vacancy in the office of Sheriff, or if the Sheriff is unable to act from any cause in cities where there is no Official Arbitrator, the Registrar of Deeds for the county or registry division of the county whose office is in such city, shall act as the third member of the court during such vacancy or inability of the Sheriff to act. 60 V. c. 45, s. 69. Quorum. Filling vacancies.

In Other Municipalities.

63.—(1) In municipalities other than cities, if the council of the municipality consists of not more than five members, such five members shall be the Court of Revision for the municipality. 55 V. c. 48, s. 55; 60 V. c. 45, s. 67. Where council consists of five members only.

(2) If the council consists of more than five members, such council shall appoint five of its members to be the Court of Revision. 55 V. c. 48, s. 56; 60 V. c. 45, s. 67. Where of more than five.

64. Every member of the Court of Revision before entering upon his duties, shall take and subscribe, before the clerk of the municipality, the following oath (or affirmation in cases where, by law, affirmation is allowed). Oath of members of Court of Revision.

"I , do solemnly swear (*or* affirm) that I will, to the best of my judgment and ability, and without fear, favour or partiality, honestly decide the appeals to the Court of Revision, which may be brought before me for trial as a member of said Court."

55 V. c. 48, s. 57.

65. Three members of the Court of Revision shall be a quorum; and a majority of a quorum may decide all questions before the Court. But no member of the Court shall act as a member thereof when an appeal is being heard respecting any property in which he is directly or indirectly interested. 55 V. c. 48, s. 58; c. 49, s. 14. Quorum.

66. The clerk of the municipality shall be the clerk of the Court, and shall record the proceedings thereof. 55 V. c. 48, s. 59. Who to be clerk.

67. The Court may meet and adjourn, from time to time, at pleasure, or may be summoned to meet at any time by the head of the municipality; but the first sitting of the Court of Re- Meetings of Court.

vision shall not be held until after the expiration of at least ten days from the expiration of the time within which notice of appeals may be given to the clerk of the municipality. 55 V. c. 48, s. 60.

Court to try all complaints, etc.

68. At the times or time appointed, the Court shall meet and try all complaints in regard to persons wrongfully placed upon or omitted from the roll, or assessed at too high or too low a sum. 55 V. c. 48, s. 61.

May administer oaths, etc.

69. The Court, or some member thereof, may administer an oath to any party or witness, before his evidence is taken, and may issue a summons to any witness to attend such Court. 55 V. c. 48, s. 62.

Compelling attendance of witnesses at court of revision.

70. If a person summoned to attend the Court of Revision or before a County Judge under the provisions of this Act as a witness fails, without good and sufficient reason, to attend, having first been tendered compensation for his time at the rate of 75 cents per day and his proper travelling expenses if he resides more than three miles from the place of trial, or if having attended, or being present in court, he refuses to be sworn if required to give evidence, he shall incur a penalty of not more than $25 to be recoverable with costs by and to the use of any person suing for the same either by suit in a Division Court or in any way in which penalties incurred under any by-law of the municipality may be recovered. 57 V. c. 51, s. 2.

Proceedings for the Trial of Complaints.

Notice of complaint by person aggrieved.

71.—(1) Any person complaining of an error or omission in regard to himself, as having been wrongfully inserted in or omitted from the roll, or as having been undercharged or overcharged by the assessor in the roll, may personally, or by his agent give notice in writing to the clerk of the municipality, (or assessment commissioner, if any there be), that he considers himself aggrieved for any or all of the causes aforesaid, and shall give a name and address where notices can be served by the clerk as hereinafter provided. 55 V. c. 48, s. 64, (1); 56 V. c. 38, s. 5.

Time within which notices of appeal to the Court are to be given.

(2) The notice shall be given to the clerk (or assessment commissioner, if any there be), within fourteen days after the day upon which the roll is required by law to be returned, or within fourteen days after the return of the roll, in case the same is not returned within the time fixed for that purpose.

When elector thinks any person assessed at too low or too high a rate.

(3) If a municipal elector thinks that any person has been assessed too low or too high, or has been wrongfully inserted in or omitted from the roll, he may, within the time limited by the preceding subsection, give notice in writing to the clerk of the municipality, (or assessment commissioner, if

any there be), and the clerk shall give notice to such person and to the assessor, of the time when the matter will be tried by the Court of Revision; and the matter shall be decided in the same manner as complaints by a person assessed.

Clerk to give notice by posting up list.

(4) The clerk of the Court shall post up in some convenient and public place within the municipality or ward, a list of all complainants, on their own behalf, against the assessors' return, and of all complainants on account of the assessment of other persons, stating the names of each, with a concise description of the matter complained against, together with an announcement of the time when the Court will be held to hear the complaints; and no alteration shall be made in the roll unless under a complaint formally made according to the above provisions.

Order of hearing appeals.

Postponement

(5) The clerk of the Court shall enter the appeals on the list in the order in which they are received by him, and the Court shall proceed with the appeals in the order, as nearly as may be, in which they are so entered, but may grant an adjournment or postponement of any appeal.

Form of list of appeals.

(6) Such list may be in the following form:

Appeals to be heard at the Court of Revision, to be held at on the day of , 18 .

Appellant.	Respecting whom.	Matter complained of.
A. B.	Self	Overcharged on land.
C. D.	*E. F.*	Name omitted.
G. H.	*J. K.*	Not *bona fide* owner or occupant.
L. M. ..... &c.	*N. O.* ..... &c.	Personal property undercharged.

Clerk to advertise sittings of Court,

(7) The clerk shall also advertise in some newspaper published in the municipality, or, if there be no such paper, then in some newspaper published in the nearest municipality in which one is published, the time at which the Court will hold its first sitting for the year, and the advertisement shall be published at least ten days before the time of such first sittings.

to leave a list with assessor,

(8) The clerk shall also cause to be left at the residence of each assessor, a list of all the complaints respecting his roll.

and prepare notice to person complained against.

(9) The clerk shall prepare a notice in the form following for each person with respect to whom a complaint has been made:—

Form.

Take notice, that you are required to attend the Court of Revision at on the day of in the matter of the following appeal:

"Appellant, *G.H.*

"Subject—That you are not a *bona fide* owner or occupant, (*or as the case may be.*)

"(Signed) *X. Y.*,
Clerk."

"To *J. K.*

Service to be at residence.

(10) If the person resides or has a place of business in the local municipality, the Clerk shall cause the notice to be left at the person's residence or place of business.

How absentees served.

(11) If the person is not known, then the notice shall be left with some grown person on the assessed premises, if there is any such person there resident; or if the person is not resident in the municipality, then the notice shall be addressed to such person through the post office.

When notice to be completed.

(12) Every notice hereby required, whether by publication, advertisement, letter or otherwise, shall be completed at least six days before the sitting of the Court.

Clerk may require assistance in making services.

Power to adjourn.

(13) Where necessary, the clerk of the municipality may, at the cost of the municipality, call to his aid such assistance as may be required to effect the services which he is required by law to make, and in the event of his failure to effect such services in time for the first sitting of the Court, the Court, in its discretion, may appoint an adjourned sitting, for the purpose of hearing the appeals for which the services were not effected in time for the first day, and the proper services shall be made for such adjourned day.

Proceedings when person assessed complains of overcharge on personal property, etc.

Effect of declaration.

(14) If the person assessed complains of an overcharge on his personal property or taxable income, he or his agent may appear before the Court, and make a declaration, in case the complainant appears in person, in the form of Schedule F., G. or H. to this Act, according to the fact; and if the complainant appears by agent, such agent may make the declaration in the form of Schedule I. J., or K. as the case may be; and no abatement shall be made from the amount of income on account of debts due, nor from the value of personal property, other than income, in respect of debts, except debts due for or on account of such personal property; and the Court shall thereupon enter the person assessed at such an amount of personal property or taxable income as is specified in such declaration, unless the Court is dissatisfied with the declaration, in which case the person making the declaration, and any witnesses whom it may be desirable to examine, may be examined on oath by the Court, respecting the correctness of such declaration; and the Court shall confirm, alter or amend the roll as the evidence seems to warrant.

Proceedings in other cases.

(15) In other cases, the Court, after hearing the complainant, and the assessor or assessors, and any witness adduced, and, if deemed desirable, the person complained against, shall determine the matter, and confirm or amend the roll accordingly. And the Court may, in determining the value at which any land shall be assessed, have reference to the value at which similar land in the vicinity is assessed. And in all cases which come before the Court it may increase the assessment or change it by assessing the right person, the clerk giving the lat-

ter or his agent four days' notice of such assessment, within which time he must appeal to the Court if he objects thereto.

Oaths of certain parties not necessary.

(16) It shall not be necessary to hear upon oath the complainant or assessor, or the person complained against, except where the Court deems it necessary or proper, or where the evidence of the person is tendered on his own behalf or required by the opposite party.

When to proceed *ex parte*.

(17) If either party fails to appear, either in person or by an agent, the Court may proceed *ex parte*.

Extension of time for complaints,

(18) Where it appears that there are palpable errors which need correction, the Court may extend the time for making complaints ten days further, and may then meet and determine the additional matter complained of, and the assessor may, for such purpose, be the complainant.

Business to be finished by July 1st.

Rev. Stat. c. 225.

(19) Subject to the provisions of sections 58, 59 and 61, and to the provisions of *The Act respecting the establishment of Municipal Institutions in Territorial Districts* and to the provisions of any special Act affecting any particular municipality all the duties of the Court of Revision, which relate to the matters aforesaid, shall be completed and the rolls finally revised by the Court, before the 1st day of July in every year.

Procedure upon appeals.

(20) In case any person appeals against his assessment upon any ground, the Court of Revision, or the Judge of the County Court, as the case may be, may re-open the whole question of the assessment, so that omissions from or errors in the assessment may be corrected, and the accurate amount for which the assessment should be made be placed on the assessment roll by the Court or Judge before handing the same over to the clerk of the municipality. 55 V. c. 48, s. 64 (2-20); c. 49, s. 15.

Roll to be binding, notwithstanding errors in it or in notice sent to persons assessed.

72. The roll, as finally passed by the Court, and certified by the clerk as passed, shall, except in so far as the same may be further amended on appeal to the Judge of the County Court, be valid, and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such roll, or any defect, error or misstatement in the notice required by section 51 of this Act, or the omission to deliver or transmit such notice. 55 V. c. 48, s. 65.

Copy of assessment roll duly certified to be evidence.

73. A copy of any assessment roll, or portion of any assessment roll, written or printed, without any erasure or interlineation, and under the seal of the corporation, and certified to be a true copy by the clerk of the municipality, shall be received as *prima facie* evidence in any court of justice without proof of the seal or signature, or the production of the original assessment roll of which such certified copy purports to be a copy, or a part thereof. 55 V. c. 48, s. 66.

Further powers granted to Court of Revision for remitting or reducing taxes.

74.—(1). The Court shall also, before or after the 1st day of July, and with or without notice, receive and decide upon the petition from any person assessed for a tenement which has remained vacant during more than three months in the year for which the assessment has been made, or from any person who declares himself, from sickness or extreme poverty unable to pay the taxes, or who, by reason of any gross and manifest error in the roll as finally passed by the Court, has been overcharged more than twenty-five per cent. on the sum he ought to be charged; and the Court may, subject to the provisions of any by-law in this behalf, remit or reduce the taxes due by any such person, or reject the petition; and the council of any local municipality may, from time to time, make such by-laws, and repeal or amend the same. 55 V. c. 48, s. 67.

Collection of arrears after subdivision of land charged.

(2) Wherever it is shown to the satisfaction of the Court that taxes have become due and owing upon a parcel of land assessed in one block, but which block has subsequently been subdivided and a plan of survey thereof registered and sales made thereunder, and where it appears that such taxes, or any portion thereof, have remained unpaid upon such land and are a charge upon the whole thereof, the said Court, upon the application of or on behalf of any person claiming to be the owner of one or more lots in such survey, may, after due notice of the application to all owners, direct the apportionment of such taxes in arrear over and upon said lots, according and in proportion to their relative values at the time of the assessment, regard being had to all special circumstances attending such application and upon payment of such amounts as may be apportioned upon any such lot the same shall be applied in full satisfaction of the taxes thereon, or the Court may make such other direction in reference thereto as the particular circumstances of the case may require. The provision herein contained shall be retroactive in its operation, but shall not apply to any lands which have been advertised for sale for taxes.

(3) An appeal may be had by the municipality or by any owner or owners to the Judge of the County Court against the decision or apportionment of the Court of Revision.

(4) Forthwith after such apportionment has been made the clerk of the municipality shall notify the treasurer thereof in the case of cities and separated towns, and the county treasurer in other cases, of such apportionment, and shall transmit therewith a copy of the same as finally settled by the Court; and upon receipt thereof, such treasurer shall enter the same in his books and thereafter each lot or other subdivision of the land affected shall be liable only for the amount of taxes apportioned thereto, and shall be liable for sale for non-payment of the tax so apportioned or charged against it as if each such lot or subdivison had been originally assessed therefor. 57 V. c. 51, s. 3.

APPEALS FROM THE COURT OF REVISION.

Appeal from Court of Revision.

75.—(1) An appeal to the County Judge shall lie, not only against a decision of the Court of Revison on an appeal to said Court, but also against the omission, neglect or refusal of said Court to hear or decide an appeal.

Service of notice of appeal.

Rev. Stat. c. 225.

(2) Subject to the provisions of sections 58, 59 and 61, and to the provisions of *The Act respecting the establishment of Municipal Institutions in Territorial Districts* and to the provisions of any special Act affecting any particular municipality, the person appealing shall, in person or by his solicitor or agent, serve upon the clerk of the municipality (or assessment commissioner, if any there be), within five days after the date herein limited for the closing of the Court of Revision, a written notice of his intention to appeal to the County Judge.

Day for hearing.

(3) The clerk shall, immediately after the time limited for filing said appeals, forward a list of the same to the Judge, who shall then notify the clerk of the day he appoints for the hearing thereof, and shall, if in his opinion the appeals or any of them appear to involve the calling or examination of witnesses, fix the place for holding such Court within the municipality from the Court of Revision of which such appeal is made, or at the place nearest thereto where the sittings of the Division Court within his jurisdiction are held.

Places for hearing appeals from Courts of Revision.

Clerk to notify parties.

(4) The clerk shall thereupon give notice to all the persons appealed against in the same manner as is provided for giving notice on a complaint under section 71 of this Act; but in the event of failure by the clerk to have the required service of the notices in any appeal made, or to have the same made in proper time, the Judge may direct service to be made for some subsequent day upon which he may sit.

List of appellants, etc., to be posted up by clerk.

(5) The clerk of the municipality shall cause a conspicuous notice to be posted up in his office, or the place where the council of the municipality hold their sittings, containing the names of all the appellants and persons appealed against, with a brief statement of the ground or cause of appeal, together with the date at which a Court will be held to hear appeals.

Clerk of Court.

(6) The clerk of the municipality shall be the clerk of such Court.

Hearing and adjournment.

(7) At the Court so holden, the Judge shall hear the appeals and may adjourn the hearing from time to time, and defer judgment thereon at his pleasure, but so that (subject to the provisions of sections 58, 59 and 61, and to the provisions of the *Act respecting the establishment of Municipal Institutions in Territorial Districts* and to the provisions of any special Act affecting any particular municipality) all the

Rev. Stat. c. 225.

appeals may be determined before the 1st day of August. 55 V. c. 48, s. 68.

Subpœnas.

(8) A subpœna to compel the attendance of any witness required before the County Judge upon any appeal under this Act may be issued by the clerk of the County Court of the county in which is situated the municipality whose assessment roll is in question, which said subpœna shall be tested as are other subpœnas issued out of the County Court of the said county in actions therein and may be intituled as is provided in section 78 of this Act. 57 V. c. 51, s. 3.

Assessment roll to be produced to the Court, and amended, etc.

76. At the Court to be holden by the County Judge, or acting Judge of the Court, to hear the appeals hereinbefore provided for, the person having charge of the assessment roll passed by the Court of Revision shall appear and produce such roll, and all papers and writings in his custody connected with the matter of the appeal, and such roll shall be altered and amended according to the decision of the Judge, if then given, who shall write his initials against any part of the said roll in which any mistake, error or omission is corrected or supplied; and if the decision is not then given, the clerk of the Court shall, when the same is given, forthwith alter and amend the roll, according to the same, and shall write his name against every such alteration or correction. 55 V. c. 48, s. 69.

Amendments how certified.

Powers of Judge sitting in appeal from Court of Revision

77.—(1) In all proceedings before the County Judge or acting Judge of the Court, under or for the purposes of this Act, such Judge shall possess all such powers for compelling the attendance of, and for the examination on oath of all parties, whether claiming or objecting or objected to, and of all other persons whatsoever, and for the production of books, papers, rolls and documents, and for the enforcement of his orders, decisions and judgments, as belong to or might be exercised by him, in the Division Court or in the County Court. 55 V. c. 48, s. 70.

Appeal to County Judge where question of fact involved.

(2) The hearing of the said appeal by the County Judge shall, where questions of facts are involved, be in the nature of a new trial, and either party may adduce further evidence in addition to that heard before the Court of Revision, subject to any order as to costs or adjournment, which the Judge may consider just. 57 V. c. 51, s. 4.

Style of proceedings.

78. All process or other proceedings in, about or by way of appeal, may be entitled as follows:

In the matter of appeal from the Court of Revision of the , of

———————————, Appellant,

and

———————————, Respondent,

and the same need not be otherwise entitled. 55 V. c. 48, s. 71.

Costs to be apportioned by the Judge, and how enforced.

79. The costs of any proceeding before the Court of Revision or before the Judge as aforesaid shall be paid by or apportioned between the parties in such manner as the Court or Judge thinks fit, and where costs are ordered to be paid by any party claiming or objecting or objected to, or by any assessor, clerk of a municipality, or other person, payment of the same shall be enforced, when ordered by the Court of Revision, by a distress warrant under the hand of the clerk and the corporate seal of the municipality, and when ordered by the Judge, by execution to be issued as the Judge may direct, either from the County Court or the Division Court within the county in which the municipality or assessment district, or some part thereof, is situated, in the same manner as upon an ordinary judgment for costs recovered in such Court. 55 V. c. 48, s. 72.

What costs chargeable.

80. The costs chargeable or to be awarded in any case may be the costs of witnesses, and of procuring their attendance, and none other; and the same shall be taxed according to the allowance in the Division Court for such costs; and in cases where execution issues, the costs thereof as in the like Court, and of enforcing the same, may also be collected thereunder. 55 V. c. 48, s. 73.

Expenses of County Judges on assessment appeals.

81. County Court Judges shall be entitled to receive from the several municipalities as their expenses for holding Courts in such municipalities other than the county town, for the purpose of hearing appeals from the Court of Revision, under the provisions of this Act, the same sums as they are allowed for holding Courts for revising voters' lists. 55 V. c. 48, s. 73*a*.

Decision of County Judge to be final.

82. The decision and judgment of the Judge or acting Judge shall be final and conclusive in every case adjudicated, and the clerk of the municipality shall amend the rolls accordingly. 55 V. c. 48, s 74.

Copy of roll to be transmitted to county clerk.

83. When, after the appeal provided by this Act, the assessment roll has been finally revised and corrected, the clerk of the municipality shall, within 90 days, transmit to the county clerk a certified copy thereof under a penalty of not less than $10 and not more than $20. 55 V. c. 48, s. 75; c. 49, s. 16.

Appeals where large amounts involved.

Appeals where large amounts or questions of law involved.

84.—(1) Where there is an appeal from any Court of Revision under section 75 of this Act to the Judge of the County Court of the county in which the assessment is made, and a person, partnership or corporation desiring to appeal has been assessed on one or more properties to an amount aggregating $20,000, such person, partnership or corporation shall, on depositing with the clerk of the Court of Revision appealed from the sum of $75 to pay the travelling expenses of the Board or Judge to be called in as hereinafter mentioned, have

the right to have the appeal from the said Court of Revision heard by a Board consisting of the Judges of the counties which constitute the County Court District, if the property assessed be in a county which forms part of a County Court District, and if not, then the person, partnership or corporation appealing may request, in writing, the said County Court Judge to associate with himself in hearing the said appeal, the Judge or acting Judge of the County Court of the county whose county town is nearest to the court house where the said appeal will be heard, and the Judge or acting Judge of the County Court of the county, whose county town is the next nearest to the court house where the said appeal will be heard; and the said appeal shall thereupon be heard by the County Court Judge and the said Judges so called in as aforesaid, and in such cases the clerk of the municipality shall forthwith notify by post, prepaid, each of the Judges whose duty it is to attend upon such appeal as aforesaid, of all notices of appeal coming within the provisions of this section, which are from time to time served upon him, and the Judge of the County in which the city, town, township or village lies, the decision of whose Court of Revision has been appealed against, shall arrange a day for the hearing of such appeals, and shall notify the clerk thereof ,and the clerk shall immediately notify, by post, prepaid, the other Judges and the persons appealing. 55 V. c. 48, s. 76 (1); 58 V. c. 47, s. 4; 60 V. c. 45, s. 70 (1).

(2) Where an appeal against an assessment lies from a Court of Revision to the Stipendiary Magistrate of the district or provisional county in which the property assessed is situate, and a person, partnership or corporation desiring to appeal is assessed on one or more properties in any township or union of townships to an amount in the aggregate exceeding $20,000, such person or corporation shall have the right to appeal either to the said Stipendiary Magistrate or (on depositing with the clerk of the municipality the sum of $50 to defray the travelling expenses of the County Court Judge hereinafter mentioned) to the Judge of the County Court of the county to which the said provisional county or district is attached for judicial purposes; the notice of such appeal the time for bringing the same on, and the procedure generally, shall be the same as in the case of an ordinary appeal from a Court of Revision to a County Court Judge. 55 V. c. 48, s. 76 (2); 60 V. c. 45, s. 70 (2).

(3) Sections 75 to 86 inclusive, shall apply to all appeals taken under the preceding two subsections, and the said Judge or Judges shall have the powers and duties which by the said sections, 75 to 86, are assigned to the County Court Judge therein referred to. 55 V. c. 48, s. 76 (3).

(4) When three Judges hear the appeal the decision of the majority shall prevail, subject to appeal to the Court of Appeal. 58 V. c. 47, s. 5; 60 V. c. 45, s. 70 (3).

(5) The clerk with whom any money is deposited to pay the travelling expenses as aforesaid, shall pay out of the moneys so deposited, upon requisition by the Judges respectively, such sums as the said Judges certify to him as their respective travelling expenses in connection with the said appeal, and shall repay the balance, if any, to the person, partnership or corporation who deposited the same, and each of the said outside Judges shall be entitled to be paid a sum not exceeding five dollars per day for his services, and the sum so paid shall be part of the costs of the appeal and shall be payable by such party as the majority of the Judges hearing the appeal determine. 58 V. c. 47, s. 6. Payment of travelling expenses of County Judges.

(6) An appeal shall lie to the Court of Appeal from any judgment or decision of the said Judges or a majority of them; and, subject to any Rule of Court relating to such appeals, the procedure thereon shall be, as far as may be, the same as upon an appeal from a County Court to the High Court. The appeal shall be heard by three or more Judges of the Court of Appeal and the decision of such Judges or a majority of them shall be final. 60 V. c. 45, s. 70 (5).

85. In order to facilitate uniformity of decision without the delay or expense of appeals,— County Judge may state case for opinion of Court of Appeal.

1. A County Judge may, after his judgment in the case or matter, prepare a statement of the facts in the nature of a case on any question of general application which has arisen under this Act, or on any question which has arisen upon an appeal of a person, partnership or corporation assessed on one or more properties to an amount aggregating $10,000, and may transmit the same to the Lieutenant-Governor in Council, who thereupon may state a case and immediately refer the same to a Judge of the Court of Appeal, for the opinion of a Judge thereupon; or

2. The Lieutenant-Governor in Council may, without such statement, refer a case on any such question to a Judge of the Court of Appeal, for a like opinion. 57 V. c. 51, s. 5 (1, 2); 60 V. c. 45, s. 70 (6). Lieutenant-Governor may obtain opinion.

3. Immediately upon the receipt of such case it shall be the duty of a Judge of such Court (to be named by the Court of Appeal or the Chief Justice thereof), to appoint a time and place for hearing arguments (if any be offered) upon the points and matter involved in the case, of which time and place written notice shall be given by the Registrar of the Court by posting up a copy of the notice in the Central office of the High Court at Osgoode Hall, in Toronto, at least ten clear days before the time appointed as aforesaid. Duty of Court.

4. At the time and place fixed therefor as aforesaid, or at any time to which he may adjourn the same the Judge shall hear argument upon the case by such of the counsel present (if any) as he may deem reasonable, and shall thereupon con- Argument.

sider the case and certify to the Lieutenant-Governor in Council his opinion thereon; and the opinion shall thereupon be forthwith published in the *Ontario Gazette*, and a copy thereof shall be sent to every Judge of a County Court.

Security for costs.

5. The Lieutenant-Governor in Council may impose such conditions as may appear reasonable as to a deposit of money or the execution of a bond to her Majesty to cover costs of any party or otherwise before or upon the transmission of such case to the Judge.

Statement of cases not to affect rolls, etc., then being prepared.

6. The statement of any such case or the hearing or argument or other proceeding thereon under this Act shall not delay the final revision of the assessment roll or other proceedings thereon or the collection of taxes thereunder. The Judge may also direct and require notice of the proceeding to be served on any person and that such person may be heard by counsel or personally and he may make such order in the premises and as to costs and the payment thereof as will, in his opinion, do justice to all parties concerned; and any such order may be enforced in the same manner as an order of a Judge of the High Court under *The Judicature Act* or otherwise. But any such order, decision or judgment shall not alter, vary or invalidate any assessment or collector's roll made at or before the time when the decision, judgment or order is made.

Rev. Stat., c. 51.

Reference to full Court of Appeal.

7. The Judge may at any stage of the proceedings refer the case to the full Court for hearing and adjudication, and the said Court shall have the authority and perform the duties hereinbefore assigned to or conferred upon a Judge. 57 V. c. 51, s. 5 (3-7).

APPEALS BY NON-RESIDENTS.

Appeals with respect to non-residents' lands.

86. In case any non-resident, whose land within the limits of any city, town, village or township, has been assessed in any revised and corrected assessment roll, complains by petition to the proper municipal council, at any time before the 1st day of May in the year next following that in which the assessment was made, such council shall, at its first meeting, after one week's notice to the appellant, try and decide such complaint; and all decisions of municipal councils under this Act may be appealed from, tried and decided, as provided by section 75 and the following sections of this Act; and if the lands are found to have been assessed twenty-five per centum higher than similar land belonging to residents, the council or Judge shall order the taxes rated on such excess to be struck off; and, in all such cases, where the land has been subdivided into park, village or town lots, if the same are owned by the same person or persons, the statute labour tax shall be charged only upon the aggregate of the assessment, according to the provisions of this Act; but no

roll shall be amended, under this section, if the complaint was tried and decided before such roll was finally revised and corrected. 55 V. c. 48, s. 77.

EQUALIZATION OF ASSESSMENTS.

Annual examination of assessment rolls by county councils, and for what purpose.

87. The council of every county shall, yearly, before imposing any county rate, and except as provided by sections 58 and 61, not later than the 1st day of July, examine the assessment rolls of the different townships, towns and villages in the county, for the preceding financial year, for the purpose of ascertaining whether the valuations made by the assessors in each township, town or village bear a just relation one to another, and may, for the purpose of county rates, increase or decrease the aggregate valuations of real and personal property in any township, town or village, adding or deducting so much per centum as may, in their opinion, be necessary to produce a just relation between the valuations of real and personal estate in the county; but they shall not reduce the aggregate valuation thereof for the whole county as made by the assessors. 55 V. c. 48, s. 78.

Appeal as to equalization of assessments.

88. If any municipality is dissatisfied with the action of any county council in increasing or decreasing, or refusing to increase or decrease the valuation of any municipality, the proceedings shall be as follows:

1. The municipality so dissatisfied may appeal from the decision of the council at any time within ten days after such decision, by giving to the clerk of the county council notice in writing, which notice shall state whether the municipality appealing is willing to have the final equalization of the assessment made by the County Judge;

2. Every county council, at the same session in which the assessment has been equalized, shall determine whether the said council is willing to have the final equalization of the assessment, in case of appeal, made by the County Judge;

3. Upon receiving notice of appeal, in case any party to the appeal has objected to the final equalization of the assessment being made by the County Judge, the clerk of the county council shall forthwith notify in writing the Provincial Secretary of such objection, giving the name or names of the municipality or municipalities so objecting.

4. The Lieutenant-Governor in Council, upon receiving the notice in writing from the clerk of any county council, may appoint two persons, one of whom shall be the sheriff or registrar of the county in which the appeal is made, and the other a Judge of another county, who together with the county Judge shall form a Court, and the said Court shall at such time and place as the Lieutenant-Governor in Council may appoint, proceed to hear and determine the matter of appeal either with

or without the evidence of witnesses, or with such evidence as they may decide upon hearing, and may examine witnesses under oath or otherwise, and may adjourn from time to time, and, except as provided in sections 58 and 61, the judgment of the said Court shall not be deferred beyond the 1st day of August next after the notice of the appeal; and the Court shall equalize the whole assessment of the county.

5. The Judge of the other county shall be entitled to a reasonable allowance for his services, the same not to exceed $10 a day, besides his travelling and other expenses, and the County Judge, sheriff, or registrar, shall also receive a reasonable sum, not to exceed $10 each, per day, and to be paid by the county.

Quorum.

6. Any two members of such Court shall constitute a quorum, and such Court may proceed and adjudicate upon such appeal, notwithstanding the office of sheriff or registrar or County Judge is vacant.

Equalization by County Judge.

7. Where all the parties to the appeal have agreed, as above provided, to have the final equalization of the assessment made by the County Judge, the clerk of the county council shall forthwith notify in writing the County Judge, and the County Judge shall appoint a day for hearing the appeal, not later than ten days from the receipt of such notice of the appeal, and may on such day proceed to hear and determine the matter of appeal, and may adjourn the hearing from time to time, but, except as provided in sections 58 and 61, the judgment shall not be deferred beyond the 1st day of August next after such appeal; and the Judge shall equalize the whole assessment of the county.

Appeal in cases of equalization of assessment.

8. The right of appeal shall exist whether county valuators have been appointed or not, and upon any such appeal the report of the county valuators shall be open to review by the Court or Judge as herein provided.

Costs.

9. The costs incurred in the prosecution and opposing of such appeal respectively shall be borne and paid as directed by the County Judge or Court as the case may be, and not otherwise, and shall be subject to taxation on the County Court scale by the clerk of the County Court of the said county.

Directions to clerk of county council after equalization of assessment roll.

10. In the event of the assessment of any one or more municipalities being reduced or increased by the County Judge or the Court, directions shall be given by the said Judge or Court to the clerk of the county council to increase or reduce the rate imposed by the by-law of the county council so that such rate will, calculated upon the finally revised and equalized assessment, produce the sum which such by-law is intended to provide. 55 V. c. 48, s. 79; c. 49, s. 17.

Effect of clerk of municipality omitting to send copy of roll.

89. If the clerk of the municipality has neglected to transmit a certified copy of the assessment roll, such neglect shall not

prevent the county council from equalizing the valuations in the several municipalities according to the best information obtainable; and any rate imposed, according to the equalized assessment, shall be as valid as if all the assessment rolls had been transmitted. 55 V. c. 48, s. 80.

Valuators to attest their report on oath.

90. In cases where valuators are appointed by the council to value all the real and personal property within the county, they shall attest their report by oath or affirmation in the same manner as assessors are required to verify their rolls by section 154 of this Act. 55 V. c. 48, s. 81.

Apportionment of county rates, how to be based.

91. The council of a county, in apportioning a county rate among the different townships, towns and villages within the county, shall, in order that the same may be assessed equally on the whole rateable property of the county, make the amount of property returned on the assessment rolls of such townships, towns and villages, or reported by the valuators as finally revised and equalized for the preceding year, the basis upon which the apportionment is made. 55 V. c. 48, s. 82.

Case of new municipalities.

92. Where a new municipality is erected within a county, so that there are no assessment or valuator's rolls of the new municipality for the next preceding year, the county council shall, by examining the rolls of the former municipality or municipalities of which the new municipality then formed part, ascertain, to the best of their judgment, what part of the assessment of the municipality or municipalities had relation to the new municipality, and what part should continue to be accounted as the assessment of the original municipality, and their several shares of the county tax shall be apportioned between them accordingly. 55 V. c. 48, s. 83.

County councils to apportion sums required for county purposes.

93. Where a sum is to be levied for county purposes, or by the county for the purposes of a particular locality, the council of the county shall ascertain, and, by by-law, direct what portion of such sum shall be levied in each township, town or village in such county or locality. 55 V. c. 48, s. 84.

County Clerk to certify amounts to clerks of local municipalities.

94. Subject to the provisions of sections 58 and 61 the county clerk shall, before the 15th day of August in each year, certify to the clerk of each municipality in the county, the total amount which has been so directed to be levied therein for the then current year, for county purposes, or for the purposes of any such locality; and the clerk of the municipality shall calculate and insert the same in the collector's roll for that year. 55 V. c. 48, s. 85.

Act not to affect provisions for rates to raise interest on county debentures.

95. Nothing in this Act contained shall alter or invalidate any special provisions for the collection of a rate for interest on county debentures, whether such provisions are contained in any Municipal Act now or formerly in force in this

Province, or in any Act respecting The Consolidated Municipal Loan Fund of Ontario or in any general or special Act authorizing the issue of debentures, or in any by-law of the county council providing for the issue of the same. 55 V. c. 48, s. 86.

STATUTE LABOUR.

Certain persons in naval and military service exempt.

96. No person in Her Majesty's Naval or Military Service on full pay, or on actual service, shall be liable to perform statute labour or to commute therefor; nor shall any non-commissioned officer or private of the Volunteer Force, certified by the officer commanding the company to which such volunteer belongs or is attached as being an efficient volunteer; but this last exemption shall not apply to any volunteer who is assessed for property. 55 V. c. 48, s. 87.

(*Firemen exempted in certain cases. See Cap. 231, Sec. 6.*)

Who liable and in what ratio, in cities, towns and villages.

97. Every other male inhabitant of a city, town or village of the age of twenty-one years and upwards, and under sixty years of age (and not otherwise exempted by law from performing statute labour), who has not been assessed upon the assessment roll of the city, town or village, or whose taxes do not amount to $2, shall, instead of such labour, be taxed at $1 yearly therefor, to be levied and collected at such time, by such person, and in such manner as the council of the municipality may, by by-law, direct, and such inhabitant shall not be required to have any property qualification. 55 V. c. 48, s. 88.

Power to reduce or abolish payment in lieu of statute labour.

98. The council of every city, town and village, may pass by-laws to reduce or abolish the amount to be paid in lieu of statute labour, as provided by the next preceding section. 55 V. c. 48, s. 89.

Where to be performed.

99. Subject to the provisions of the next preceding section, no person shall be exempt from the tax in section 97 mentioned, unless he produces a certificate of his having performed statute labour or paid the tax elsewhere. 55 V. c. 48, s. 90.

Liability of persons not otherwise assessed in townships.

100. Subject to the provisions of the next succeeding section, every male inhabitant of a township, between the ages aforesaid, who is not otherwise assessed, and who is not exempt by law from performing statute labour, shall be liable to one day of statute labour on the roads and highways in the township. 55 V. c. 48, s. 91.

Power to reduce or abolish statute labour.

101. The council of every township shall have the power to pass by-laws to reduce the amount of statute labour to be performed by the ratepayers or others within the township, or to entirely abolish such statute labour and the performance thereof by all persons within said township. 55 V. c. 48, s. 92.

102.—(1) Every person assessed upon the assessment roll of a township shall, if his property is assessed at not more than $300, be liable to two days' statute labour; at more than $300 but not more than $500, three days; at more than $500 but not more than $700, four days; at more than $700 but not more than $900, five days; and for every $300 over $900, or any fractional part thereof over $150, one additional day; but the council of any township, by a by-law operating generally and rateably, may reduce or increase the number of days' labour to which all the persons, rated on the assessment roll or otherwise, shall be respectively liable, so that the number of days' labour to which each person is liable shall be in proportion to the amount at which he is assessed. Ratio of service in case of persons assessed.

(2) In townships where farm lots or portions thereof of are owned by non-residents who have not required their names to be entered on the assessment roll, the statute labour shall be commuted by the township clerk in making out the roll required under section 132 of this Act, where such lots are under the value of $200, to a rate not exceeding one-half per centum on the valuation; but the council may direct a less rate to be imposed by a general by-law affecting such lots. 55 V. c. 48, s. 93; 60 V. c. 15, *Sched.* C (131). Council may reduce or increase the number of days proportionately. Lots subdivided as park lots, etc.

[*As to the allowance of work in extinguishing bush fires as statute labour, see Cap. 269, Sec. 2*]

103. The council of any township may, by by-law, direct that a sum not exceeding $1 a day shall be paid as commutation of statute labour, for the whole or any part of such township, in which case the commutation tax shall be added in a separate column in the collector's roll, and shall be collected and accounted for like other taxes. 55 V. c. 48, s. 94. Commutation may be at $1 per day.

104. Any local municipal council may, by a by-law passed for that purpose, fix the rate at which persons may commute their statute labour, at any sum not exceeding $1 for each day's labour; and the sum so fixed shall apply equally to residents who are subject to statute labour and to non-residents in respect to their property. 55 V. c. 48, s. 95. Commutation may be fixed at any sum not exceeding $1.

105. Where no such by-law has been passed the statute labour in townships, in respect of lands of non-residents, shall be commuted at the rate of $1 for each day's labour. 55 V. c. 48, s. 96. If no by-law, commutation to be at $1.

106.—(1) Every farmer's son rated and entered as such on the assessment roll of any municipality, shall, if not otherwise exempted by law, be liable to perform statute labour or commute therefor, as if he were not so rated and assessed. Farmers' sons.

(2) Every tenant farmer's son *bona fide* resident on the farm of his father or mother, shall be exempt from statute Exemption of tenant farmer's sons

from statute labour.

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labour in the same manner as if he were the son of an owner and jointly assessed for the property upon which he resides as provided by section 14 of this Act. 55 V. c. 48, s. 97.

Payment of tax in lieu of statute labour may be enforced by distress or imprisonment.

107.—(1) Any person liable to pay the sum named in section 97, or any sum for statute labour commuted under section 103 of this Act, shall pay the same to the collector to be appointed to collect the same, within two days after demand thereof by the said collector; and in case of neglect or refusal to pay the same, the collector may levy the same by distress of goods and chattels of the defaulter, with costs of the distress; and if no sufficient distress can be found, then upon summary conviction before a Justice of the Peace of the county in which the local municipality is situate, of his refusal or neglect to pay the said sum, and of there being no sufficient distress, he shall incur a penalty of $5 with costs, and, in default of payment at such time as the convicting Justice orders, shall be committed to the common gaol of the county, and be there put to hard labour for any time not exceeding ten days, unless such penalty and costs and the costs of the warrant of commitment and of conveying the said person to gaol are sooner paid.

(2) Any person liable to perform statute labour under section 100 of this Act not commuted, shall perform the same when required so to do by the pathmaster or other officer of the municipality appointed for the purpose; and, in case of wilful neglect or refusal to perform such labour after six days' notice requiring him to do the same, shall incur a penalty of $5, and upon summary conviction thereof before such Justice of the Peace as aforesaid, the Justice shall order the same, together with the costs of prosecution and distress, to be levied by distress of the offender's goods and chattels, and, in case there is no sufficient distress, such offender may be committed to the common gaol of the county and there put to hard labour for any time not exceeding ten days, unless the penalty and costs and the costs of the warrant of commitment and of conveying the said person to gaol are sooner paid.

(3) All sums and penalties, other than costs, recovered under this section, shall be paid to the treasurer of the local municipality, and shall form part of the Statute Labour Fund thereof. 55 V. c. 48, s. 98.

Non-residents when not permitted to perform statute labour.

108. No non-resident who has not required his name to be entered on the roll, shall be permitted to perform statute labour in respect of any land owned by him, but a commutation tax shall be charged against every separate lot or parcel according to its assessed value; and, in all cases in which the statute labour of a non-resident is paid in money, the municipal council shall order the same to be expended in the statute labour

division where the property is situate, or where the said statute labour tax is levied. 55 V. c. 48, s. 99.

When non-residents permitted, but do not perform statute labour.

109.—(1) In case any non-resident, whose name has been entered on the resident roll, does not perform his statute labour or pay commutation for the same, the overseer of highways in whose division he is placed shall return him as a defaulter to the clerk of the municipality, before the 15th day of August, and the clerk shall in that case, enter the commutation for statute labour against his name in the collector's roll; and in all cases both of residents and non-residents, the statute labour shall be rated and charged against every separate lot or parcel according to its assessed value.

Amount of non-residents' statute labour.

(2) Wherever one person is assessed for lots or parts of several lots in one municipality, not exceeding in the aggregate two hundred acres the said part or parts shall be rated and charged for statute labour as if the same were one lot, and the statute labour shall be rated and charged against any excess of said parts in like manner; but every resident shall have the right to perform his whole statute labour in the statute labour division in which his residence is situate, unless otherwise ordered by the municipal council. 55 V. c. 48, s. 100.

If resident owner, etc., makes default commutation for statute labour to be entered upon collector's roll.

110—(1) Where a resident owner, tenant or occupant who has been entered upon the assessment roll, after notice or demand, makes default in performing his statute labour or in payment of commutation for the same, the overseer of the highways in whose division he is placed, shall return him as a defaulter to the clerk of the municipality before the 15th day of November, and the clerk shall in that case enter the commutation for statute labour against his name in the collector's roll of the following year, and the same shall be collected by the collector. 55 V. c. 48, s. 101 (1); 60 V. c. 15, Sched. C (132).

Overseer to expend the commutation money.

(2) In every such case the clerk shall notify the overseer of highways, who may be appointed for such division in the following year, of the amount of such commutation, and the overseer shall expend the amount of such commutation upon the roads in the statute labour division where the property is situate, and shall give an order upon the treasurer of the municipality to the person performing the work. 55 V. c. 48, s. 101 (2).

Statute Labour in Unincorporated Townships—Road Commissioners.

Meeting for election of road commissioners.

111. Twenty resident landholders in any township which has not been incorporated (either alone or in union with some other township) shall have the right to have a public meeting called for the purpose of electing road commissioners. 55 V. c. 48, s. 102.

Requisition for meeting.

112. The persons desiring the meeting to be called shall sign a requisition authorizing some person who shall be named in the requisition, and may either reside in the township or otherwise, to call a meeting of the resident landholders of the township for the purpose aforesaid. 55 V. c. 48, s. 103.

How meeting may be called in case person named in requisition fails to call it.

113. In case the person so named declines to call a meeting or neglects to do so, for ten days after the requisition is presented to him, any three of the persons who signed the requisition may call the meeting. 55 V. c. 48, s. 104.

Notice of meeting.

114. The notice calling the meeting shall name a place, day and hour, for holding the meeting and shall be posted at six places at the least in the township, and the day named shall be at least six days distant from the day of posting the notice. 55 V. c. 48, s. 105.

Number of commissioners

115. The election shall take place at the time named, and the number of the commissioners to be elected shall be either three or five, as may be stated in the requisition, unless the meeting, before proceeding to an election, decides that a number different from that stated in the requisition shall be elected, but such number shall not be less than three nor more than five. 55 V. c. 48, s. 106.

Chairman of meeting.

116. In case the meeting is called by the person named in the requisition, he shall be entitled to preside at the meeting as chairman, but if he is absent, or declines to act, the landholders present may appoint another chairman; the chairman shall act as returning officer, and shall, in the event of a tie, have a casting vote, although he may have previously voted, or may not be a landholder of the township; the landholders present shall also appoint a secretary, who shall record the proceedings. 55 V. c. 48, s. 107.

Mode of voting.

117. The landholders present shall decide how the voting for commissioners shall be conducted; and if the vote is taken openly the commissioners shall be elected one at a time, but if it is decided to proceed by ballot all the commissioners shall be elected together, each person having the right to vote for as many persons as there are commissioners to be elected. 55 V. c. 48, s. 108.

Record of persons voting.

118. The chairman shall, as the request of any two landholders present, direct the secretary to record the names of all persons voting and (unless the vote is by ballot) how each votes. 55 V. c. 48, s. 109.

Objections to voters.

119. If an objection is made to the right of any person to vote at the meeting, such person shall name the property in respect of which he claims the right to vote, and the chairman shall administer to such person an oath, or affirmation if he be

by law permitted to affirm, according to the following form, whereupon such person shall be permitted to vote:

You swear (*or, if the voter is entitled to affirm*, solemnly affirm) that you are of the age of twenty-one years, and that you are the owner or locatee of lot in the concession of this township, and that you are entitled to vote at this election.

So help you God.

55 V. c. 48, s. 110.

Term of office

120. The commissioners elected shall hold office until the 31st day of December next after their election, and shall take, before a Justice of the Peace, a declaration of office similar to that of a councillor in a municipal corporation. 55 V. c. 48, s. 111.

First meeting of commissioners.

121. The commissioners shall meet within a fortnight after their election, and shall then, or as soon thereafter as may be, name the roads and parts of roads upon which statute labour is to be performed, and shall appoint the places and times at which the persons required to perform statute labour are to work. 55 V. c. 48, s. 112.

Time for performance of statute labour.

122. The times to be appointed for the performance of statute labour shall, unless the meeting of the landholders to elect commissioners otherwise directs, be not earlier than the 20th day of June, nor later than the 20th day of July in any year. 55 V. c. 48, s. 113.

Ratio of service by owners and locatees of land.

123—(1) Each owner or locatee of land may be required each year to perform two days' labour for every one hundred acres he holds, and for the first ten acres which he has cleared after the first ten, he may be required to perform one day's additional labour, and for every twenty acres over and above the first ten, one additional day's labour, and each householder may be required each year to perform one day's labour.

Liability of land owners to statute labour

(2) Any land-owner, owning less that 100 acres, may be required to perform statute labour as the commissioners may direct, but not exceeding the scale provided for in subsection 1 of this section where the land is in part cleared, and not exceeding two days where no part of the land is cleared. 55 V. c. 48, s. 114.

Commissioners to oversee works.

124. Each commissioner shall, during the time he is required to perform statute labour, act as overseer, and the commissioners shall arrange among themselves for overseeing the various bodies of men engaged in doing statute labour. A commissioner may be paid out of the commutation fund for not exceeding two days' labour at the rate of $1.25 per day, if performed by him over and above the number of days' labour he may by law be required to perform in respect of his own property. The commissioners shall have the same powers

as municipalities have in reference to statute labour, to appoint overseers and require returns to be made to them of the labour performed in their districts respectively. 55 V. c. 48, s. 115.

Commutation.

125. Any person instead of performing the statute labour required of him may commute therefor by payment at the rate of $1 per day, and the commissioners shall expend all commutation moneys upon the roads on which the labour which is commuted for should have been performed. 55 V. c. 48, s. 116.

Meeting for election of new commissioners.

126. The majority of the commissioners may call a meeting, to be held at any time during the month of January, for the election of their successors, but in case of their failure so to do, a meeting may be called in the manner hereinbefore provided for a first election. 55 V. c. 48, s. 117.

Penalty for neglect to perform work.

127. Any person liable to perform statute labour under the next preceding 16 sections, who, after six days' notice requiring him to do the same, wilfully neglects or refuses to perform, at the time and placed named by the commissioners, the number of days' labour for which he is liable, shall incur a penalty of $5, and in addition $1 for each day in respect of which he makes default, the same to be paid to the commissioners and to be expended in improving the said roads, and upon such person's conviction thereof before a Justice of the Peace having jurisdiction in the township, such Justice shall order the penalty together with the costs of prosecution and distress, to be levied by distress of the offender's goods and chattels. 55 V. c. 48, s. 118.

Penalty for neglect to serve as commissioners.

128. The commissioners, when duly elected, shall serve during the term for which they are elected for or forfeit the sum of $5, which may be sued for, together with costs, in any Court having jurisdiction, by any three electors making the complaint. 55 V. c. 48, s. 118*a*.

COLLECTION OF TAXES.

Clerks of municipalities to make out collectors' rolls; their form, contents, etc.

129. The clerk of every local municipality shall make a collector's roll or rolls as may be necessary, containing columns for all information, required by this Act to be entered by the collector therein; and in such roll or rolls he shall set down the name in full of every person assessed, and the assessed value of his real and personal property and taxable income, as ascertained after the final revision of the assessment roll, and he shall calculate, and, opposite the assessed value, he shall set down in one column to be headed "County Rates," the amount for which the person is chargeable for any sums ordered to be levied by the council of the county for county purposes, and in another column to be headed "*Township Rate*," "*Village*

Rate," "*Town Rate,*" or "*City Rate,*" as the case may be, the amount with which the person is chargeable in respect of sums ordered to be levied by the council of the local municipality for the purposes thereof, or for the commutation of statute labour, and in other columns any special rate for collecting the interest upon debentures issued, or any local rate or school rate or other special rate, the proceeds of which are required by law, or by the by-law imposing it, to be kept distinct and accounted for separately; and every such last mentioned rate shall be calculated separately, and the column therefor shall be headed "*Special Rate,*" "*Local Rate,*" "*Public School Rate,*" "*Separate School Rate,*" or "*Special Rate for School Debts,*" as the case may be. 55 V. c. 48, s. 119.

Form and contents of collector's rolls.

130.—(1) Notwithstanding anything hereinbefore contained the council of any city or town may by by-law provide that the clerk shall make a collector's roll or rolls, as may be necessary, containing all the information required by this Act to be entered by the collector therein; and in such roll or rolls he shall set down the name in full of every person assessed and the assessed value of his real and personal property and taxable income, as ascertained after the final revision of the assessment roll, and opposite the assessed value, he shall set down in a column the amount for which the person is chargeable, for all sums ordered to be levied by the council of the said municipality for the purposes thereof.

Information to be given in rolls.

(2) Appended to each and every such roll or rolls there shall also be a table setting forth the following information, viz:—(*a*) the total amount of taxes levied and collected under and by virtue of such roll or rolls; (*b*) the name and amount of each rate levied by the municipality which is required by law or by the by-law imposing it, to be kept distinct and accounted for separately and specifying the aggregate proceeds of each such rate so levied and collected. 59 V. c. 58, s. 4.

Provincial taxes.

131. All moneys assessed, levied and collected under any Act by which the same are made payable to the Treasurer of this Province, or other public officer for the public uses of the Province, or for any special purpose or use mentioned in the Act, shall be assessed, levied and collected in the same manner as local rates, and shall be similarly calculated upon the assessments as finally revised, and shall be entered in the collectors' rolls in separate columns, in the heading whereof shall be designated the purpose of the rate; and the clerk shall deliver the roll, certified under his hand, to the collector on or before the 1st day of October, or such other day as may be prescribed by by-law of the local municipality. 55 V. c. 48, s. 120.

Clerk to make out rolls of lands of non-

132. The clerk of every local municipality shall also make out a roll in which he shall enter the lands of non-residents

residents whose names not in assessment rolls, etc.

whose names have not been set down in the assessor's roll, together with the value of every lot, part of lot, or parcel, as ascertained after the revision of the rolls; and he shall enter opposite to each lot or parcel, all the rates or taxes and percentages, if any, under section 60 hereof, with which the same is chargeable, in the same manner as is provided for the entry of rates and taxes upon the collector's roll, and shall transmit the roll so made out, certified under his hand, to the treasurer of the county in which his municipality is situate, or to the treasurer of the city or town, as the case may be, on or before the 1st day of November. 55 V. c. 48, s. 121.

COLLECTORS AND THEIR DUTIES.

Duties of collectors.

133. The collector, upon receiving his collection roll, shall proceed to collect the taxes therein mentioned. 55 V. c. 48, s. 122.

Collectors to demand payment of rates.

134.—(1) In cities and towns he shall call at least once on the person taxed, or at the place of his usual residence or domicile, or place of business, if within the local municipality in and for which such collector has been appointed, and shall demand payment of the taxes payable by such person; or he shall leave or caused to be left with the person taxed, or at his residence or domicile, or place of business, or upon the premises in respect of which the taxes are payable, a written or printed notice, specifying the amount of such taxes, and shall, at the time of such demand or notice, or immediately thereafter, enter the date thereof on his collection roll opposite the name of the person taxed, or cause the same to be so entered; and such entry shall be *prima facie* evidence of such demand or notice. 55 V. c. 48, s. 123 (1).

Particulars to be given on tax papers.

(2) The written or printed notice above mentioned shall have written or printed thereon, for the information of the ratepayer, a schedule specifying the different rates and the amount on the dollar to be levied for each rate, making up the aggregate of the taxes referred to in such notice. 59 V. c. 58, s. 5.

(3) In places other than cities and towns, he shall call at least once on the person taxed, or at the place of his usual residence or domicile, or place of business, if within the local municipality in and for which such collector has been appointed, and shall demand payment of the taxes payable by such person, or if so empowered by by-law of the municipality he shall leave with the person taxed, or at his residence, or domicile, or place of business, a written or printed notice, specifying the amount of such taxes, and shall at the time of such demand or notice as the case may be, or immediately thereafter enter the date thereof on his collection roll opposite the name of the person taxed; and such entry shall be *prima facie* evidence of such demand or notice. 55 V. c. 48, s. 123 (2); c. 49, s. 18.

135.—(1) Subject to the provisions of section 60 of this Act in case a person neglects to pay his taxes for fourteen days after such demand, or after notice served pursuant to such by-law, as aforesaid, or in the case of cities and towns after such demand or notice, as aforesaid, the collector may by himself or by his agent, (subject to the exemptions provided for by subsection 2 of this section,) levy the same with costs by distress, Distress and sale by collector for taxes.

1. Upon the goods and chattels, wherever found, within the county in which the local municipality lies, belonging to or in the possession of the person who is actually assessed for the premises, and whose name appears upon the collector's roll for the year as liable therefor (and who is hereinafter called the "person assessed"); On goods of person assessed.

2. Upon the interest of the person assessed in any goods on the premises, including his interest in any goods to the possession of which he is entitled under a contract for purchase or a contract by which he may or is to become the owner thereof upon performance of any condition;

3. Upon the goods and chattels of the owner of the premises, found thereon, whether such owner is assessed in respect of the premises or not; Goods of owner.

4. Upon any goods and chattels on the premises, where title to the same is claimed in any of the ways following: Certain goods on the premises though claimed adversely to person assessed or the owner.

   (*a*) By virtue of an execution against the owner or person assessed; or

   (*b*) By purchase, gift, transfer or assignment from the owner or person assessed, whether absolute or in trust, or by way of mortgage, or otherwise; or

   (*c*) By the wife, husband, daughter, son, daughter-in-law or son-in-law of the owner or person assessed, or by any relative of his, in case such relative lives on the premises as a member of the family; or

   (*d*) Where the goods liable for the taxes, have been exchanged between two persons by the one borrowing or hiring from the other for the purpose of defeating the claim of, or the right of distress for the non-payment of taxes;

and, subject to the provisions of the preceding clause numbered 4, where the owner or person assessed is not in possession, the goods and chattels on the premises, not belonging to the owner or person assessed, shall not be subject to seizure; and the possession by the tenant of said goods and Not to goods of third persons where person assessed or owner not in possession.

Evidence of ownership

chattels on the premises shall be sufficient *prima facie* evidence that they belong to him. 55 V. c. 48, s. 124 (1); c. 49, 19 (1); 59 V. c. 58, s. 6, s. 7 (1); 60 V. c. 3, s. 3; c. 15 *Sched.* C (133).

Not on goods in possession of warehouseman.

Provided nevertheless that no goods which are in the possession of the person liable to pay such taxes for the purpose only of storing or warehousing the same or of selling the same upon commission or as agent shall be levied upon or sold for such taxes; and provided further that goods in the hands of an assignee for the benefit of creditors or in the hands of a liquidator under a winding up order shall be liable only for the taxes of the assignor or of the company which is being wound up, and for the taxes upon the premises in which the said goods were at the time of the assignment or winding up order, and thereafter while the assignee or liquidator occupies the premises or while the goods remain thereon. 58 V. c. 47, s. 7.

Not on goods in possession of assignee or liquidator.

Goods exempt under execution when exempt from distress for taxes.

(2) The goods and chattels exempt by law from seizure under execution shall not be liable to seizure by distress unless they are the property of the person who is actually assessed for the premises, and whose name also appears upon the collector's roll for the year as liable therefor. R. S. O. c. 143, s. 27 (1).

Exemption to be claimed.

(3) The person claiming such exemption shall select and point out the goods and chattels as to which he claims exemption. R. S. O. 1887, c. 143, s. 27 (2).

Levy of taxes under warrant.

(4) If at any time after demand has been made, or notice served pursuant to such by-law as aforesaid, or, in the case of cities and towns, after demand has been made or notice served by the collector as aforesaid, and before the expiry of the time for payment of the taxes, the collector has good reason to believe that any person in whose hands goods and chattels are subject to distress under the preceding provisions, is about to remove such goods and chattels out of the municipality before such time has expired, and makes affidavit to that effect before the mayor or reeve of the municipality, or before any Justice of the Peace, such mayor, reeve or Justice shall issue a warrant to the collector authorizing him to levy for the taxes and costs, in the manner provided by this Act, although the time for payment thereof may not have expired, and such collector may levy accordingly.

(5) A city shall for the purposes of this section be deemed to be within the county of which it forms judicially a part. 55 V. c. 48, s. 124 (2, 3); c. 49, s. 19 (2).

Rev. Stat. c. 60.

(6) The costs chargeable in respect of any such distress and levy shall be those payable to bailiffs under *The Division Courts Act.*

(7) No person shall make any charge for anything in connection with any such distress or levy unless such thing has been actually done.

(8) In case any person offends against the provisions of subsection 7 of this section or levies any greater sum in respect of such costs than is authorized by subsection 6 of this section, the like proceedings may be taken against such person, by the person aggrieved, as may be taken by the party aggrieved in the cases provided for by sections 2 to 7 inclusive of *The Act respecting the Costs of Distress or Seizure of Chattels*, and all the provisions of the said sections shall apply as fully as if enacted *mutatis mutandis* in this Act. 60 V. c. 15, *Sched.* C (133). Rev. Stat. c. 75.

136. If any person whose name appears on the roll is not resident within the municipality, the collector shall transmit to him by post, addressed in accordance with the notice given by such non-resident, if notice has been given, a statement and demand of the taxes charged against him in the roll, and shall at the time of such transmission enter the date thereof in the roll, opposite the name of such person; and such entry shall be *prima facie* evidence of such transmission and of the time thereof, and the said statement and demand shall contain, written or printed on some part thereof, the name and post-office address of such collector. 55 V. c. 48, s. 125. Proceedings in case of non-residents.

137. In case of the land of non-residents, who have required their names to be entered on the roll, the collector, after one month from the date of the delivery of the roll to him, and after fourteen days from the time such demand as aforesaid has been so transmitted by post, may make distress of any goods and chattels which he may find upon the land in the same manner and subject to the same limitations as provided in section 135. 55 V. c. 48, s. 126; 59 V. c 58, s. 7 (2). When collectors may distrain for rates on non-residents' land.

138. The collector shall, by advertisement posted up in at least three public places in the township, village or ward wherein the sale of the goods and chattels distrained is to be made, give at least six days' public notice of the time and place of such sale, and of the name of the person whose property is to be sold; and, at the time named in the notice, the collector or his agents shall sell at public auction the goods and chattels distrained, or so much thereof as may be necessary. 55 V. c. 48, s. 127. Public notice of sale to be given, and in what manner.

139. If the property distrained has been sold for more than the amount of the taxes and costs, and if no claim to the surplus is made by any other person, on the ground that the property sold belonged to him, or that he was entitled by lien or other right to the surplus, such surplus shall be returned to the person in whose possession the property was when the distress was made. 55 V. c. 48, s. 128. Surplus, if unclaimed, to be paid to party in whose possession the goods were;

or to admitted claimant.

140. If such claim is made by the person for whose taxes the property was distrained, and the claim is admitted, the surplus shall be paid to the claimant. 55 V. c. 48, s. 129.

When the right to such surplus contested.

141. If the claim is contested, such surplus money shall be paid over by the collector to the treasurer of the local municipality, who shall retain the same until the respective rights of the parties have been determined by action or otherwise. 55 V. c. 48, s. 130.

Recovery of taxes by action.

142. If the taxes payable by any person cannot be recovered in any special manner provided by this Act, they may be recovered with interest and costs, as a debt due to the local municipality, in which case the production of a copy of so much of the collector's roll as relates to the taxes payable by such person, purporting to be certified as a true copy by the clerk of the local municipality, shall be *prima facie* evidence of the debt. 55 V. c. 48, s. 131.

Paying rent to collector until taxes paid.

143. Where taxes are due upon any premises occupied by a tenant who is not liable to pay the same, the collector may give such tenant notice in writing requiring him to pay to such collector the rent of such premises as it becomes due from time to time to the amount of the taxes due and unpaid and costs, and the collector shall have the same authority as the landlord of the premises would have to collect such rent by distress or otherwise for the amount of such unpaid taxes and costs; but nothing in this section contained shall prevent the recovery, in the manner provided by law for the collection of taxes, of any portion of such taxes which may remain unpaid after applying any payment so made. 59 V. c. 58, s. 8.

Collector to return his roll and pay over proceeds by the day to be appointed by council.

144.—(1) In towns, villages, and townships every collector shall return his roll to the treasurer on or before the 14th day of December in each year, or on such day in the next year not later than the 1st day of February, as the council of the municipality may appoint, and (subject, in towns, to the provisions of section 130) shall pay over to the treasurer the amount payable, specifying in a separate column on his roll how much of the whole amount paid over is on account of each separate rate; and shall make oath before the treasurer that the date of the demand of payment and transmission of the statement and demand of taxes, required by sections 134 and 136 in each case, has been truly stated by him in the roll. 55 V. c. 48, s. 132.

Collectors of towns and villages to pay to treasurer weekly.

(2) The collector of every town and village shall pay over to the treasurer of such town or village once every week until the final return of the roll, the total amount collected during the preceding week.

Collector of township to pay to treasurer every two weeks.

(3) The collector of every township shall pay over to the treasurer of such township once in every two weeks until the final return of the roll, the total amount collected during the preceding two weeks. 57 V. c. 51, s. 6.

Other persons may be employed to collect taxes which collector is not to collect by a certain day

145.—(1) In case the collector fails or omits to collect the taxes or any portion thereof by the day appointed or to be appointed as in the last preceding section mentioned, the council of the town, village or township may, by resolution, authorize the collector, or some other person in his stead, to continue the levy and collection of the unpaid taxes, in the manner and with the powers provided by law for the general levy and collection of taxes.

(2) No such resolution or authority shall alter or affect the duty of the collector to return his roll, nor shall, in any manner whatsoever, invalidate or otherwise affect the liability of the collector or his sureties. 55 V. c. 48, s. 133.

In cities the council may fix the time for return of collectors' rolls.

146. The council of every city may, by by-law, fix the times for the return of the collectors' rolls and may make any enlargements of the same. 55 V. c. 48, s. 134.

Proceedings when taxes are unpaid, and cannot be collected

147. If any of the taxes mentioned in the collector's roll remain unpaid, and the collector is not able to collect the same, he shall deliver to the treasurer of his municipality an account of all the taxes remaining due on the roll; and, in such account, the collector shall shew, opposite to each assessment, the reason why he could not collect the same by inserting in each case the words "*Non-resident*" or "*Not sufficient property to distrain,*" or "*Instructed by Council not to collect,*" as the case may be; and such collector shall at the same time furnish the clerk of the municipality with a duplicate of such account, and the clerk shall, upon receiving such account, mail a notice to each person appearing on the roll with respect to whose land any taxes appear to be in arrear for that year. 55 V. c. 48, s. 135.

When taxes not collected, collectors to be credited with amount.

148. Upon making oath before the treasurer that the sums mentioned in such account remain unpaid, and that he has not, upon diligent inquiry, been able to discover sufficient goods or chattels belonging to or in possession of the persons charged with or liable to pay such sums, or on the premises belonging to or in the possession of any occupant thereof, whereon he could levy the same, or any part thereof, the collector shall be credited with the amount not realized. 55 V. c. 48, s. 136.

Taxes to be a lien upon land.

149. The taxes accrued on any land shall be a special lien on such land, which lien shall have preference over any claim, privilege, lien, or incumbrance of any party except the Crown, and shall not require registration to preserve it. 55 V. c. 48, s. 137.

YEARLY LISTS OF LAND GRANTED BY THE CROWN.

Annual list of lands granted, etc., to be furnished by

150. The Commissioner of Crown Lands shall, in the month of February in every year, transmit to the treasurer of every county a list of all the land within the county patented,

Commissioner of Crown Lands.

located as free grants, sold or agreed to be sold by the Crown, or leased, or appointed to any person, or in respect of which a license of occupation issued during the preceding year. 55 V. c. 48, s. 138. *See also Cap 28, Sec. 38.*

County treasurers to furnish copies of lists to clerks of municipalities.

151. The county treasurer shall furnish to the clerk of each local municipality in the county a copy of the said lists, so far as regards lands in such municipality, and such clerk shall furnish the assessors respectively with a statement shewing what lands in the said annual list are liable to assessment within such assessor's assessment district. 55 V. c. 48, s. 139.

ARREARS OF TAXES.

Duties of Treasurers, Clerks and Assessors in relation thereto.

Lists of lands three years in arrears for taxes to be furnished to clerks.

152. The treasurer of every county shall furnish to the clerk of each municipality, except cities and towns, in the county, and the treasurer of every city and town shall furnish to the clerk of his municipality, a list of all the lands in his municipality in respect of which any taxes have been in arrear for the three years next preceding the 1st day of January in any year; and the said list shall be so furnished on or before the 1st day of February in every year, and shall be headed in the words following: "*List of lands liable to be sold for arrears of taxes in the year* 18 ;" and, for the purposes of this Act, the taxes for the first year of the three which have expired under the provisions of this Act, on any land to be sold for taxes, shall be deemed to have been due for three years, although the same may not have been placed upon a collector's roll until some month in the year later than the month of January. 55 V. c. 48, s. 140.

Local clerks to keep the lists in their offices open to inspection, give copies to assessors, notify occupants, etc.

153. The clerk of the municipality is hereby required to keep the said list, so furnished by the treasurer, on file in his office, subject to the inspection of any person requiring to see the same, and he shall also deliver a copy of such list to the assessor or assessors of the municipality, in each year as soon as such assessor or assessors are appointed; and it shall be the duty of the assessor or assessors to ascertain if any of the lots or parcels of land contained in such list are occupied, or are incorrectly described, and to notify such occupants and also the owners thereof, if known, whether resident within the municipality or not, upon their respective assessment notices, that the land is liable to be sold for arrears of taxes, and to enter in a column (to be reserved for the purpose) the words "*Occupied and Parties Notified,*" or "*Not Occupied,*" or "*Incorrectly described,*" as the case may be; and all such lists shall be signed by the assessor or assessors and returned to the clerk with the assessment roll, together with a memorandum of any error discovered therein, and the clerk shall file the same in his office for public use; and furnish forthwith to the county

treasurer a true copy of the same, certified to by him under the seal of the corporation; and every such list, or copy thereof, shall be received in any Court as evidence, in any case arising concerning the assessment of such lands. 55 V. c. 48, s. 141; c. 49, s 20. *See Sec. 224.*

Lists to be evidence.

154. The assessors shall attach to each such list a certificate signed by them, and verified by oath or affirmation, in the form following:

Assessor's certificate.

I do certify that I have examined all the lots in this list named; and that I have entered the names of all occupants thereon, as well as the names of the owners thereof, when known; and that all the entries relative to each lot are true and correct, to the best of my knowledge and belief.

55 V. c. 48, s. 142.

155.—(1) The clerk of each municipality shall examine the assessment roll when returned by the assessor, and ascertain whether any lot embraced in the list last received by him from the treasurer pursuant to section 152, is entered as then occupied upon the roll of the year, or is incorrectly described; and he shall forthwith furnish to the said treasurer a list of the several parcels of land which appear on the resident roll as having become occupied, or which have been returned by the assessor as incorrectly described. 55 V. c. 48, s. 143 (1).

Local clerks to certify lands which have become occupied.

(2) Except in the cases provided for by sections 58, 59 and 61, on or before the 15th day of September in the then current year, the county treasurer shall return to the clerk of each local municipality other than a city or town, and every city or town treasurer shall return to the clerk of the city or town, an account of all arrears of taxes due in respect of such occupied lands, including the percentage chargeable under section 169 of this Act. 55 V. c. 48, s. 143 (2); 58 V. c. 47, s. 8.

Return of taxes due to be made to treasurer.

(3) The clerk of each municipality shall, in making out the collector's roll of the year, add such arrears of taxes to the taxes assessed against such occupied lands for the current year; and such arrears shall be collected in the same manner and subject to the same conditions as all other taxes entered upon the collector's roll. 55 V. c. 48, s. 143 (3).

Clerk to insert such amount in collector's roll.

156. If there is not sufficient distress upon any of the occupied lands in the preceding section named, to satisfy the total amount of the taxes charged against the same as well for the arrears as for the taxes of the current year, the collector shall so return it in his roll to the treasurer of the municipality, shewing the amount collected, if any, and the amount remaining unpaid, and stating the reason why payment has not been made. 55 V. c. 48, s. 144.

When there is not sufficient distress on said lands.

157.—(1) The treasurer of every township and village shall within fourteen days after the time appointed for the re-

Statement of arrears to be returned by

local treasurer, and when.

turn and final settlement of the collector's roll, and before the 8th day of April in every year, furnish the county treasurer with a statement of all unpaid taxes and school rates directed in the said collector's roll or by school trustees to be collected.

(2) Such return shall contain a description of the lots or parcels of land, a statement of unpaid arrears of taxes, if any, and of arrears of taxes paid, on lands of non-residents which have become occupied, as required by section 153 of this Act, and generally such other information as the county treasurer may require and demand, in order to enable him to ascertain the just tax chargeable upon any land in the municipality for that year; and the county treasurer shall not be bound to receive any such statement after the 8th day of April in each year. 55 V. c. 48, s. 145.

Liability of lands to sale if arrears are not paid, and when.

158. In case it is found by the statement directed by the last preceding section to be made to the county treasurer, that the arrears of taxes upon the occupied lands of non-residents, directed by section 155 of this Act to be placed on the collector's roll, or any part thereof, remain in arrear, such land shall be liable to be sold for such arrears, and shall be included in the next or ensuing list of lands to be sold by the county treasurer, under the provisions of section 170 of this Act, notwithstanding that the same may be occupied in the year when such sale takes place; and such arrears need not again be placed upon the collector's roll for collection. 55 V. c. 48, s. 146; c. 49, s. 21.

Penalty on clerks and assessors neglecting duties under preceding sections.

159. If the clerk of any municipality neglects to preserve the said list of lands in arrears for taxes, furnished to him by the treasurer, in pursuance of section 152, or to furnish copies of such lists, as required, to the assessor or assessors, or neglects to return to the treasurer a correct list of the lands which have become occupied, as required by section 155 of this Act, and a statement of the balances which remain uncollected on any such lots, as required by section 156 of this Act; or if any assessor neglects to examine the lands entered on his list, and to make returns in manner hereinbefore directed, every clerk or assessor making such default shall, on summary conviction thereof before any two Justices of the Peace having jurisdiction in the county in which the municipality is situated, be liable to the penalties imposed by sections 249, 250 and 251 of this Act; all fines so imposed shall be recoverable by distress and sale of any goods and chattels of the party making default. 55 V. c. 48, s. 147.

How to be levied.

After return of roll who to receive taxes.

160.—(1) After the collector's roll has been returned to the treasurer of a township or village, and before such treasurer has furnished to the county treasurer the statement mentioned in section 157, arrears of taxes may be paid to such local treasurer; but after the said statement has been returned to

the county treasurer, no more money on account of the arrears then due shall be received by any officer of the municipality to which the roll relates.

After statement under sec. 157, collection of arrears to belong to County Treasurer only.

(2) The collection of arrears shall thenceforth belong to the treasurer of the county alone, and he shall receive payment of such arrears, and of all taxes on lands of non-residents, and he shall give a receipt therefor, specifying the amount paid, for what period, the description of the lot or parcel of land, and the date of payment, in accordance with the provisions of section 225 of this Act. 55 V. c. 48, s. 148.

Municipalities may remit taxes due on non residents' lands.

161. Any local municipality may, by by-law, remit, either in the whole or in part, any taxes now due or to become due upon the lands of non-residents within such municipality, specifying the particular lands upon which the remission is made; and, upon the passing of such by-law, it shall be the duty of the clerk forthwith to transmit a copy of the by-law to the treasurer or other officer having the collection of such arrears, who shall then collect only so much of the said taxes as are not remitted. 55 V. c. 48, s. 149. *See also Sec. 74.*

The whole amount to be paid at once unless the land is sub divided.

162. The treasurer shall not receive any part of the tax charged against any parcel of land unless the whole of the arrears then due is paid, or satisfactory proof is produced of the previous payment, or erroneous charge of any portion thereof; but if satisfactory proof is adduced to him that any parcel of land on which taxes are due has been subdivided, he may receive the proportionate amount of tax chargeable upon any of the subdivisions, and leave the other subdivisions chargeable with the remainder; and the treasurer may, in his books, divide any piece or parcel of land which has been returned to him as in arrear for taxes, into as many parts as the necessities of the case may require. 55 V. c. 48, s. 150.

If demanded, treasurer to give a written statement of arrears

163. The treasurer shall, on demand, give to the owner of any land charged with arrears of taxes, a written statement of the arrears at that date, and he may charge twenty cents for the search and statement on each separate lot or parcel not exceeding four, and, for every additional ten lots, a further fee of twenty cents; but the treasurer shall not make any charge for search to any person who forthwith pays the taxes. 55 V. c. 48, s. 151; c. 49, s. 22.

Lands on which taxes unpaid to be entered in certain books by Treasurer

164. The treasurer of every county shall keep a separate book for each township and village, in which he shall enter all the lands in the municipality on which it appears from the returns made to him by the clerk and from the collector's roll returned to him, that there are any taxes unpaid, and the amounts so due; and he shall, on the 1st day of May in every year, complete and balance his books by entering against every parcel of land, the arrears, if any, due at the last settlement,

and the taxes of the preceding year which remain unpaid, and he shall ascertain and enter therein the total amount of arrears, if any, chargeable upon the land at that date. 55 V. c. 48, s. 152.

Municipalities united and afterwards disunited, etc.

165. If two or more local municipalities, having been united for municipal purposes, are afterwards disunited, or if a municipality or part of a municipality is afterwards added to or detached from any county, or to or from any other municipality, the treasurer shall make corresponding alterations in his books, so that arrears due on account of any parcel or lot of land, at the date of the alteration, shall be placed to the credit of the municipality within which the land after such alteration, is situate. 55 V. c. 48, s. 153.

Proceedings where any land is found not to have been assessed in any year.

166 If, at the yearly settlement to be made on the 1st day of May, it appears to the treasurer that any land liable to assessment has not been assessed, he shall report the same to the clerk of the municipality; thereupon, or if it comes to the knowledge of the clerk in any other manner that such land has not been assessed, the clerk shall, under the direction of the council, enter such land on the collector's roll next prepared by him thereafter, or on the roll of non-residents, as the case may be, as well for the arrears omitted of the year preceding only, if any, as for the tax of the current year: and the valuation of such land so entered shall be the average valuation of the three previous years, if assessed for the said three years, but if not so assessed, the clerk shall require the assessor or assessors for the current year to value such lands; and it shall be the duty of the assessor or assessors to value such lands when required, and to certify the valuation in writing to the clerk; and the owners of such lands shall have the right to appeal to the council at its next or some subsequent meeting after the taxes thereon have been demanded, but within fourteen days after such demand, which demand shall be made before the 10th day of November; and the council shall hear and determine such appeal on some day not later than the 1st day of December. 55 V. c. 48, s. 154.

How land to be valued.

Appeal from valuation.

Treasurer to correct errors.

167. The county treasurer may correct any clerical error which he himself discovers, from time to time, or which may be certified to him by the clerk of any municipality. 55 V. c. 48, s. 155.

As to pretended receipts, etc.

168. If any person produces to the treasurer, as evidence of payment of any tax, any paper purporting to be a receipt of a collector, school trustee, or other municipal officer, he shall not be bound to accept the same until he has received a report from the clerk of the municipality interested, certifying the correctness thereof, or until he is otherwise satisfied that such tax has been paid. 55 V. c. 48, s. 156.

169.—(1) If, at the balance to be made on the 1st day of May in every year, it appears that there are any arrears due upon any parcel of land, the treasurer shall add to the whole amount then due ten per centum thereon. 55 V. c. 48, s. 157. Ten per cent. to be added to arrears yearly.

(2) In every municipality where by by-law taxes are payable by instalments and five per cent. has been added to such tax by reason of default in payment of any such instalments, the treasurer shall add to any balance remaining unpaid upon the first day of May in each year five per cent. thereon, instead of ten per cent. as hereinbefore in this section provided, or a percentage sufficient to make not less than ten per cent. in all when less than five per cent. has been added in the first instance. 57 V. c. 51, s. 7. When five per cent. only to be added to taxes in arrear on 1st May.

170. In cities having a population of 100,000 or more, if, at the balance to be made on the first day of May in every year, it appears that there are any arrears due upon any parcel of land, the treasurer shall add to the whole amount then due the legal rate of interest, but in every municipality where by by-law taxes are payable by instalments, and a percentage has been added to such taxes by reason of default in the payment of any instalment the treasurer shall add to any balance remaining unpaid upon the first day of May in each year, the legal rate of interest less whatever has been already added by reason of default. 59 V. c. 58, s. 9. Percentage to be added to arrears of taxes.

171. Where the county treasurer is satisfied that there is distress upon any lands of non-residents in arrear for taxes in a township or village municipality, he may issue a warrant under his hand and seal to the collector of such municipality, who shall thereby be authorized to levy the amount due, upon any goods and chattels found upon the land, in the same manner, and subject to the same provisions, as are contained in sections 135 to 141 inclusive of this Act, with respect to distresses made by collectors. 55 V. c. 48, s. 158. Where there is distress upon lands of non-residents, county treasurer may authorize collector to levy.

172. Unpatented land vested in or held by Her Majesty which may be hereafter sold, or agreed to be sold, to any person, or which may be located as a free grant, shall be liable to taxation from the date of such sale or grant; and any such land which had been already sold, or agreed to be sold, to any person, or had been located as a free grant, prior to the 1st day of January, 1863, shall be held to have been liable to taxation since the 1st day of January, 1863, and all such lands shall be liable to taxation thenceforward under this Act, in the same way as other land, whether any license of occupation, location ticket, certificate of sale, or receipt for money paid on such sale, has or has not been, or is or is not issued, and, in case of sale, or agreement for sale by the Crown, whether any payment has or has not been, or is or is not made thereon, and whether any part of the purchase money is or is not overdue and unpaid; From what period un patented lands shall be liable to taxation.

Rights of the Crown saved.

but such taxation shall not in any way affect the rights of Her Majesty in such lands. 55 V. c. 48, s. 159.

SALE OF LANDS FOR TAXES.

When lands to be sold for taxes.

173. Where a portion of the tax on any land has been due for and in the third year, or for more than three years preceding the current year, the treasurer of the county shall, unless otherwise directed by by-law of the county council, submit to the warden of such county a list in duplicate of all the lands liable under the provisions of this Act to be sold for taxes, with the amount of arrears against each lot set opposite to the same, and the warden shall authenticate each of such lists by affixing thereto the seal of the corporation and his signature, and one of such lists shall be deposited with the clerk of the county, and the other shall be returned to the treasurer, with a warrant thereto annexed, under the hand of the warden and the seal of the county, commanding the treasurer to levy upon the land for the arrears due thereon, with his costs. 55 V. c. 48, s 160.

Arrears due for three years to be levied by warrant of Warden to Treasurer.

Council may extend time for payment.

174. The council of a county, city or town, shall by by-law passed for that purpose have power from time to time to extend beyond the term of three years, the time for the enforced collection by sale of non-resident taxes. 55 V. c. 48, s. 161.

Treasurer's duty on receiving warrant to sell.

175. It shall not be the duty of the treasurer to make inquiry before effecting a sale of land for taxes, to ascertain whether or not there is any distress upon the land; nor shall he be bound to inquire into or form any opinion of the value of the land. 55 V. c. 48, s. 162.

What lands only the Treasurer shall sell.

176. The treasurer shall not sell any lands which have not been included in the lists furnished by him to the clerks of the several municipalities in the month of January preceding the sale, nor any of the lands which have been returned to him as being occupied under the provisions of section 155 of this Act, except the lands, the arrears for which had been placed on the collector's roll of the preceding year, and again returned unpaid and still in arrear in consequence of insufficient distress being found on the lands. 55 V. c. 48, s. 163; c. 49, s. 23.

County Treasurer to prepare list of lands to be sold and advertise.

177.—(1) The county treasurer shall prepare a copy of the list of lands to be sold, required by section 173 of this Act, and shall include therein, in a separate column, a statement of the proportion of costs chargeable on each lot for advertising, and for the commissions authorized by this Act to be paid to him, distinguishing the lands as patented, unpatented, or under lease or license of occupation from the Crown, and shall cause such list to be published four weeks in the *Ontario Gazette*, and once a week, for thirteen weeks, in some newspaper published within the county, and, in the case of a

union of counties, in each county of the union, if there be a newspaper published in each county, and if not, in the county or counties of the union in which a newspaper is published, or, if none be so published, in some newspaper published in some adjoining county.

Proceedings when lands in arrear for taxes in junior county separated from union of counties.

(2) Where a junior county is separated from a union of counties after a return is made to the treasurer of the united counties of lands in arrear for taxes, but such lands have not been advertised for sale by the treasurer of the united counties, or senior county, such treasurer shall return to the treasurer of the junior county a list of all the lands within the junior county returned as in arrear for taxes, and not advertised; and the treasurer and warden of the junior county shall have power respectively to take all the proceedings which treasurers and wardens, under this Act, can take for the sale and conveyance of lands in arrear for taxes; but, in case the lands in such junior county have been advertised by the treasurer of the united counties before such separation, the sale of such lands shall be completed in the same manner as if the separation had not taken place. 55 V. c. 48, s. 164.

Notice to be given in such advertisement.

178. The advertisement shall contain a notification, that unless the arrears and costs are sooner paid, the treasurer will proceed to sell the lands for the taxes, on a day, and at a place named in the advertisement. 55 V. c. 48, s. 165.

Time of sale.

179. The day of the sale shall be more than ninety-one days after the first publication of the list. 55 V. c. 48, s. 166.

Notice to be posted up.

180. The treasurer shall also post a notice similar to the said advertisement in some convenient and public place at the court house of the county, at least three weeks before the time of sale. 55 V. c. 48, s. 167.

Expenses added to arrears.

181. The treasurer shall, in each case add to the arrears published, his commission or other lawful charges, and the costs of publication. 55 V. c. 48, s. 168; c. 49, s. 24.

By-law dividing counties into districts for tax sale purposes.

182. For the purposes of tax sales the council of any county may by by-law divide the county into districts, each of which may contain one or more municipalities, and the by-law may as to each of such districts, provide that thereafter the sales of land situate therein for arrears of taxes shall be held by the treasurer at such place in the district as may be named in the by-law; and every advertisement or notice of any such sale shall state the name or number of the district and the place therein at which the sale will be held. 60 V. c. 45, s. 71.

Adjourning sale, if no bidders

183. If, at any time appointed for the sale of the lands, no bidders appear, the treasurer may adjourn the sale from time to time. 55 V. c. 48, s. 169.

Mode in which the lands shall be sold by the treasurer.

184.—(1) If the taxes have not been previously collected, or if no person appears to pay the same at the time and place appointed for the sale, the treasurer shall sell by public auction so much of the land as is sufficient to discharge the taxes, and all lawful charges incurred in and about the sale, and the collection of the taxes, selling in preference such part as he may consider best for the owner to sell first; and, in offering or selling such lands, it shall not be necessary to describe particularly the portion of the lot which is to be sold, but it shall be sufficient to say that he will sell so much of the lot as may be necessary to secure the payment of the taxes due; and the amount of taxes stated in the treasurer's advertisement shall, in all cases, be held to be the correct amount due.

When land does not sell for full amount of taxes.

(2) If the treasurer fails at such sale to sell any land for the full amount of arrears of taxes due, he shall at such sale adjourn the same until a day then to be publicly named by him, not earlier than one week, nor later than three months thereafter, of which adjourned sale he shall give notice by public advertisement in the local newspaper, or in one of the local papers in which the original sale was advertised, and on such day he shall sell such lands unless otherwise directed by the local municipality in which they are situate, for any sum he can realize, and shall accept such sum as full payment of such arrears of taxes; but the owner of any land so sold for less than the full amount chargeable against the same as aforesaid shall not be at liberty to redeem the same, except upon payment to the county treasurer of the full amount of taxes due, together with the expenses of sale and the ten per cent. provided for in section 200 of this Act; and the treasurer shall account to the local municipality for the full amount of taxes paid. 55 V. c. 48, s. 170 (1), (2); 60 V. c. 15, *Sched.* C (134).

Purchase by municipalities of land sold for taxes.

(3) If the council of the local municipality, in which is situate any lot to which subsection 2 refers, desire to become the purchasers thereof for the amount of the arrears of taxes thereon, it shall be lawful for such municipality to purchase the same if the price offered at such adjourned sale is less than the amount of such arrears, and if the council of the local municipality, before the day of such adjourned sale, has given notice in writing of intention so to do; and it shall be the duty of the council of such local municipality to sell any lands so acquired within three years from the time when they were acquired; but the owner of any land so purchased by the local municipality shall not be at liberty to redeem the same except upon payment to the county treasurer of the full amount of the taxes due, together with the expenses of sale, and the treasurer shall account to the local municipality for the full amount of taxes paid. 55 V. c. 48, s. 170 (3); 60 V. c. 45, s. 72.

Redemption in such case.

(4) The treasurers of the townships of York, Scarborough and Etobicoke shall not sell for taxes a portion of any vacant lot laid out according to any registered plan, the frontage of which does not exceed fifty feet, but shall, in all such cases, sell the whole of such lot for the best price that may be offered by the bidders at the sale, and any money obtained by the treasurer as the price of any such lot shall be applied firstly in paying the arrears of taxes and interest and lawful expenses due in respect of such lot, and the balance, if any, shall be paid by such treasurer to the owner of such lot, or to such other person as may be authorized by law to receive the same. Size of lot which may be sold for taxes.

(5) The sale of all lands in respect of which returns have already been made by the treasurers of the townships of York, Scarborough and Etobicoke to the treasurer of the county of York shall be carried on and completed by the said treasurer of the county of York. 59 V. c. 58, s. 11. Sale of land where returns have been already made.

(6) Subsections 4 and 5, shall not in any way alter or affect the Act passed in the 58th year of Her Majesty's reign, intituled, *An Act respecting the Township of York*, or the by-laws confirmed by the said Act 59 V. c. 58, s. 13. 58 V. c. 94, not affected.

185 No person shall be entitled to purchase at a sale for taxes, under section 184 or from a local municipality which has purchased land thereunder, more unpatented land in the free grant districts than a locatee is entitled to obtain or hold under *The Free Grants and Homesteads Act*. 56 V. c. 39, s. 1. Land purchased at tax sale, not to exceed limit fixed by Rev. Stat. c. 29.

186. No sale for taxes shall be made of unpatented land in the free grant districts where the taxes due thereon are less than $10, if the lands have not been before the 27th day of May, 1893, advertised for sale, nor where no *bona fide* improvements have been made by or on behalf of the locatee. This section shall not apply to lands purchased by municipalities prior to the 27th day of May, 1893, under the enactments consolidated in said section 184. 56 V. c. 39, s. 2. Sales not to be made where taxes less than $10 or no improvements made.

187. All lands in the free grant districts purchased under sale for taxes shall be subject to all the terms and conditions as to settlement or otherwise required by *The Free Grants and Homesteads Act*, unless under special circumstances the Commissioner of Crown Lands sees fit to dispense therewith in whole or in part.. 56 V. c. 39, s. 3. Lands purchased to be subject to conditions of Rev. Stat. c. 29.

188. If the treasurer sells any interest in land of which the fee is in the Crown, he shall only sell the interest therein of the lessee, licensee, or locatee, and it shall be so distinctly expressed in the conveyance to be made by the treasurer and warden, and such conveyance shall give the purchaser the same rights in respect of the land as the original lessee, licensee or locatee enjoyed, and shall be valid, without requiring the assent of the Commissioner of Crown Lands. 55 V. c. 48, s. 171. When treasurer sells land the fee of which is in Crown, he shall only sell the interest of lessee, etc.

Collection of taxes on lands purchased from the Crown.

189. If the treasurer of a county, city or town sells any interest in land of which the Crown, whether as represented by the Government of Canada or the Government of the Province of Ontario, is or was the mortgagee, or has any claim thereto on account of unpaid purchase money, he shall only sell the interest therein of the owner of the equity of redemption for the time being or of the purchaser, as the case may be, and it shall be so distinctly expressed in the conveyance to be made by the treasurer and warden or mayor, and (whether so expressed or not), such conveyance shall in no wise affect the rights of the Crown in the said lands under the mortgage or otherwise, and shall give the purchaser the same rights only in respect of the land as the owner of the equity of redemption or purchaser from the Crown enjoyed. 55 V. c. 48, s. 171*a*; c. 49, s. 29.

Sale of interest of lessee or tenant of municipal property.

190. If the treasurer sells any interest in land of which the fee is in the city, town or other municipality in respect of which the taxes accrue, he shall only sell the interest therein of the lessee or tenant, and it shall be so distinctly expressed in the conveyance to be made by the treasurer and warden, and such conveyance shall give the purchaser the same rights only in respect of the land as the original lessee or tenant enjoyed. 60 V. c. 49, s. 3.

When purchaser fails to pay purchase money.

191. If the purchaser of any parcel of land fails to pay immediately to the treasurer the amount of the purchase money the treasurer shall forthwith again put up the property for sale. 55 V. c. 48, s. 172.

Sale of lands for taxes not to affect collection of other rates.

192. No sale of lands for taxes or for rates under a drainage by-law shall invalidate or in any way affect the collection of a rate which has been assessed against or imposed or charged upon such lands prior to the date of the sale, but which accrues or becomes due and payable after the rates or taxes in respect of which the sale is had became due and payable or after the sale. 55 V. c. 48, s. 172*a*.

Certificate of Sale—Tax Deed.

Treasurer selling to give purchaser a certificate of land sold

193. The treasurer, after selling any land for taxes shall give a certificate under his hand to the purchaser, stating distinctly what part of the land, and what interest therein, have been so sold, or stating that the whole lot or estate has been so sold, and describing the same, and also stating the quantity of land, the sum for which it has been sold, and the expenses of sale, and further stating that a deed conveying the same to the purchaser or his assigns, according to the nature of the estate or interest sold, with reference to sections 184 and 188 of this Act, will be executed by the treasurer and warden on demand, at any time after the expiration of one year from

the date of the certificate, if the land is not previously redeemed. 55 V. c. 48, s. 173.

Purchaser of lands sold for taxes to be deemed owner thereof, for certain purposes, on receipt of treasurer's certificate.

194.—(1) The purchaser shall, on the receipt of the treasurer's certificate of sale, become the owner of the land, so far as to have all necessary rights of action and powers for protecting the same from spoliation or waste, until the expiration of the term during which the land may be redeemed; but he shall not knowingly permit any person to cut timber growing upon the land, or otherwise injure the land, nor shall he do so himself, but he may use the land without deteriorating its value.

Proviso.

(2) The purchaser shall not be liable for damage done without his knowledge to the property during the time the certificate is in force. 55 V. c. 48, s. 174.

Effect of tender of arrears, etc.

195. From the time of a tender to the treasurer of the full amount of redemption money required by this Act, the purchaser shall cease to have any further right in, or to the land in question. 55 V. c. 48, s. 175.

Treasurer's commission.

196. Every treasurer shall be entitled to two and one-half per centum commission upon the sums collected by him, as aforesaid, except that where the taxes against any parcel of land are less than $10, the treasurer shall be entitled to charge in lieu of his commission, 25 cents. 55 V. c. 48, s. 176; c. 49, s. 25.

Fees, etc., on sales of land

197. Where land is sold by a treasurer, according to the provisions of section 177, and following sections of this Act, he may add the commission and costs which he is hereby authorized to charge for the services above mentioned, to the amount of arrears on those lands in respect of which such services have been severally performed, and in every case he shall give a statement in detail with each certificate of sale, of the arrears and costs incurred. 55 V. c. 48, s. 177.

Expenses of search in Registry Office for description, etc.

198. The treasurer shall, in all certificates and deeds given for lands sold at such sale, give a description of the part sold with sufficient certainty, and if less than a whole lot is sold, then he shall give such a general description as may enable a surveyor to lay off the piece sold on the ground: and he may make search, if necessary, in the registry office, to ascertain the description and boundaries of the whole parcel, and he may also obtain a surveyor's description of such lots, to be taken from the registry office or the government maps, where a full description cannot otherwise be obtained, such surveyor's fee not to exceed $1; and the charge so incurred shall be included in the account and paid by the purchaser of the land sold, or the party redeeming the same. 55 V. c. 48, s. 178.

Treasurer entitled to no other fees.

199. Except as before provided, the treasurer shall not be entitled to any other fees or emoluments whatever for any services rendered by him relating to the collection of arrears of taxes on lands. 55 V. c. 48, s. 179.

Owners may, within one year, redeem estate sold by paying purchase money and 10 per cent. thereon.

200. Subject to the provisions of subsections 2 and 3 of section 184, the owner of any land which may hereafter be sold for non-payment of arrears of taxes, or his heirs, executors, administrators or assigns, or any other person, may, at any time within one year from the day of sale, exclusive of that day, redeem the estate sold by paying or tendering to the county treasurer, for the use and benefit of the purchaser or his legal representatives, the sum paid by him, together with ten per centum thereon; and the treasurer shall give to the person paying such redemption money, a receipt stating the sum paid and the object of payment; and such receipt shall be evidence of the redemption. 55 V. c. 48, s. 180; 60 V. c. 15 Sched. (135); c. 45, s. 73.

Deed of sale, if not redeemed.

201. If the land is not redeemed within the period so allowed for its redemption, being one year exclusive of the day of sale as aforesaid, then, on the demand of the purchaser, or his assigns, or other legal representative, at any time afterwards, and on payment of $1, the treasurer shall prepare and execute with the warden, and deliver to him or them, a deed in duplicate of the land sold, in which deed any number of lots may be included at the request of the purchaser or any assignee of the purchaser. 55 V. c. 48, s. 181.

Meaning of words treasurer and warden.

202. The words "treasurer" and "warden" in the preceding section shall mean the persons who at the time of the execution of the deed in such section mentioned hold the said offices. 55 V. c. 48, s. 182.

Contents of deed and effect thereof.

203. The deed shall be in the form, or to the same effect as in Schedule L to this Act, and shall state the date and cause of the sale, and the price, and shall describe the land according to the provisions of section 198 of this Act, and shall have the effect of vesting the land in the purchaser or his heirs and assigns or other legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold; and no such deed shall be invalid for any error or miscalculation in the amount of taxes or interest thereon in arrear, or any error in describing the land as "patented" or "unpatented" or "held under a license of occupation." 55 V. c. 48, s. 183.

Deed to be registered within eighteen months to obtain priority.

204.—(1) The deed shall be registered in the registry office of the registry division in which the lands are situate, within eighteen months after the sale, otherwise the persons claiming under the sale shall not be deemed to have preserved their priority as against a purchaser in good faith who has registered

his deed prior to the registration of the deed from the warden and treasurer. *See also Cap. 136, Sec. 90.*

Registration of deeds.

(2) The registrar or deputy registrar upon production of the duplicate deed, shall enter the same in the registry book, and give a certificate of such entry and registration in accordance with *The Registry Act*. 55 V. c. 48, s. 184.

Rev. Stat. c. 136.

On what certificate registrars to register sheriff's deeds of lands sold for taxes before 1851

205. As respects land sold for taxes before the 1st day of January, 1851, on the receipt by the registrar of the proper county or place, of a certificate of the sale to the purchaser under the hand and seal of office of the sheriff, stating the name of the purchaser, the sum paid, the number of acres and the estate or interest sold, the lot or tract of which the same forms part, and the date of the sheriff's conveyance to the purchaser, his heirs, executors, administrators or assigns, and on production of the conveyance from the sheriff to the purchaser, his heirs, executors, administrators or assigns, such registrar shall register any sheriff's deed of land sold for taxes before the 1st day of January, 1851; and the mode of such registry shall be the entering on record a transcript of such deed or conveyance. 55 V. c. 48, s. 185.

Sheriff to give certificate of execution of conveyances after January 1st, 1851, and before 1st January, 1866, for registration.

206. As respects land sold for taxes after the 1st day of January, 1851, and prior to the 1st of January, 1866, the sheriff shall also give the purchaser or his assigns, or other legal representatives a certificate under his hand and seal of office of the execution of the deed, containing the particulars in the last section mentioned; and such certificate, for the purpose of registration in the registry office of the proper registry division of any deed of lands so sold for taxes, shall be deemed a memorial thereof; and the deed shall be registered, and a certificate of the registry thereof shall be granted by the registrar, on production to him of the deed and certificate, without further proof; and the registrar shall, for the registry and certificate thereof, be entitled to seventy cents and no more. 55 V. c. 48, s 186.

Treasurer to enter in a book descriptions of lands conveyed to purchasers.

207. The treasurer shall enter in a book, which the county council shall furnish, a full description of every parcel of land conveyed by him to purchasers for arrears of taxes, with an index thereto, and such book, after such entries have been made therein, shall, together with all copies of collectors' rolls and other documents relating to non-residents' lands, be by him kept among the records of the county. 55 V. c. 48, s. 187.

Deed to be binding if land not redeemed [illegible] year.

208. If any tax in respect of any lands sold by the treasurer, in pursuance of and under the authority of the Assessment Act of 1869, or of chapter 180 of the Revised Statutes 1877, or of chapter 193 of the Revised Statutes 1887, or of *The Consolidated Assessment Act, 1892*, or of this Act, has been due for the third year or more years preceding

the sale thereof, and the same is not redeemed in one year after the said sale, such sale, and the official deed to the purchaser of any such lands (provided the sale was openly and fairly conducted) shall be final and binding upon the former owners of the said lands, and upon all persons claiming by, through or under them—it being intended by this Act that all owners of land shall be required to pay the arrears of taxes due thereon within the period of three years, or redeem the same within one year after the treasurers' sale thereof. 55 V. c. 48, s. 188.

Deed valid if not questioned within a certain time

209. Wherever lands are sold for arrears of taxes, and the treasurer has given a deed for the same, such deed shall be to all intents and purposes valid and binding, except as against the Crown, if the same has not been questioned before some Court of competent jurisdiction by some person interested in the land so sold within two years from the time of sale. 55 V. c. 48, s. 189.

Certain treasurer's deeds not to be invalid, if the sale is valid.

210. In all cases where lands have been validly sold for taxes, the conveyance by the treasurer who made the sale, or by his successors in office, shall not be invalid by reason of the statute under the authority whereof the sale was made having been repealed at and before the time of such conveyance, or by reason of the treasurer who made the sale having gone out of office. 55 V. c. 48, s. 190.

Rights of entry adverse to tax purchaser.

211. In all cases where lands are sold for arrears of taxes, whether such sale is or is not valid, then so far as regards rights of entry adverse to any *bona fide* claim or right, whether valid or invalid, derived mediately or immediately under such sale, section 8 of *The Act respecting the Law and Transfer of Property* shall not apply, to the end and intent that in such cases the right or title of persons claiming adversely to any such sale shall not be conveyed where any person is in occupation adversely to such right or title, and that in such cases the Common Law and sections 2, 4 and 6 of the statute passed in the 32nd year of the reign of King Henry VIII, and chaptered 9, be revived, and the same are and shall continue to be revived. 55 V. c. 48, s. 191.

Rev. Stat. c. 119, s. 8

Common Law and 32 H. VIII. c. 9, ss. 2, 4 & 6, revived

Incorrect description of land in conveyance to tax-purchaser.

212—(1) In all cases (not being within any of the exceptions and provisions of subsection 3 of this section), where lands having been legally liable to be assessed for taxes, are sold as for arrears of taxes, and such sale or the conveyance consequent thereon is invalid by reason of uncertain and insufficient designation or description, of the lands assessed, sold or conveyed, and the right or title of the tax purchaser is not valid, and the tax purchaser has entered on the lands so liable to assessment or any part thereof, and has improved the same, then in case an action for the recovery of the lands is brought against such tax purchaser and he is liable to be

ejected by reason of the invalidity of such sale or conveyance, the Judge before whom the action is tried shall direct the jury to assess, or shall himself (if the case be tried without a jury), assess damages for the defendant for the amount of the purchase money at the sale and interest thereon, and of all taxes paid in respect of the lands since the sale by the tax purchaser and interest thereon, and of any loss to be sustained in consequence of any improvements made by the defendant before the commencement of the action, and all persons through or under whom he claims, less all just allowances for the net value of any timber sold off the lands, and all other just allowances to the plaintiff, and shall assess the value of the land to be recovered.

The plaintiff to pay damages into Court before writ of possession issues, or tax purchaser may elect to retain the land on paying its value.

(2) If a judgment is pronounced for the plaintiff, no writ of possession shall issue until the expiration of one month thereafter and until the plaintiff has paid into Court for the defendant the amount of such damages; or, if the defendant desires to retain the land, he may retain it, on paying into Court within the said period of one month, or on or before any subsequent day to be appointed by the Court, the value of the land as assessed at the trial; after which payment, no writ of possession shall issue, but the plaintiff on filing in Court for the defendant a sufficient release and conveyance to the defendant, of his right and title to the land in question, shall be entitled to the money so paid in. 55 V. c. 48, s. 192 (1), (2); 60 V. c. 15 *Sched.* C (136).

When section not to apply.

(3) This section shall not apply in the following cases:

if taxes paid before sale;

(*a*) If the taxes for non-payment whereof the lands were sold have been fully paid before the sale;

if land redeemed;

(*b*) If, within the period limited by law for redemption, the amount paid by the purchaser, with all interest payable thereon, has been paid or tendered to the person entitled to receive such payment, with a view to redemption of the lands;

in cases of fraud.

(*c*) Where on the ground of fraud or evil practice by the purchaser at such sale, a Court would grant equitable relief. 55 V. c. 48, s. 192 (3).

Where the plaintiff is not tenant in fee, or in tail the value of the land to be paid into High Court.

213.—(1) In any of the cases named in the preceding section wherein the plaintiff is not tenant in fee simple, or fee tail, the payment into Court to be made as aforesaid, of the value of the land, by the defendant desiring to retain the land, shall be into the High Court and the plaintiff and all parties entitled to and interested in the said lands, as against the purchaser at such sale for taxes, on filing in the High Court, a sufficient release and conveyance to the defendant of their respective rights and interests to the land, shall be entitled to the money so paid in such proportions and shares as to the High Court, regarding the interests of the various parties, seems proper.

Where the defendant is not tenant in fee, the value of improvements, etc., to be paid into High Court.

(2) In any of such cases wherein the defendant is not tenant in fee simple or fee tail, then the payment of damages into Court to be made as aforesaid by the plaintiff shall be into the High Court. 55 V. c. 48, s. 193.

Any other person interested may pay in value assessed if defendant does not.

214.—(1) If the defendant does not pay into Court, the value of the land assessed as aforesaid, within the period of one month, or on or before any subsequent day appointed by the Court, as mentioned in sub-section 2 of section 212, then any other person interested in the lands under the sale or conveyance for taxes may, within ninety days after the date of the pronouncing of the judgment in subsection 2 of section 212 mentioned, or before any subsequent day appointed by the Court as in said subsection mentioned, for payment by the defendant, pay into Court the said value of the lands; and till the expiration of the time within which such payment may be made, and after such payment, no writ of possession shall issue.

The payer to have a lien for such proportion as exceeds his interest.

(2) The defendant, or other person so paying in shall be entitled as against all others interested in the lands under the sale or conveyance for taxes, to a lien on the lands for such amount as exceeds the proportionate value of his interest in the lands, enforceable in such manner and in such shares and proportions as to the High Court, regarding the interests of the various parties, and on hearing the parties, seems fit. 55 V. c. 48, s. 194; 60 V. c. 3, s. 3; *and see Sec. 212 (2),*

How the owner can obtain the value of the land paid in.

215. In case the defendant or any other person interested, pays into Court in manner aforesaid, the plaintiff shall be entitled to the amount so paid in, on filing in Court a sufficient release and conveyance to the person so paying in, of all his right and title to the lands, in which release and conveyance it shall be expressed that the same is in trust for such person, to secure his lien as aforesaid. 55 V. c. 48, s. 195.

How the value of improvements, etc., paid in can be obtained.

216. If the said value of the lands is not paid into Court as above provided, then the amount of the damages paid into the High Court shall be paid out to the various persons, who, if the sale for taxes were valid would be entitled to the lands, in such shares and proportions as to the High Court, regarding the interests of the various parties, seems fit. 55 V. c. 48, s. 196.

Provision as to costs in cases where value of the land and improvements, etc., only in question.

217.—(1) In all actions for the recovery of land in which both the plaintiff (if his title were good) would be entitled in fee simple or fee tail, and the defendant (if his title were good) would be also so entitled, if the defendant, at the time of appearing gave notice in writing to the plaintiff in such action or to his solicitor named in the writ, of the amount claimed, and that on payment of such amount, the defendant or person in possession would surrender the possession to the plaintiff; or that he desired to retain the land, and was ready and willing to pay into Court a sum mentioned in the said notice as

the value of the land, and that the defendant did not intend at the trial to contest the title of the plaintiff; and if the jury, or the Judge, if there be no jury, before whom the action is tried, assess damages for the defendant as provided in the next preceding five sections, and it satisfactorily appears that the defendant does not contest the action for any other purpose than to retain the land on paying the value thereof, or to obtain damages, the Judge before whom the action is tried, shall certify such fact upon the record, and thereupon the defendant shall be entitled to the costs of the defence, in the same manner as if the plaintiff had been nonsuited on the trial, or a verdict had been rendered for the defendant.

(2) If on the trial it is found that such notice was not given as aforesaid, or if the Judge or jury assess for the defendant a less amount than that claimed in the notice, or find that the defendant had refused to surrender possession of the land after tender made of the amount claimed, or (where the defendant has given notice of his intention to retain the said land), that the value of the land is greater than the amount mentioned in the said notice, or that he has omitted to pay into Court the amount mentioned in the said notice for thirty days after the plaintiff had given to the defendant a written notice that he did not intend to contest the value of the land mentioned in such notice, then in such case the Judge shall not certify, and the defendant shall not be entitled to the costs of the defence, but shall pay costs to the plaintiff; and upon the trial of any cause after such notice, no evidence shall be required to be produced in proof of the title of the plaintiff. 55 V. c. 48, s. 197.

Tax purchaser without other remedy whose title is invalid to have a lien on the land for purchase money, etc.

218. In any case in which the title of the tax purchaser is not valid, or in which no remedy is otherwise provided by this Act, the tax purchaser shall have a lien on the lands for the purchase money paid at such sale, and interest thereon at the rate of ten per centum per annum, and for the amount of all taxes paid by him since such sale and interest thereon at the rate aforesaid, to be enforced against the lands in such proportions as regards the various owners, and in such manner as the High Court thinks proper. 55 V. c. 48, s. 198.

Contracts between tax purchaser and original owner continued.

219. No valid contract entered into between any tax purchaser and original owner, in regard to any lands sold or assumed to have been sold for arrears of taxes, as to purchase, lease, or otherwise, shall be annulled or interfered with by this Act, but such contract and all consequences thereof, as to admission of title or otherwise shall remain in force as if this Act had not been passed. 55 V. c. 48, s. 199.

Sections 210 to 219, not to apply where the owner has occupied since sale.

220. Nothing in the next proceding ten sections of this Act contained shall affect the right or title of the owner of any land sold as for arrears of taxes, or of any person claiming through or under him, where such owner at the time of the

sale was in occupation of the land, and the same has since the sale been in the occupation of such owner, or of those claiming through or under him. 55 V. c, 48, s. 200.

Other Acts remedial to purchasers continued.

221. Nothing in the next preceding eleven sections of this Act contained shall prejudice the right or title which any purchaser at any sale for taxes, or any one claiming through or under him, has heretofore acquired or hereafter acquires under any other statute. 55 V. c. 48, s. 201.

Construction of "Tax-purchaser," "Original owner."

222. In the construction of the next preceding twelve sections of this Act, occupation by a tenant shall be deemed the occupation of the reversioner; and the words "tax purchaser" shall apply to any person who purchases at any sale under colour of any statute authorizing sales of lands for taxes in arrear, and shall include and extend to all persons claiming through or under him; and the words "original owner" shall include and extend to any person who, at the time of such sale, was legally interested in or entitled to the land sold, or assumed to be sold, and to all persons claiming through or under him. 55 V. c. 48, s. 202.

DEFICIENCY FROM NON-PAYMENT OF CERTAIN TAXES PROVIDED FOR.

Deficiencies in certain taxes to be supplied by local municipality.

223. Every local municipal council, in paying over any school or local rate, or its share of any county rate, or of any other tax or rate lawfully imposed for Provincial or local purposes, shall supply, out of the funds of the municipality, any deficiency arising from the non-payment of the tax, but shall not be held answerable for any deficiency arising from the abatements of, or inability to collect, the taxes on personal property other than for county rates. 55 V. c. 48, s. 203.

ARREARS OF TAXES IN CITIES AND TOWNS.

Collection of arrears of taxes in cities and towns

224. In cities and towns arrears of taxes shall be collected and managed in the same way as is hereinbefore provided in the case of other municipalities; and for such purposes the municipal officers of cities and towns shall perform the same duties as the like officers in other municipalities; and the treasurer and mayor of every city or town shall, for such purposes, also perform the like duties as are hereinbefore, in the case of other municipalities, imposed on the county treasurer and warden respectively. 55 V. c. 48, s. 204. *See section 153.*

County treasurers, etc., to keep triplicate blank receipt books.

225. The treasurer of every county, city and town shall keep a triplicate blank receipt book, and on receipt of any sum of money for taxes on land, shall deliver to the person making payment one of such receipts, and shall deliver to the county, city or town clerk the second of the set, with the corresponding number, retaining the third of the set in the book, the de-

livery of such receipts to be made to the clerk at least every three months; and the county, city or town clerk shall file such receipts, and, in a book to be kept for that purpose, shall enter the name of the person making payment; the lot on which payment is made; the amount paid; the date of payment, and the number of the receipt; and the auditors shall examine and audit such books and accounts at least once in every twelve months 55 V. c. 48. s. 205.

Audit of books, etc.

226.—(1) All powers conferred upon cities and towns by sections 132, 152, 155, 157, 164, 171, 174, 189, 193, 201, 202, 224 and 225 of this Act, and all duties imposed by said sections upon the officers of such cities and towns, and the mayors thereof, shall hereafter be vested in and apply to the Townships of York, Scarborough and Etobicoke, in the County of York, and to the reeves of said townships, and for the purposes of the collection of arrears of taxes on lands therein and the sale of such lands for taxes, the said townships shall be considered as towns, and wherever the word "town" occurs in any of the said sections it shall be held to apply to and include the said townships, and wherever the word "mayor" occurs in the said sections it shall be held to apply to the reeve of each of the said townships for the time being. 59 V. c 58, s. 10. [*For similar provision as to the Village of East Toronto, see* 60 V. c. 46, s. 2.]

Sale of lands for taxes in certain townships.

(2). This section shall not in any way alter or affect the Act passed in the 58th year of Her Majesty's reign and chaptered 94 or the by-laws confirmed thereby. 59 V. c. 58, s. 13.

58 V. c. 94, not affected.

ARREARS OF TAXES IN NEW MUNICIPALITIES.

227. Upon the incorporation of any new town, in any county, the county treasurer shall make out a list of all arrears of taxes then due and unpaid in his books upon lands situated in the newly incorporated town, and shall transmit the same to the treasurer of the town, who, after receipt of the said list, shall have, with the mayor, all the powers possessed by the county treasurer and warden for the collection of such taxes and for enforcement of the same by sale; but in such list the county treasurer shall not include any lot then advertised for sale for taxes. 55 V. c. 48. s. 206.

On incorporation of a town, county treasurer to transmit list of arrears to town treasurer.

228. In cases where a new local municipality is formed from two or more municipalities or portions of two or more municipalities situated in different counties, the collection of arrears of taxes due at the time of formation shall be made by the treasurer of the county in which the new municipality is situate, if the new municipality is a township or village, or if the new municipality is a town, by the treasurer of such town; and for the purpose of enabling him to make the collection, the treasurer or the treasurers of the other county or counties from which any portion of the new

Arrears of taxes, how collected where new municipality formed.

municipality is detached, shall immediately upon the formation thereof, make out lists of the arrears of taxes then due in their respective portions, and transmit the same to the treasurer of the county in which the new municipality is situate, or of the town (as the case may be); and where a new municipality is formed from two or more municipalities situate in any one county, the treasurer shall keep a separate account for such new municipality. 55 V. c. 48, s. 207; 60 V. c. 15, *Sched.* C, (137).

Who may take proceedings to enforce collection.

229. The treasurer and warden of the county in which the new municipality, if it be a township or village, is situate, and the treasurer and mayor of the new municipality, if it be a town, shall have power, respectively, to take for the collection of such arrears of taxes all the proceedings which treasurers and wardens or treasurers and mayors can take for the sale and conveyance of land in arrear for taxes, and in case the lands in the new municipality have been advertised by the treasurer or treasurers of the county or counties of which the new municipality formed part before its formation, the sale of such lands shall be completed in the same manner as if such new municipality had not been formed. 55 V. c. 48, s. 208.

Proceedings where returns made to treasurer before separation.

230. Where a municipality or part of municipality has been or is hereafter separated from one county and included in another after a return has been made to the treasurer of the county to which it formerly belonged, of lands in arrear for taxes, but the lands have not been advertised for sale by the treasurer of the former county, such treasurer shall return to the treasurer of the county to which such territory belongs a list of all the lands within such territory returned as in arrear for taxes and not advertised; and the treasurer and warden of the county to which the territory belongs shall have power respectively to take all the proceedings which treasurers and wardens under this Act can take for the sale and conveyance of lands in arrear for taxes; but in case the lands in such territory have been advertised before the separation, the sale of such lands shall be completed in the same manner as if the separation had not taken place, and conveyance of lands previously sold shall be made in like manner. 55 V. c. 48, s. 209.

Sales for taxes on lands which have been annexed to city or separated town.

231. Where a municipality or any part of a municipality has been or is hereafter separated from a county and included in a city or town separated from the county for municipal purposes, after a return has been made to the treasurer of the county of lands in arrear for taxes, but the lands have not been advertised for sale by the treasurer of the county, such treasurer shall return to the treasurer of the city or town a list of all the lands within such territory returned as in arrear for taxes and not advertised; and the treasurer and mayor of the city or town shall have power to take all the proceedings which treasurers and wardens under this Act

can take for the sale and conveyance of lands in arrear for taxes, but in case the lands in such territory have been advertised before the separation, the sale of such lands shall be completed in the same manner as if the separation had not taken place, and conveyance of lands previously sold shall be made in like manner. 60 V. c. 49, s. 4.

NON-RESIDENT LAND FUND.

The Non-resident Land Fund.

232.—(1) The council may, by by-law, direct that all the moneys received by the county treasurer, on account of taxes on non-residents' lands, shall be paid at stated periods to the several local municipalities to which such taxes were due, or that they shall constitute a distinct and separate fund to be called the "Non-Resident Land Fund" of the county.

If no such by-law.

(2) In the absence of such by-law, the county treasurer shall pay over to the local treasurer all such moneys when so collected. 55 V. c. 48, s. 210.

Treasurer to open an account therefor

233. The treasurer shall, when such fund has been created, open an account for each local municipality with the said fund. 55 V. c. 48, s. 211.

When any union about to be dissolved.

234. If a union of counties is about to be dissolved, all the taxes on non-residents' land imposed by by-laws of the provisional council of the junior county, shall be returned to and collected by the treasurer of the united counties, and not by the provisional treasurer; and the treasurer of the united counties shall open an account forthwith for the junior county with the Non-resident Land Fund. 55 V. c. 48, s. 212.

Collection of taxes in new municipalities

235. In cases where a new county has been or is hereafter formed in whole or in part from two or more municipalities situate in different counties, the collection of non-resident taxes due at the time of formation in respect of lands situate in the new county which have not been advertised for sale shall be made by the treasurer of the new county; and, for the purpose of enabling him to make such collection, the treasurers of the other counties formerly having jurisdiction over the respective portions of territory included in the new county shall make out lists of the non-resident taxes then due in their respective portions and transmit the same to the treasurer of the new county. 55 V. c. 48, s. 213.

Money from Non-resident Land Fund, how appropriated.

236. All sums paid to a municipality out of the Non-resident Land Fund of the county, shall form part of the general funds of such municipality. 55 V. c. 48, s. 214

Debentures may be issued on the credit of Non-resident Land Fund.

237.—(1) The council of the county may, from time to time, by by-law, authorize the warden to issue, under the corporate seal, upon the credit of the Non-resident Land Fund, deben-

tures payable not later than eight years after the date thereof and for sums not less than $100 each, so that the whole of the debentures at any time issued and unpaid do not exceed two-thirds of all arrears then due and accruing upon the lands in the county, together with such other sums as may be in the treasurer's hands, or otherwise invested to the credit of the said fund; and all debentures issued by the county shall be in the exclusive custody of the treasurer, who shall be responsible for their safety until their proceeds are deposited with him. 55 V. c. 48, s. 215.

Who to have charge of them.

Assent of ratepayers to by-law not required.

(2) It shall not be necessary to procure the assent of the ratepayers before the passing of the by-law authorized by this section. 58 V. c. 47, s. 9, *part.*

By whom to be negotiated.

238. Such debentures shall be negotiated by the warden and treasurer of the county, and the proceeds shall be paid into the said fund, and the interest on the said debentures, and the principal when due, shall be payable out of such fund: but the purchaser of any such debentures shall not be bound to see to the application of the purchase money, nor be held responsible for non-application thereof. 55 V. c. 48, s. 216.

Proviso.

Application of proceeds of debentures issued on credit of Non-resident Land Fund.

239. The council may by by-law direct that all moneys received by the county treasurer from the proceeds of the sale of such debentures shall be paid in such manner and at such times, as may be directed by the by-law to such municipality or municipalities, as to the council may seem proper, provided that the whole sum, ordered by the by-law to be paid to any municipality, shall not exceed two-thirds of all arrears at the date of the passing of the by-law, due and accruing upon the lands in such municipality, together with such other sums as may be in the county treasurer's hands, or otherwise invested to the credit of the said fund received from and on account of the taxes due upon the lands in such municipality. 58 V. c. 47, s. 9, *part.*

Paying over proceeds of debentures.

240. The treasurer shall pay the proceeds of the sale of said debentures to such municipality or municipalities within the county as may be directed by the by-law. 58 V. c. 47, s. 9, *part.*

Provision for payment of such debentures.

241. If at any time there is not in the Non-resident Land Fund, money sufficient to pay the interest upon a debenture or to redeem the same when due, such interest or debenture shall be payable out of the general county funds, and the payment thereof may be enforced in the same manner as is by law provided in the case of other county debentures. 55 V. c. 48, s. 217.

Surplus of the Non-resident Land Fund to be divided among municipalities.

242. The council of the county may from time to time pass by-laws apportioning the surplus moneys in the Non-resident Land Fund amongst the municipalities rateably, according to

the moneys received and arrears due on account of the non-residents' lands in each municipality; but such apportionment shall always be so limited that the debentures unpaid shall never exceed two-thirds of the whole amount to the credit of the fund. 55 V. c. 48, s. 218.

Treasurer's percentage.

243. The treasurer shall not be entitled to receive from the person paying taxes any percentage thereon, but may receive from the fund such percentage upon all moneys in his hands, or such fixed salary in lieu thereof as the county council by by-law may direct. 55 V. c. 48, s. 219.

Annual statement of fund to be submitted to council.

244. The county treasurer shall prepare and submit to the county council, at its first session in January in each year, a report, certified by the auditors, of the state of the Non-resident Land Fund. 55 V. c. 48, s. 220.

What it shall shew.

245.—(1) The report shall contain an account of all the moneys received and expended during the year ending on the 31st day of December next preceding, distinguishing the sums received on account of, and paid to, the several municipalities, and the sums received and paid on account of interest or debentures negotiated or redeemed, and the sums invested and the balance in hand; a list of all debentures then unpaid, with the dates at which they will become due; a statement of all the arrears then due, distinguishing those due in every municipality; and a statement of the amount due on lands then advertised for sale, or which by law may be advertised, during the ensuing year.

Copy to be transmitted to Provincial Secretary

(2) The warden shall cause a copy of the report to be transmitted to the Provincial Secretary for the information of the Lieutenant-Governor. 55 V. c. 48, s. 221.

ALL ARREARS TO FORM ONE CHARGE ON THE LAND.

All arrears to form one charge upon lands

246. The treasurer of the county shall not be required to keep a separate account of the several distinct rates which may be charged on lands, but all arrears, from whatever rates arising, shall be taken together and form one charge on the land. 55 V. c. 48, s. 222.

RESPONSIBILITY OF OFFICERS.

Security by treasurers and collectors.

247. Every treasurer and collector, before entering on the duties of his office, shall enter into a bond to the corporation of the municipality for the faithful performance of his duties. 55 V. c. 48, s. 223.

Bond with sureties

248. Such bond shall be given by the officer and two or more sufficient sureties, in such sum and in such manner as the council of the municipality by any by-law in that behalf requires and shall conform to all the provisions of such by-law. 55 V. c. 48, s. 224.

Penalty on officers failing to perform their duty, and how enforced.

249. If any treasurer, assessor, clerk or other officer refuses or neglects to perform any duty required of him by this Act, he shall, upon conviction thereof before any Court of competent jurisdiction in the county in which he is treasurer, assessor, clerk or other officer, forfeit to Her Majesty such sum as the Court may order and adjudge, not exceeding $100. 55 V. c. 48, s. 225.

Other assessors may act for those in default

250. If an assessor neglects or omits to perform his duties, the other assessor, or other assessors (if there be more than one for the same locality), or one of such assessors, shall, until a new appointment, perform the duties, and shall certify upon his or their assessment roll the name of the delinquent assessor, and also, if he or they know it, the cause of the delinquency; and any council may, after an assessor neglects or omits to perform his duties, appoint some other person to discharge such duties; and the assessor so appointed shall have all the powers and be entitled to all the emoluments which appertain to the office. 55 V. c. 48, s. 226.

Punishment of clerks, assessors, etc., making fraudulent assessments, etc.

251. If any clerk, treasurer, assessor or collector, acting under this Act, makes an unjust or fraudulent assessment or collection, or copy of any assessor's or collector's roll, or wilfully and fraudulently inserts therein the name of any person who should not be entered, or fraudulently omits the name of any person who should be entered, or wilfully omits any duty required of him by this Act, he shall, upon conviction thereof before a Court of competent jurisdiction, be liable to a fine not exceeding $200, and to imprisonment until the fine is paid, in the common gaol of the county or city for a period not exceeding six months, or to both such fine and imprisonment, in the discretion of the Court. 55 V. c 48, s. 227.

What shall be evidence of fraudulent assessments.

252. Proof, to the satisfaction of the jury, that any real property was assessed by the assessor at an actual value greater or less than its true actual value by thirty per centum thereof, shall be *prima facie* evidence that the assessment was unjust or fraudulent. 55 V. c. 48, s. 228.

Punishment of culpable assessors.

253. An assessor convicted of having made any unjust or fraudulent assessment, shall be sentenced to the greatest punishment, both by fine and imprisonment, allowed by this Act. 55 V. c. 48. s. 229.

Penalty for not making and completing assessment rolls by the proper time.

Rev. Stat. c. 61

254. If any assessor of any township, village or ward, except in the cases provided for by sections 58 and 61 of this Act, neglects or omits to make out and complete his assessment roll for the township, village or ward, and to return the same to the clerk of such township or village, or of the city or town in which such ward is situated, or to the proper officer or place of deposit of such roll, on or before the 1st day of September of the year for which he is assessor, every such assessor so

offending shall forfeit for every such offence the sum of $200, one moiety thereof to the use of the municipality and the other moiety, with costs, to such person as may sue for the same in any Court of competent jurisdiction; but nothing herein contained shall be construed to relieve any assessor from the obligation of returning his assessment roll, at the period required elsewhere by this Act, and from the penalties incurred by him by not returning the same accordingly. 55 V. c. 48, s. 230.

Not to impair any other liability.

255. If a collector refuses or neglects to pay to the proper treasurer, or other person legally authorized to receive the same, the sums contained in his roll, or duly to account for the same as uncollected, the treasurer shall, within twenty days after the time when the payment ought to have been made, issue a warrant, under his hand and seal, directed to the sheriff of the county or city (as the case may be), commanding him to levy of the goods, chattels, lands and tenements of the collector and his sureties, such sum as remains unpaid and unaccounted for, with costs, and to pay to the treasurer the sum so unaccounted for, and to return the warrant within forty days after the date thereof. 55 V. c. 48, s. 231.

Proceedings for compelling collectors to pay over moneys collected to the proper treasurer.

256. The treasurer shall immediately deliver the warrant to the sheriff of the county or city, as the case may require. 55 V. c. 48, s. 232; 60 V. c. 15, Sched. C, (138).

Warrant to be delivered to sheriff, etc.

257. The sheriff to whom the warrant is directed shall within forty days, cause the same to be executed and make return thereof to the treasurer, and shall pay to him the money levied by virtue thereof, deducting for his fees the same compensation as upon writs of execution issued out of Courts of Record. 55 V. c. 48, s. 233.

Sheriff, etc., to execute it, and pay money levied.

258. If a sheriff refuses or neglects to levy any money when so commanded, or to pay over the same, or makes a false return to the warrant, or neglects or refuses to make any return, or makes an insufficient return, the treasurer may, upon affidavit of the facts, apply in a summary manner to the High Court, or to a Judge thereof, for an order nisi or summons calling on the sheriff to answer the matter of the affidavit. 55 V. c. 48, s. 234.

Mode of compelling sheriff etc., to pay over.

259. The order nisi or summons shall be returnable at such time as the Court or Judge directs. 55 V. c. 48, s. 235.

When returnable.

260. Upon the return of the order nisi or summons, the Court or Judge may proceed in a summary manner upon affidavit, and without formal pleading, to hear and determine the matter of the application. 55 V. c. 48, s. 236.

Hearing on return.

Fi. Fa. to the coroner to levy the money.

261. If the Court or Judge is of opinion that the sheriff has been guilty of the dereliction alleged against him, the Court or Judge shall order the proper officer of the Court to issue a writ of *fieri facias*, adapted to the case, directed to a coroner of the county in which the municipality is situate, or to a coroner of the city or town (as the case may be) for which the collector is in default. 55 V. c. 48, s. 237.

Tenor of such writ.

Execution thereof.

Fees.

262. The writ shall direct the coroner to levy of the goods and chattels of the sheriff, the sum which the sheriff was ordered to levy by the warrant of the treasurer, together with the costs of the application and of the writ and of its execution; and the writ shall bear date on the day of its issue, and shall be returnable forthwith on its being executed; and the coroner, upon executing the same, shall be entitled to the same fees as upon a writ grounded upon a judgment of the Court. 55 V. c. 48, s. 238.

Penalty on sheriff if no other imposed.

263. If a sheriff wilfully omits to perform any duty required of him by this Act, and no other penalty is hereby imposed for the omission, he shall be liable to a penalty of $200, to be recovered from him in any Court of competent jurisdiction at the suit of the treasurer of the municipality affected thereby. 55 V. c. 48, s. 239; 60 V. c. 15, Sched. (139).

Payment of money collected for the Province.

264. All money assessed, levied and collected for the purpose of being paid to the Treasurer of the Province, or to any other public officer, for the public uses of the Province, or for any special purpose or use mentioned in the Act under which the same is raised, shall be assessed, levied and collected by, and accounted for and paid over, to the same persons, in the same manner, and at the same time, as taxes imposed on the same property for county, city, or town purposes, and shall be deemed and taken to be moneys collected for the county, city or town, so far as to charge every collector, or treasurer with the same, and to render him and his sureties responsible therefor, and for every default or neglect in regard to the same, in like manner as in the case of moneys assessed, levied and collected for the use of the county, city, or town. 55 V. c. 48, s. 240.

How money collected for county purposes to be paid over.

265. All moneys collected for county purposes, or for any of the purposes mentioned in the preceding section, shall be payable by the collector to the township, town or village treasurer, and by him to the county treasurer; and the corporation of the township, town or village shall be responsible therefor to the corporation of the county. 55 V. c. 48, s. 241.

Collectors or treasurers bound to account for all moneys collected by them.

266. Any bond or security given by the collector or treasurer to the corporation of the township, town or village, that he will account for and pay over all moneys collected or received by him, shall apply to all moneys collected or received

for county purposes, or for any of the purposes mentioned in section 264. 55 V. c. 48, s. 242.

Local treasurer to pay over county moneys to county treasurers.

267. The treasurer of every township, town or village shall, within fourteen days after the time appointed for the final settlement of the collector's rolls, pay over to the treasurer of the county all moneys which were assessed and by law required to be levied and collected in the municipality for county purposes, or for any of the purposes mentioned in section 264 of this Act. 55 V. c. 48, s. 243.

Mode of enforcing such payment

Warrant to sheriff.

268. If default be made in such payment, the county treasurer may retain or stop a like amount out of any moneys which would otherwise be payable by him to the municipality, or may recover the same by an action against the municipality, or where the same has been in arrear for the space of three months, he may, by warrant under his hand and seal, reciting the facts, direct the sheriff of the county to levy and collect the amount so due with interest and costs from the municipality in default. 55 V. c. 48, s. 244.

How the sheriff to levy.

Rev. Stat. c. 223.

269. The sheriff, upon receipt of the warrant, shall levy and collect the amount with his own fees and costs in the same manner as is provided by *The Municipal Act* in case of writs of execution. 55 V. c. 48, s. 245.

Treasurer, etc., to account for and pay over Crown moneys.

270. The county, city or town treasurer shall be accountable and responsible to the Crown for all moneys collected for any of the purposes mentioned in section 264 of this Act, and shall pay over such moneys to the Treasurer of the Province. 55 V. c. 48, s. 246.

Municipality responsible for such moneys.

271. Every county, city and town shall be responsible to Her Majesty, and to all other persons interested, that all moneys coming into the hands of the treasurer of the county, city or town, in virtue of his office, shall be by him duly paid over and accounted for according to law. 55 V. c. 48, s. 247.

Treasurer, etc., responsible to county, etc.

Bonds to apply.

272. The treasurer and his sureties, shall be responsible and accountable for such moneys in like manner to the county, city or town; and any bond or security given by them for the duly accounting for and paying over moneys coming into his hands belonging to the county, city or town, shall be taken to apply to all such moneys as are mentioned in section 264, and may be enforced against the treasurer or his sureties, in case of default on his part. 55 V. c. 48, s. 248.

Bonds to apply to school moneys, etc.

273. The bond of the treasurer and his sureties shall apply to school moneys, and to all public moneys of the Province; and, in case of any default, Her Majesty may enforce the responsibility of the county, city or town, by stopping a like amount out of any public money which would otherwise be payable to the

county, city or town or to the treasurer thereof, or by action against the corporation. 55 V. c. 48, s. 249.

City, etc., responsible for default of treasurer, etc.

274. Any person aggrieved by the default of the treasurer, may recover from the corporation of the county, city or town, the amount due or payable to such person as money had and received to his use. 55 V. c. 48, s. 250.

MISCELLANEOUS.

Penalty for tearing down notices, etc.

275. If any person wilfully tears down, injures or defaces any advertisement, notice or other document, which is required by this Act to be posted up in a public place for the information of persons interested, he shall, on conviction thereof in a summary way before any Justice of the Peace having jurisdiction in the county, city or town, be liable to a fine of $20, 55 V. c. 48, s. 251; 60 V. c. 15, *Sched.* C, (140).

Recovery of fines and forfeitures hereby imposed.

276. The fines and forfeitures authorized to be summarily imposed by this Act, shall, when not otherwise provided, be levied and collected by distress and sale of the offender's goods and chattels, under authority of a warrant of distress to be issued by a Justice of the Peace of the county, city or town; and, in default of sufficient distress, the offender shall be committed to the common gaol of the county, and be there kept at hard labour for a period not exceeding one month. 55 V. c. 48, s. 252.

Application of penalties.

277. When not otherwise provided all penalties recovered under this Act shall be paid to the treasurer to the use of the municipality. 55 V. c. 48, s. 253.

SCHEDULE A.

(*Section* 3.)

FORM OF NOTICE BY NON-RESIDENT OWNER OF LAND REQUIRING TO BE ASSESSED THEREFOR.

To the Clerk of the Municipality of

Take notice, that I (*or* we) own the land hereunder mentioned, and require to be assessed, and to have my name (*or* our names) entered therefor on the Assessment roll of the Municipality of (*or* Ward of the Municipality of).

That my (*or* our) full name (*or* names), place of residence and Post Office address, are as follows:

A. B., of the Township of York, shoemaker, Weston Post Office (*as the case may be*). Description of land (*here give such description as will readily lead to the identification of the land.*)

Dated the day of , 18 .

C. D.

Witness, *G. H.*

55 V. c. 48, Sched. A.

SCHEDULE B.

(*Section* 15.)

FORM 1.

FORM OF AFFIDAVIT BY PERSON CLAIMING TO BE PLACED ON THE ASSESSMENT ROLL AS A VOTER.

I, , make oath and say as follows:

I am a British subject by birth (*or* naturalization), and I have resided in this Province for the nine months next preceding the day of in the present year (*the day to be filled in here is the date on which by Statute or by-law the Assessor is to begin making his roll.*)

I was at the said date in good faith a resident of and domiciled in (*giving name of municipality for which the assessor is making his roll*), and I have resided therein continuously from the said date, and I now reside therein at (*here give the deponent's residence by the number thereof if any and the street or locality whereon or wherein the same is situated, if in a town or village. If the residence is in a township, give the concession wherein, and the lot or part of lot whereon it is situated.*)

I am of the full age of 21 years, and am not disqualified from voting at elections for the Legislative Assembly of Ontario.

Sworn before me at in the County of this day of 18 .

Signature of J. P., etc.

(*Signature of Voter.*)

(*This oath may be taken before any Assessor or any Justice of the Peace, Commissioner for taking Affidavits, or Notary Public.*)

55 V. c. 48, *Sched.* L. (1).

FORM 2.

FORM OF AFFIDAVIT FOR SAME PURPOSE AS FORM 1.

But where the person has been temporarily absent from the municipality.

I, , make oath and say as follows:

I am a British subject by birth, (*or* naturalization) and I have resided in this Province for the nine months next preceding the day of in the present year (*the day to be filled in here is the date on which by Statute or by-law the Assessor is to begin making his roll.*)

I was at the said date in good faith a resident of and domiciled in (*giving name of municipality for which the assessor is making his roll*) and have resided therein continuously from the said date, and I now reside therein at (*here give the deponent's residence, by the number thereof, if*

any, and the street or locality whereon or wherein the same is situated if in a town or village. If the residence is in a township, give the concession wherein and lot or part of lot whereon it is situated.)

And I have not been absent from this Province during the said nine months except occasionally or temporarily in the prosecution of my occupation as (*mentioning, as the case may be,* a lumberman, *or* mariner, *or* fisherman, *or* as a student in attendance in an institution of learning in the Dominion of Canada, *naming the institution if absent as student.*)

I am of the full age of 21 years, and am not disqualified from voting at elections for the Legislative Assembly of Ontario.

Sworn before me at in the County of this day of 18 .

Signature of J. P. or Commissioner, etc.)

(*Signature of Voter.*)

(*The oath may be taken before any Assessor or any Justice of the Peace, Commissioner for taking Affidavits, or Notary Public.*)

55 V. c. 48, *Sched.* L(2).

SCHEDULE C.

(*Section* 17.)

CENSUS of all children between the ages of eight and fourteen in the (city town, village *or* township, *as the case may be,*) of

Name of Child.	Age.	Parent or Guardian.	Residence.

54 V. c. 56, *Sched.*; 55 V. c. 48, *Sched.* M.

SCHEDULE D.

(*Sections* 51, 53.)

TOWNSHIP OF (*or* CITY, TOWN OR VILLAGE) OF

STREET, SIDE.

NAMES AND DESCRIPTION OF PERSONS ASSESSED.						DESCRIPTION AND VALUE OF REAL PROPERTY.						PERSONAL PROPERTY AND TAXABLE INCOME.			AGGREGATE VALUE OF ALL PROPERTY.	STATUTE LABOUR.	DOGS	STATISTICS.											NOTICE.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
Number on roll.	Name and Post Office address of taxable party.	Occupation.	Freeh'r, Manh'd Franchise, tenant, or farmer's son.	Age of assessed party.	Name and address of owner when person named in column two is not the owner.	School section, R. (Public School); S. (Separate Sch).	Concession, street, square, or other designation.	Number of Lot, house, etc.	Number of acres, feet, etc.	Number of acres cleared in townships. Vacant or built on, in cities towns and villages.	Value of each parcel of real property.	Total value of real property.	Value of personal property other than income.	Taxable income.	Total value of personal property and taxable income.	Total value of real and personal property and taxable income.	Number of persons from 21 to 60 years old. Total number of days' labour.	Dogs. Bitches.	Number of persons in family of person rated as resident.	Religion.	Number of cattle.	Number of sheep.	Number of hogs.	Number of horses.	Birth.* Death.* Registered.*	Acres of woodland.	Acres of swamp, marsh or waste land.	Acres of orchard and garden	Number of acres under fall wheat.	Date of delivery of Notice under Section 51.	Number of Steamboilers, for driving machinery, or for any manufacturing purpose with the name of owner and purpose for which same is used.	

*Columns 26-28 apply to townships, towns and villages only.

Take notice that you are assessed as above specified, for the year 18 . If you deem yourself overcharged, or otherwise improperly assessed, you or your agent may notify the Clerk of the Municipality (*or* Assessment Commissioner) in writing of such overcharge or improper assessment, within fourteen days after the day of (*insert date on which the Assessment Roll was returned*), and your complaint shall be tried by the Court of Revision for the Municipality of

(INDORSED.)

SIR,—Take notice that I intend to appeal against this assessment, for the following reasons :

I am, Sir, your obedient servant,

A. B., Township Clerk
or Assessment Commissioner.

55 V. c. 48, Sched. B.

NOTE.—*In the case of a Municipality in which there are supporters of a Roman Catholic Separate School therein or contiguous thereto, the notice required by Section 53 must also be added.*

SCHEDULE E.

(Section 55.)

AFFIDAVIT OR AFFIRMATION OF ASSESSOR IN VERIFICATION OF ASSESSMENT ROLL:

I (*name and residence*) make oath and say (*or* solemnly declare and affirm), as follows:—

Oath of assessor on completion of roll.

1. I have, according to the best of my information and belief, set down in the above assessment roll all the real property liable to taxation situate in the municipality (or ward) of (as the case may be); and I have justly and truly assessed each of the parcels of real property so set down at its actual cash value as it would be appraised in payment of a just debt from a solvent debtor and as prescribed by law.

[*And in the case of properties to be assessed under section 30 of this Act, unless the council by by-law otherwise provides, add.*

Except ground *bona fide* enclosed and used as a paddock, park, lawn, garden or pleasure ground, which I have assessed at a valuation which, at six per centum would yield a sum equal to its annual rental for the purposes for which it is used.]

[*And in the case of vacant ground in cities, towns and villages, assessed under section 29 of this Act, add.*

Except vacant ground and ground used as a farm, garden or nursery, and not in immediate demand for building purposes, which I have assessed according to the value prescribed by law.]

2. The said assessment roll contains a true statement of the aggregate amount of the personal property, or the taxable income, of every person named in the said roll; and I have estimated and set down the same according to the best of my information and belief.

3. I have entered thereon the names of all the resident tenants and freeholders, and of all other persons who have required their names to be entered therein, with the true amount of property occupied or owned, or of income received by each; and I have not entered the name of any person whom I do not truly believe to be a tenant or freeholder, or the *bona fide* occupier or owner of the property, or in the receipt of the income set down opposite his name, for his own use and benefit, or otherwise to be entitled by law to be so entered.

4. According to the best of my knowledge and belief, I have entered therein the name of every person entitled to be so entered either under *The Assessment Act* or any other Act; and I have not intentionally omitted from said roll the name of any person whom I knew or had good reason to believe, to be entitled to be entered therein under any or either of the said Acts.

5. The date of delivery or transmitting of the notice required by section 51 of *The Assessment Act* is in every case truly and correctly stated in the said roll.

6. I have not entered the name of any person at too low a rate in order to deprive such person of a vote, or at too high a rate in order to give such person a vote; and the amount for which each such person is assessed in the said roll truly and correctly appears in the said notice delivered or transmitted to him as aforesaid.

7. I have not entered any name in the above roll, or improperly placed any letter or letters in column 4, opposite any name, with intent to give to any person not entitled to vote, a right of voting; and I have not intentionally omitted from the said roll the name of any person whom I believe to be entitled to be placed thereon, nor have I, in order to deprive any person of a right of voting, omitted from column 4 opposite the name of such person, any letter or letters which I ought to have placed there.

Sworn (*or* solemnly declared and affirmed) before me at , of in the county of , this day of , A.D. 18

55 V. c. 48, s. 49; c. 49, s. 12; 60 V. c. 15, Sched. C (143); c. 49, s. 1, *part.*

SCHEDULE F.

(*Section* 71, *subsection* 14.)

FORM OF DECLARATION BY PERSON COMPLAINING IN PERSON OF OVERCHARGE ON PERSONAL PROPERTY:

I, *A. B.* (*set out name in full, with place of residence, business, trade, profession, or calling*), do solemnly declare that the true value of all the personal property assessable against me either in my own right or as trustee, guardian or executor, etc., without deducting any debts due by me in respect thereof, is [*In case debts are owed in respect of such property; add* that I am indebted on account of such personal property in the sum of]: and that the true amount for which I am liable to be rated and assessed in respect of personal property, other than income, is

55 V. c. 48, Sched. C.

60 V. c. 15, Sched. C. (141)

SCHEDULE G.

(*Section* 71, *subsection* 14.)

FORM OF DECLARATION OF PERSON COMPLAINING IN PERSON OF OVERCHARGE ON ACCOUNT OF TAXABLE INCOME:

I, *A. B.* (*set out name in full, with place of residence, business, trade, profession or calling*), do solemnly declare that my gross income, derived from all sources not exempted by law from taxation, is

55 V. c. 48, Sched. D.

SCHEDULE H.

(*Section* 71, *subsection* 14.)

FORM OF DECLARATION BY PERSON COMPLAINING OF OVERCHARGE IN RESPECT OF PERSONAL PROPERTY AND TAXABLE INCOME :

I, *A. B.* (*set out name in full, with place of residence, business, trade, profession or calling*), do solemnly declare that the true value of my personal property, other than income, is
[*if there are debts, add:* that I am indebted on account of such personal property in the sum of ;] that my gross income derived from all sources, not exempt by law from taxation, is ; and that the full amount for which I am by law justly assessable, in respect to both personal property and income, is

55 V. c. 48, Sched. E.

SCHEDULE I.

(*Section* 71, *subsection* 14.)

FORM OF DECLARATION BY AGENT OF A PERSON COMPLAINING OF OVERCHARGE ON PERSONAL PROPERTY :

I, *A. B.* (*set out name in full, with place of residence, business, trade, profession or calling*) agent for *C. D.* (*set out name in full with place of residence and calling of person assessed*), do solemnly declare that the true value of all the personal property assessable against the said *C. D.*, either in his own right or as trustee, guardian, or executor, etc., is
[*In case there are debts in regard to the property, add :* The said *C. D.* is indebted on account of such personal property in the sum of]
and that the true amount for which the said *C. D.* is liable to be rated and assessed in respect of personal property other than income is
; and that I have the means of knowing, and do know, the extent and value of the said *C. D.'s* personal property and debts in respect thereof.

A. B.

55 V. c. 48, Sched. F.
60 V. c. 15, Sched. C. (142).

SCHEDULE J.

(*Section* 71, *subsection* 14.)

FORM OF DECLARATION BY AGENT OF PERSON COMPLAINING OF OVERCHARGE ON TAXABLE INCOME :

I, *A. B.* (*set out name in full, and place of residence, business, trade, profession or calling*), agent for *C. D.* (*set out name in full, with place of residence, and calling of person assessed*), do solemnly declare that the gross income of the said *C. D.*, derived from all sources not exempt from taxation by law, is ; and that I have the means of knowing, and do know, the income of the said *C. D.*

55 V. c. 48, Sched. G.

SCHEDULE K.

(*Section* 71, *subsection* 14.)

FORM OF DECLARATION BY AGENT OF PERSON COMPLAINING OF AN OVERCHARGE IN RESPECT OF PERSONAL PROPERTY AND TAXABLE INCOME:

I, *A. B.* (*set out name in full, with place of residence, business, trade, profession or calling*), agent for *C. D.* (*set out name in full, with place of residence, and calling of person assessed*), do solemnly declare that the true value of the personal property of the said *C. D.*, other than income, is ; that the gross income of the said *C. D.*, derived from all sources not exempt by law from taxation, is and that the full amount for which the said *C. D.* is justly assessable, in respect of both personal property and income is [*If there are debts on account of the property, add*: That the said *C. D.* is indebted on account of such personal property in the sum of ;] and that I have the means of knowing, and do know, the truth of the matters hereinbefore declared.

55 V. c. 48, *Sched.* H.

SCHEDULE L.

(*Section* 203.)

FORM OF TAX DEED.

To all to whom these Presents shall come:

We, , of the of , Esquire, Warden (*or* Mayor *or* Reeve), and of the of Esquire, Treasurer of the County (*or* City *or* Town *or* Township) of , Send Greeting:

WHEREAS by virtue of a warrant under the hand of the Warden (*or* Mayor *or* Reeve) and seal of the said County (*or* City *or* Town *or* Township) bearing date the day of , in the year of our Lord one thousand eight hundred and , commanding the Treasurer of the said County (*or* City *or* Town *or* Township) to levy upon the land hereinafter mentioned, for the arrears of taxes due thereon, with his costs, the Treasurer of the said County (*or* City *or* Town *or* Township) did, on the day of 18 , sell by public auction to , of the of , in the County of , that certain parcel or tract of land and premises hereinafter mentioned, at and for the price or sum of of lawful money of Canada, on account of the arrears of taxes alleged to be due thereon up to the day of , in the year of our Lord one thousand eight hundred and , together with costs:

Now know ye, that we, the said and , as Warden (*or* Mayor *or* Reeve) and Treasurer of the said County (*or* City *or* Town *or* Township) in pursuance of such sale, and of *The Assessment Act*, and for the consideration aforesaid, do hereby grant, bargain and sell unto the said , his heirs and assigns, all that certain parcel or tract of land and premises containing , being composed of (*describe the land so that the same may be readily identified.*)

In witness whereof, we, the said Warden (*or* Mayor *or* Reeve) and Treasurer of the said County (*or* City *or* Town *or* Township), have hereunto set our hands and affixed the seal of the said County (*or* City *or* Town *or* Township), this day of in the year of our Lord one thousand eight hundred and ; and the Clerk of the County (*or* City *or* Town *or* Township) Council has countersigned.

A. B., Warden (*or* Mayor *or* Reeve). [Corporate Seal.]
C. D., Treasurer.

Countersigned,
E. F., Clerk.

55 V. c. 48, *Sched.* K; 59 V. c. 58, s. 12

CHAPTER 225.

An Act respecting the establishment of Municipal Institutions in Territorial Districts.

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- Preliminary meeting, ss. 2-5.
- Election of first Council, ss. 6-16.
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- First Assessment, ss. 40-41.
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- Arrears of taxes, s. 53.
- Sale of lands, s. 54, 55.

SALES FOR TAXES IN MUSKOKA AND PARRY SOUND, ss. 56-59.

SALES FOR TAXES IN FREE GRANT. See Cap 224, ss. 185-187.

POLICE VILLAGES :
- Formation of, ss. 60, 63.
- Electors, s. 62.
- Trustees, s. 63.

POWERS OF LIEUTENANT-GOVERNOR AS TO ANNEXATION OR UNION, s. 64.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

ORGANIZATION OF TOWNSHIPS.

Municipalities may be organized.

1.—(1) The inhabitants of any township in any of the districts of Muskoka, Parry Sound, Nipissing, Algoma, Manitoulin, Thunder Bay and Rainy River, having a population of not less than 100 persons, may organize themselves into a township municipality, and the inhabitants of any locality in any of the said districts not exceeding in area 20,000 acres not surveyed into a township or townships, and having a population of not less than 100 persons, may likewise organize themselves into a township municipality. R. S. O. 1887, c. 185. s. 1 (1); 52 V. c. 37, s. 1.

(2) Any number of townships adjacent to each other in any of the said districts, having in the aggregate at least 100 inhabitants, may organize themselves into a union township municipality, although the population of any one of the said townships may not amount to one hundred persons, provided however that the population of such township amounts to not less than 50 persons. The proceedings for the purposes of such organization, and all other purposes mentioned in this Act, shall, as nearly as may be practicable, be the same as are hereinafter provided for in respect of the organization of a township municipality; and all rights, privileges, and powers conferred upon or granted to a township municipality organized thereunder shall extend and be applicable to such union township municipality; but any township forming part of such union municipality having at any time after the formation thereof a population of not less than one hundred persons may withdraw from such union, and the inhabitants thereof may organize themselves into a township municipality in the same manner and for all purposes under this Act, as if such township had not formed part of a union township municipality; and on such withdrawal the assets and liabilities of such township shall be determined, borne, dealt with and paid in like manner as is directed by the provisions of *The Municipal Act* in regard to the withdrawal or separation of municipalities. R. S. O. 1887, c. 185, s. 1 (2); 52 V. c. 37, s. 2; 60 V. c. 14, s 35; c. 3, s. 3.

Union township municipalities may be organized.

Rev. Stat. c. 223.

2. In order to constitute and establish a municipality as hereinbefore provided, where the locality is in a senior district of a Provisional Judicial District, or in Nipissing the District Judge, and where the locality is in a junior district the Stipendiary Magistrate of the district, may, upon the receipt of a petition in which the limits of the proposed municipality are defined, and signed by not less than thirty inhabitants of such locality, call by public notice a meeting of said inhabitants, to consider the expediency of organizing a municipality. R. S. O. 1887, c. 185, s. 2; 60 V. c. 3, s. 3. *See Cap. 109, Sec. 3.*

Judge or Stipendiary Magistrate, upon petition, to call a public meeting to form Municipality.

3. Before the Judge or Stipendiary Magistrate calls said meeting, those petitioning for the municipality, shall deposit with him a sum sufficient to meet the expense of the meeting and of the election to be held as hereinafter provided. R. S. O. 1887, c. 185, s. 3.

Petitioners to make a deposit to meet expenses of the meeting and election.

4. The Judge or Stipendiary Magistrate shall name some fit and competent person to preside at the meeting, who shall forthwith report the result of the same, with the votes given thereat, to the Judge or Stipendiary Magistrate, under oath, which may be administered by any Justice of the Peace. R. S. O. 1887, c. 185, s. 4.

Judge or Magistrate to appoint chairman.

Judge or Magistrate to provide for first election.

5. Upon receiving the report of the meeting the Judge or Stipendiary Magistrate shall fix a time and place for holding the first election in the proposed municipality, and shall, in the notice providing for the election, name the returning officer who shall preside thereat; but no such municipality shall be established unless at such meeting at least thirty freeholders or householders have voted in favour thereof. R. S. O. 1887, c. 185, s. 5.

Council, of what officers composed.

6. The officers to be elected at the said election shall be one reeve and four councillors, who shall have the same qualification as voters, and shall constitute the council of the township, the reeve being the head thereof. R. S. O. 1887, c. 185, s. 6.

Qualification of voters.

7. The persons qualified to vote at the election shall be male British subjects of the full age of twenty-one years, being householders resident in the locality proposed to be organized into a municipality. R. S. O. 1887, c. 185, s. 7.

Nomination.

8. At the time and place appointed by the Judge or Stipendiary Magistrate under section 5 of this Act, the nomination of candidates shall be made in the manner provided in respect to the nomination of candidates at municipal elections. R. S. O. 1887, c. 185, s. 8.

Election by acclamation.

9. In case no more persons are nominated than are required to be elected, the returning officer shall declare such persons to be elected. R. S. O. 1887, c. 185, s. 9.

Notice of time and place of holding poll.

10.—(1) In case a poll is required the returning officer shall adjourn the proceedings until the same day of the following week, and shall declare the place at which a poll will on that day be opened in the locality, and shall forthwith post up in at least six of the most public and conspicuous places in the locality, a notice declaring that a poll will be held on said day at such place. R. S. O. 1887, c. 185, s. 10; 60 V. c. 15, *Sched.* B (1).

(2) The poll shall be opened at the place so named at 9 o'clock in the morning and shall continue open until 5 o'clock in the afternoon and no longer, 60 V. c. 15, *Sched.* B (1).

Poll book and how filled up.

11. The returning officer shall, previous to the opening of the poll, procure a poll book, and he shall enter in such book, in separate columns, the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the electors offering to vote at the election and shall, in each column in which is entered the name of a candidate voted for by a voter, set the figure "1" opposite the voter's name. R. S. O. 1887, c. 185, s. 11.

12. In case a casting vote is required to determine an election, the returning officer, whether otherwise qualified or not, shall give a casting vote for one or more of the candidates, so as to decide the election, and except in such case, the returning officer shall not vote at any such election. R. S. O. 1887, c. 185, s. 12. Casting vote.

13. The persons elected shall hold office until their successors are elected, or appointed and sworn into office, and hold their first meeting. R. S. O. 1887, c. 185, s. 13. Term of office of first members of council.

14. The following shall be the oath to be administered to voters at such election: Oath of voters.

You swear (*or* solemnly affirm) that you are *A. B.*;

That you are a subject of Her Majesty by birth (*or* naturalization);

That you are of the full age of twenty-one years;

That you are a householder in the locality now proposed to be organized into a Municipality;

That you have not received anything nor has anything been promised you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election;

That you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election;

So help you God.

R. S. O. 1887, c. 185, s. 14.

15. After the election, the returning officer shall return to the Judge or Stipendiary Magistrate the result of the same, and the Judge or Stipendiary Magistrate shall, as soon as may be convenient thereafter, by public notice, declare the names of the persons so elected, who shall forthwith enter upon the duties of their office; and the municipality shall from thenceforth be known as "The Corporation of the Municipality of , in the District of ;" and the said reeve and councillors shall hold and continue in office until their successors are elected, as hereinafter provided. R. S. O. 1887, c. 185, s. 15. Declaration of election. Name of municipality. Tenure of office of councillors.

16. The first meeting of the council shall be held at a time and place to be fixed by the Judge or Stipendiary Magistrate. R. S. O. 1887, c. 185, s. 16. First meeting of council.

17. The council shall at their first meeting, or as soon as possible thereafter, appoint a clerk, treasurer and collector, who shall hold office until removed or dismissed by the council; and the council shall also fix the remuneration to be paid said officers, by by-law to be passed for that purpose. The clerk shall, within six days after his appointment, transmit to the Provincial Treasurer notice of the formation of the Appointment and remuneration of clerk, treasurer and collector.

municipality with a description of its boundaries or limits. R. S. O. 1887, c. 185, s. 17.

ELECTIONS AFTER THE FIRST.

Who qualified to vote.

18. The persons qualified to vote at every election after the first shall be:

Real property.

1. Every male freeholder and resident householder whose name appears in the revised assessment roll upon which the voters' list used at the election is based, for said municipality, and who is of the full age of 21 years, and a naturalized or natural-born subject of Her Majesty;

Income.

2. Every male person who resides at the time of the election in the municipality in which he tenders his vote, and has resided therein continuously since the completion of the last revised assessment roll of the municipality, and derives an income from some trade, calling, office or profession of not less than $400 annually, and is assessed for such income in and by the revised assessment roll of the municipality, upon which the voters' list used at the election is based, and possesses the qualifications required by law other than in respect of property;

Farmers' sons.

Rev. Stat. c. 223, s. 86.

3. Every person who is a farmer's son within the meaning of *The Municipal Act*, and entitled as such to vote at municipal elections, under the provisions of said Act. R. S. O. 1887, c. 185, s. 40.

4. This section shall not apply to married women or entitle them to vote. 52 V. c. 37, s. 3.

Qualifications of Councillor.

19. The persons qualified to be elected as members of the council in any municipality after said first election, shall, in addition to the qualification required for voters, be assessed in the said assessment roll for at least $100 freehold or $200 leasehold. R. S. O. c. 185, s. 41 (1); 60 V. c. 45, s. 75.

Disqualification.

Rev. Stat., c. 223.

20. Section 80 of *The Municipal Act* shall apply to members of a municipal council to be elected under this Act. R. S. O. 1887, c. 185, s. 41 (2).

Place and conduct of election.

21. All elections after the first shall be conducted in the same manner as is provided for municipal elections in townships in Ontario, except so far only as otherwise enacted by this Act. R. S. O. 1887, c. 185, s. 42.

Nomination of reeve and councillors.

22. A meeting of the electors shall take place for the nomination of candidates for the offices of reeve and councillors of the municipalities formed in accordance with the provisions of this Act, on the last Monday in December, annually, at such place therein as may from time to time be fixed by by-law of the council. R. S. O. 1887, c. 185, s. 43.

23. When the last Monday in December happens to be Christmas Day, the nomination of candidates for the office of reeve and councillors in each of the said municipalities, shall take place on the preceding Friday, at the times and places, and in the manner prescribed by law. R. S. O. 1887, c. 185, s. 44. Nomination day falling on Christmas Day.

24. The clerk of the municipality shall preside at the meeting for the nomination of candidates for the offices of reeve and councillors for such municipality, and shall be the returning officer at all elections after the first election. R. S. O. 1887, c. 185, s. 45. Clerk to preside at nomination. Returning officer.

25. The electors of every such municipality shall elect annually, on the first Monday in January, the members of the council of the municipality, except such members as may have been elected by acclamation on the nomination day. R. S. O. 1887, c. 185, s. 46. Polling day.

26. The persons so elected shall hold office until their successors are elected and sworn into office. R. S. O. 1887, c. 185, s. 47. Term of office.

27. The provisions of law for the trial of controverted elections, applicable to councillors of townships in counties, shall apply to the members of the council of any municipality formed under this Act. R. S. O. 1887, c. 185, s. 48. Trial of controverted elections.

28. In case the seat of any member of the council becomes vacant by death, resignation or a continued absence from meetings of the council for a period of six months, it shall be the duty of the council to direct a new election to be held for the purpose of supplying such vacancy. R. S. O. 1887, c. 185, s. 49. Vacancy in Council, how filled.

29. The reeve shall preside at all meetings of the council and, in the event of his absence, the council shall choose from among their number, a person to preside, and, in such case, the person so presiding shall have all the powers and exercise all the functions appertaining to the reeve. R. S. O. 1887, c. 185, s. 50. Who to preside at meetings of the Council.

30. The reeves of the various municipalities shall be, *ex officio*, Justices of the Peace of their respective municipalities, and shall have the like powers within their respective municipalities as are exercised by other Justices of the Peace in this Province. 52 V. c. 37, s. 4. Reeves to be Justices of the Peace.

POWERS OF COUNCILS, ETC.

31. The council of every municipality in any of the said districts, whether incorporated under this Act or otherwise, shall have power to pass by-laws for such purposes as are Power of councils to pass by laws

from time to time authorized to be passed by the councils of townships; and the provisions relating to townships and their officers of any Municipal Act from time to time in force, shall apply to such municipalities except where inconsistent with the special provisions of the Act under which the municipality was incorporated or this Act. R. S. O. 1887, c. 185, s. 18.

Power to pass by-laws as to matters named in certain secs. of Rev. Stat., c. 223.

32.—(1) The council of every such municipality shall also have power to pass by-laws in respect of the several matters named in the following sections of *The Municipal Act*, namely:—Clause 1 of section 533, clause 1 of section 534, clauses 1, 2 and 6 of section 537, clause 2 of section 539, clauses 2 and 4 of section 541, clauses 2 to 13 inclusive of section 542, clauses 1 to 3 inclusive of section 551, clause 1 of section 554, clauses 1 and 2 of section 557, clauses 1, 7, 8 and 9 of section 559, clauses 1 to 9 inclusive of section 562, clauses 2 and 3 of section 574, clauses 1 and 2 of section 576, clause 11 of section 580, clauses 17 to 21 of section 583, clause 6 of section 586, clauses 1 and 2 of section 588, clauses 1 to 4 inclusive, and 6 to 8 inclusive of section 591, clause 2 of section 592, and section 702.

(2) Any such by-law may, at the option of the council, be operative throughout the municipality or only within certain defined parts thereof. R. S. O. 1887, c. 185, s. 19; s. 39 *part*.

Council to regulate tavern licenses.

Rev. Stat. c. 245.

33. The council of any municipality formed under this Act shall have the like authority in respect to taverns and shops within the municipality and the licenses therefor as the councils of townships possess under *The Liquor License Act*. R. S. O. 1887, c. 185, s. 35.

Townships and Villages in Districts to have power to license auctioneers, etc.

Rev. Stat. c. 223.

34. Except in the cases of townships and villages attached or belonging to a county for municipal purposes, the councils of townships and incorporated villages in territorial districts shall have power to pass by-laws for the purposes mentioned in clauses 2, 3, 6, 7, 14 and 16 of section 583 of *The Municipal Act*. R. S. O. 1887, c. 185, s. 36.

Councils in certain districts may lay out roads less than 66 feet wide.

35. The council of every township in any of the districts of Algoma, Muskoka, Parry Sound, Nipissing, Manitoulin, Thunder Bay and Rainy River, may lay out any roads less than sixty-six feet in width within their jurisdiction, subject to any regulations of the Crown Lands Department. 55 V. c. 45, s. 1.

By-laws closing road allowance.

Rev. Stat. c. 223.

36. Any by-law passed by the council of a township in any of the said districts in exercise of the powers conferred on townships under clause 2 of section 660 of *The Municipal Act*, shall be valid without confirmation thereof by a county council, if approved by the Judge of the District Court.

or where there is no Judge by the Stipendiary Magistrate. 55 V. c. 45, s. 2.

Appointment and removal of constables.

37. The council shall have the power to appoint one or more constables within the municipality, whose duty it shall be to enforce and maintain law and order, and who shall perform all duties appertaining to constables; and the said council shall have power, from time to time, to remove the same, for misconduct in office, and shall also regulate the fees to be paid said constables: but such appointment and tariff of fees shall be subject to the approval and ratification of the Judge of the District Court or where there is no Judge, of the Stipendiary Magistrate of the district. R. S. O. 1887, c. 185, s. 37; 60 V. c. 15, *Sched.* B (3).

Fees to constables.

Council may establish a lock-up house.

38. The said council may establish and maintain a lock-up house within the municipality, and may establish and provide for the salary or fees to be paid the constable to be placed in charge of such lock-up house: but the appointment of said constable shall be ratified by the Judge of the District Court or where there is no Judge, by the Stipendiary Magistrate of the district; and the said council shall have power to remove or suspend such constable for neglect of duty or other misconduct. R. S. O. 1887, c. 185, s. 38; 60 V c. 15, *Sched.* B (4).

Appointment of a constable thereto.

Certain sections of Rev. Stat. c. 223, to apply.

39. In addition to the powers conferred upon said township or village municipalities by this Act, the following sections of *The Municipal Act*, shall be applicable to the said municipalities, so far as they can be adapted to the same, namely: sections 282, 284, 285, 288, 289, 290, 299, 304, 306, 307, 311, 312, 314 to 317 inclusive, 319, 334, 336, 375 to 380 inclusive, 393, 436, 447, 468, 469, 601, 606 to 609 inclusive and 705 to 708 inclusive. R. S. O. 1887, c. 185, s. 39.

ASSESSMENT AND TAXES.

Assessors to be appointed to enter in assessment rolls,

40. The council of every municipality in any of the said districts shall, as soon as convenient after their first meeting, appoint one or more assessors, who shall enter upon a roll to be provided for that purpose:

Freeholders and householders,

1. The names of all the freeholders and householders in the municipality, stating at the same time on the roll the amount of all the real and personal property owned by such persons repectively, and the actual value thereof, and stating whether the owners are resident or not;

Persons taxable for income,

2. The names of all persons liable to taxation for income, or who, though exempt from taxation have required their names to be entered on the roll, in respect of such income, stating the amount thereof;

Farmers' sons, Rev. Stat. c. 224

3. The names of all farmers' sons entitled to be assessed under the provisions of *The Assessment Act*;

Notice of assessment.

and the said assessor or assessors shall duly notify every person so assessed by leaving a notice at his place of abode, or if a non-resident, by mailing the same to his address if known, or if not known then by fixing up the same in the nearest post-office; and every such notice shall state the particulars of said assessment. R. S. O. 1887, c. 185, s. 20; 60 c. 15, *Sched.* B (2).

Rolls to be returned to Clerk.

41. The roll shall be returned to the clerk of the municipality within such time as may be provided for by any by-law passed by the council. R. S. O. 1887, c. 185, s. 21.

Time for taking assessment in districts.

42.—(1) The council for the year following the return of the first assessment roll may by by-law adopt the assessment therein, as finally revised, as the assessment for that year.

(2) The council may by by-law alter and fix the time for making the assessment in the municipality, and may by by-law adopt the assessment of the preceding year, as finally revised, as the assessment (subject to revision, as herein provided for in the case of the first assessment), on which the rate of taxation for that year shall be levied; provided always that a new assessment shall be made within a period of not more than three years from the date upon which the last assessment roll was finally revised. 60 V. c. 45, s. 74.

Appeal against assessment.

43. Any person assessed, if he complains of his assessment, shall, within one month after the time fixed for returning the roll, give to the clerk written notice of his grounds of complaint. R. S. O. 1887, c. 185, s. 22.

Council to hear and determine appeals.

44. The council shall appoint a time and place for the hearing by it of complaints against the assessment as a Court of Revision, and shall, after hearing the persons complaining, as well as the assessor or assessors, and such evidence as may be adduced, determine the matter of the complaint and alter or amend the roll accordingly; and the roll shall be finally passed by the Court within two months after the time fixed pursuant to section 41 for returning the same to the clerk of the municipality. R. S. O. 1887, c. 185, s. 23; 60 V. c. 15, *Sched.* C (126).

Appeal from the Council to the Judge or Stipendiary Magistrate.

45.—(1) An appeal may be had from the decision of the council upon any complaint in respect of the first or any subsequent assessment in the same manner as to the County Judge in other municipalities.

Rev. Stat. c. 224.

(2) Subject to the provisions of section 84 of *The Assessment Act*, such appeals in respect of an assessment in any municipality in the Districts of Algoma, Thunder Bay, Nipissing and Muskoka, shall be to the District Judge, and in any municipality in the Districts of Parry Sound, Manitoulin and Rainy

River, shall be to the Stipendiary Magistrate of the district; and such appeal shall lie whether the municipality was organized under any general Act relating to municipal institutions in the said districts, or was incorporated otherwise.

(3) The decision of the Judge or Stipendiary Magistrate shall be final. R. S. O. 1887, c. 185, s. 24; 52 V. c. 37, s. 6.

Time for hearing appeals.

46.—(1) The Judge or Stipendiary Magistrate shall hear such appeals and shall return the roll to the clerk of the municipality within six weeks from the date fixed by section 44 of this Act for the final passing of the roll by the Court of Revision. 60 V. c. 15, *Sched.* C (127).

(2) The Judge or Stipendiary Magistrate may, note upon the roll that any assessment in respect of which an appeal is pending before him is undecided, and may return such roll to be acted upon in respect of the assessments which are concluded; and the said Judge or Magistrate shall thereafter certify to the clerk of the municipality his decision as to such appeal; and such certificate, whether given before or after the expiration of the said six weeks, shall have the like effect as if his decision were entered upon the roll by the said Judge or Magistrate. R. S. O. 1887, c. 185, s. 25 (2).

Notice of appeal.

47. Notice of appeal shall, in all cases of appeal, be given within 10 days after the date fixed by section 44 of this Act for the final passing of the roll by the Court of Revision and shall be left with the clerk of the Division Court of the division in which the municipality is situated, and a copy thereof shall also be left with the clerk of the municipality; and such notice shall be so given and left within the time, and the said clerks respectively shall, with regard to such appeal, perform all the duties and matters in the manner, in that behalf required by law in the case of a like appeal to the County Judge in other municipalities. R. S. O. 1887, c. 185, s. 26; 60 V. c. 15, *Sched.* C (128)

Powers of Stipendiary Magistrate.

48. The Judge or Stipendiary Magistrate shall have the like powers and shall perform the like duties in respect of such appeals as are performed by the County Judge in like case in other municipalities. R. S. O. 1887, c. 185, s. 27.

Revised roll to be the roll of the municipality.

49. The roll when finally revised by the council, or by the Judge or Stipendiary Magistrate in case of appeal, shall be taken and held to be the roll of the municipality, for all purposes, until a new roll has been made as herein provided. R. S. O. 1887, c. 185, s. 28.

Council to levy rates.

50. The council may, in each year after the final revision of the roll, pass a by-law for levying a rate on all the real and personal property rated on said roll, of not more than two cents on the dollar, to provide for all the necessary expenses of the

municipality, and also such sum or sums as may be found expedient for the purposes mentioned in section 32 of this Act. R. S. O. 1887, c. 185, s. 30.

Expenditure of taxes in township unions in Rainy River.

51.—(1) All municipal taxes except for debenture debt levied in any township in a union formed in the Districts of Rainy River and Thunder Bay shall, excepting ten per centum thereof, and the costs of collection, be expended within the township in which the same are levied, on roads, bridges, and other works of the like kind, necessary for opening up and settling the said township. R. S. O. 1887, c. 185, s. 31 (1); 53 V. c. 51, s. 1.

Ten per cent. to be for general purposes.

(2) The council of the said union shall be at liberty to retain and appropriate for the general and other expenses of the municipality the reservation of ten per centum and the expense of collection. R. S. O. 1887, c. 185, s. 31 (2).

The Collector, his returns and powers.

Rev. Stat., c. 224.

52. The council shall, by by-law, fix the time for the collector to make his return, and the collector shall have the same powers as are conferred on collectors by *The Assessment Act*. R. S. O. 1887, c. 185, s. 32.

Collection of arrears of taxes and sales of land for taxes.

53. Subject to the provisions of sections 56 to 59, arrears of taxes due to any municipality in any of the said districts, shall be collected and managed in the same way as like arrears due to municipalities in counties; and the treasurer and reeve of such municipality shall perform the like duties in the collection and management of arrears of taxes as in counties are performed by the treasurers and wardens thereof; and the various provisions of law relating to sales of land for arrears of taxes and to deeds given therefor, shall, unless otherwise provided by this Act, apply to the said municipalities and to sales of land therein for arrears of taxes due thereon and to deeds given therefor. R. S. O. 1887, c. 185, s. 33; 52 V. c. 17, s. 5 (9).

Time for sale for arrears of taxes.

54.—(1) No sale of any lands for taxes shall take place in any such municipality except during the months of July, August, September or October. R. S. O. 1887, c. 185, s. 34; 59 V. c. 55, s. 1.

Not to apply to Parry Sound and Muskoka.

Rev. Stat. c. 223.

(2) This section shall not apply to the districts of Parry Sound and Muskoka, whether the municipality has been established under the provisions of this Act or of *The Municipal Act*. 53 V. c. 52, s. 2.

Tax deeds in certain cases to be given by reeve and treasurer.

55. Where lands have been sold for taxes in any of the municipalities in the districts of Muskoka and Parry Sound, before the 23rd day of March, 1889, the deeds for the lands so sold shall be executed by the treasurer and reeve of the municipality. 53 V. c. 52, s. 1.

SALES FOR TAXES IN MUSKOKA AND PARRY SOUND.

Sale of land for taxes. Rev. Stat. c. 224.

56. The powers and duties imposed by *The Assessment Act* upon the treasurer of a county in respect to the collection of arrears of taxes, and in respect to the sale of land for taxes, shall, in the districts of Muskoka and Parry Sound, be exercised and performed by the sheriffs of the said districts respectively; and all provisions respecting the sale of lands for taxes in counties shall, as far as practicable and where not inconsistent with this Act, apply to sales under this Act; and all duties and proceedings required to be performed by the officers of local municipalities, in regard to the collection of such arrears upon lists received from county treasurers, shall, by the said officers, be performed in respect to similar lists received from the sheriffs of the said districts. 52 V. c. 17, ss. 1, 3.

When lands to be sold for taxes.

57. Where any portion of the tax on lands in the districts of Muskoka and Parry Sound has been due for and in the third year, or for more than three years preceding the then current year, the sheriff of the district, unless otherwise directed by a by-law of any municipal council in the district, shall make out a list in duplicate of all the lands liable under the provisions of *The Assessment Act* to be sold for taxes in every municipality in the district, with the amount of arrears against each lot set opposite to the same, and transmit the same to the reeve of the municipality in which the lands are situate, and such reeve shall authenticate the list by affixing thereto the seal of the corporation and his signature, and one of the lists shall be deposited with the clerk of the municipality, and the other shall be returned to the sheriff with a warrant thereto annexed under the hand of the reeve and the seal of the municipality commanding him to levy upon the lands for the arrears due thereon, with his costs. 52 V. c. 17, s. 4.

Rev. Stat. c. 224.

Place of Sale.

58.—(1) Where lands liable to sale for taxes are situate in the townships of McMurrich, Ryerson, Strong, Laurier, Nipissing, Perry, Armour, Joly, Gurd, Bethune, Proudfoot, Machar, Himsworth, or in the villages of Sundridge or Buck's Falls the sale of such lands for taxes shall take place at Burk's Falls.

(2) Where the lands are situate in the townships of Spence, Ferrie, Pringle, Croft, Lount, Hardy, Chapman, Mills, or Patterson, the sale shall take place at Maganetawan village.

(3) Where the lands are situate in the townships of Conger, Humphrey, Monteith, Carling, Shawanaga, Harrison, Wallbridge, Mowat, Cowper, McDougall, McKellar, Hagerman, McKenzie, Wilson, McConkey, Foley, Christie, Ferguson, Burpee, Burton, Brown, Blair the town of Parry Sound, or

other parts of the District of Parry Sound not named in this section, the sale shall take place at the town of Parry Sound.

(4) Where the lands are situate in the township of Medora, Wood, Morrison, Muskoka, Ryde, Baxter, Gibson, or Freeman, the town of Gravenhurst, or the village of Port Carling, the sale shall take place at the town of Gravenhurst.

(5) Where the lands are situate in the township of Chaffey, Brunel, Stisted, Stephenson or Sinclair, or in the village of Huntsville, the sale shall take place at the said village of Huntsville.

(6) Where the lands are situate in the township of Cardwell, Watt, Monck, McLean, Ridout, Macaulay, Draper, Oakley or other parts of Muskoka not named in this section, the sale shall take place at the town of Bracebridge.

Change of place of sale.

(7) On an application of the council of any township the place of sale may be directed by the Lieutenant-Governor in Council to be transferred thereafter from any one of the places herein named to any other of them.

Advertisements of sale.

(8) The advertisements for the sale shall be published in the *Ontario Gazette* and in some newspaper published at the place of sale or elsewhere in the District and for the periods required by law. 52 V. c. 17, s. 5 (1-8).

Allowance to sheriffs for collection of taxes.

59.—(1) The Judge of the District Court of Muskoka and Parry Sound may, by his order in writing direct that the said sheriffs respectively shall retain out of the moneys collected by them in the performance of their duties, with respect to the collection of taxes under this Act, a sum over and above the two and one-half per cent. provided by section 196 of *The Assessment Act*, but such sum, including the said two and one-half per cent. shall not exceed the ten per centum, which under section 169 of *The Assessment Act* may be added to arrears of taxes on the 1st day of May in each year, and is actually received from the parties concerned by the sheriff under the provisions of this Act in that behalf.

Rev. Stat., c. 224.

Sheriffs to pay over amounts received half-yearly.

(2) The sheriffs shall on the 1st day of June and December in each year, pay over to the treasurers of the respective municipalities all moneys collected by them prior to the said dates in respect of lands in arrears for taxes.

Audit of sheriffs' books.

(3) The books and accounts of the said sheriffs shall be audited annually on or before the 30th day of September in each year by the District Attorney of Muskoka and Parry Sound. 55 V. c. 50, s. 1.

SALES FOR TAXES IN FREE GRANT DISTRICTS.

[*As to restrictions upon purchases at tax sales of land in Free Grant Districts, see Cap. 224 Secs. 185-187.*]

POLICE VILLAGES.

Erection of police villages.

60. On the petition of thirty of the inhabitants of a village in any of the said territorial districts containing one hundred inhabitants at least, the Lieutenant-Governor in Council may, by proclamation, erect the same into a police village, and assign thereto such limits as seem expedient. R. S. O. 1887, c. 185, s. 52.

Rev. Stat. c. 223, ss. 713-750, to apply to police villages.

61. The provisions of *The Municipal Act* relating to police villages and their officers, shall apply to the police villages erected under the preceding section, except where inconsistent with this Act. R. S. O. 1887, c. 185, s. 53.

Qualification of electors, and elections in police villages.

62. The electors of every such police village shall be required to have the same qualification in respect to such village as the electors of the said township municipalities; and the elections for police trustees shall be held on the same days and in the same manner as elections for councillors. R. S. O. 1887, c. 185, s. 54.

Qualification of police trustees.

63. Any elector of such police village resident therein may be elected as a police trustee, unless disqualified on account of holding an office inconsistent with the position of police trustee. R. S. O. 1887, c. 185, s. 55.

UNION, ETC., OF MUNICIPALITIES.

Lieutenant-Governor in Council may annex to certain municipalities territory adjacent thereto and form two into one.

64.—(1) The Lieutenant-Governor in Council may, by proclamation, annex to any municipality formed as aforesaid, any territory lying adjacent thereto, and may, upon the application of two or more adjacent municipalities, form the same, either with or without additional [illegible], into one municipality.

(2) In any such case the Lieutenant-Governor may fix the time at which the annexation or union shall take effect, and also the time when the first election shall take place, and the name by which the municipality shall be called. [illegible]

(3) The provisions of this section shall apply to any municipality or municipalities created by Act of the Legislature in any territorial district, and to any territory lying adjacent thereto. R. S. O. 1887, c. 185, s. 56.

(4) At any time after the addition of any territory to any municipality or after the union of two or more adjacent municipalities, any such territory annexed or any township forming part of such union municipality having a population of not less than one hundred persons, may, subject to the approval of the Lieutenant-Governor in Council, withdraw from such union in accordance with and subject to the provisions contained in sub-section 2 of section 1 of this Act. 52 V. c. 37, s. 5.

2. MISCELLANEOUS MUNICIPAL MATTERS.

CHAPTER 226.

An Act respecting the Construction of Drains.

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Municipal Drainage Act.*" 57 V. c. 56, s. 1. Short title.

INTERPRETATION.

2. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:— Interpretation

1. "Construction" shall mean the original opening, making, excavating or completing of drainage work; "Construction."

2. "County Judge," and "Judge" shall mean the senior, junior, or acting Judge of a County Court to whom appeals lie under the provisions of this Act from a court of revision, but shall not include a Deputy Judge; "County Judge."

3. "Court of revision" shall mean a court of revision constituted under the provisions of this Act, for the trial of complaints respecting assessments for drainage work; "Court of Revision."

4. "Initiating Municipality" shall mean the municipality undertaking the construction of any drainage work to which this Act applies; "Initiating Municipality."

5. "Maintenance" shall mean the preservation and keeping in repair of a drainage work; "Maintenance."

6. "Municipality" shall not include a county municipality; "Municipality."

7. "Owner" or "actual owner" shall include the executor or administrator of an owner's estate, the guardian of an infant owner, any person entitled to sell and convey the land, an agent of an owner under a general power of attorney, or under a power of attorney empowering him to deal with lands, and a municipal corporation as regards highways under their jurisdiction; "Owner," "actual owner."

8. "Referee" shall mean the Referee appointed under the provisions of *The Drainage Trials Act, 1891*, or of this Act, for the trial of disputes under the drainage laws of the Province of Ontario; "Referee." 54 V. c. 51.

9. "Reference" shall mean a reference or transfer to the said Referee under the provisions of this Act; "Reference."

10. "Relief" shall mean relieving from liability for causing water to flow upon and injure lands or roads; "Relief."

11. "Sufficient outlet" shall mean the safe discharge of water at a point where it will do no injury to lands or roads. "Sufficient outlet."
57 V. c. 56, s. 2.

CONSTRUCTION OF DRAINAGE WORK.

3.—(1) Upon the petition of the majority in number of the resident and non-resident persons (exclusive of farmers' sons not actual owners) as shown by the last revised assessment What work may be undertaken on petition.

roll to be the owners of the lands to be benefited in any described area within any township, incorporated village, town or city, to the municipal council thereof, for the draining of the area described in the petition by means of drainage work, that is to say, the construction of a drain or drains, the deepening, straightening, widening, clearing of obstructions, or otherwise improving of any stream, creek or watercourse, the lowering of the waters of any lake or pond, or by any or all of said means as may be set forth in the petition, the council may procure an engineer or Ontario land surveyor to make an examination of the area to be drained, the stream, creek or watercourse to be deepened, straightened, widened, cleared of obstructions or otherwise improved, or the lake or pond, the waters of which are to be lowered, according to the prayer of the petition, and to prepare a report, plans, specifications and estimates of the drainage work, and to make an assessment of the lands and roads within said area to be benefited and of any other lands and roads liable to be assessed as hereinafter provided, stating as nearly as may be, in his opinion, the proportion of the cost of the work to be paid by every road and lot or portion of lot for benefit, and for outlet liability and relief from injuring liability as hereinafter defined.

Council to order examination and report by engineer.

When work requires pumping, embanking, etc.

(2) The provisions of this Act shall apply and extend to every case where the drainage work can only be effectually executed by embanking, pumping or other mechanical operations, but in every such case the municipal council shall not proceed except upon the petition of at least two-thirds of the owners of lands within the area described according to the preceding subsection.

When lands may be assessed by engineer for "injuring liability."

(3) If from the lands or roads of any municipality, company or individual, water is by any means caused to flow upon and injure the lands or roads of any other municipality, company or individual, the lands and roads from which the water is so caused to flow may, under all the formalities and powers contained herein, except the petition, be assessed and charged for the construction and maintenance of the drainage work required for relieving the injured lands or roads from such water, and to the extent of the cost of the work necessary for their relief as may be determined by the engineer or surveyor, Court of Revision, County Judge, or Referee; and such assessment may be termed "injuring liability;"

(a) The owners of the lands or roads thus made liable for assessment shall neither count for nor against the petition required by subsection 1 of this section unless within the area therein described.

When lands may be assessed for "outlet liability."

(4) The lands and roads of any municipality, company or individual using any drainage work as an outlet, or for which when the work is constructed, an improved outlet is thereby provided, either directly or through the medium of any other

drainage work or of a swale, ravine, creek or watercourse, may, under all the formalities and powers contained herein, except the petition, be assessed and charged for the construction and maintenance of the drainage work so used as an outlet or an improved outlet, and to the extent of the cost of the work necessary for any such outlet, as may be determined by the engineer or surveyor, Court of Revision, County Judge or Referee; and such assessment may be termed "outlet liability."

(a) The owners of the lands and roads thus made liable to assessment shall neither count for nor against the petition required by subsection 1 of this section, unless within the area therein described.

(5) The assessment for injuring liability and outlet liability provided for in the two last preceding subsections shall be based upon the volume, and shall also have regard to the speed, of the water artificially caused to flow upon the injured lands or into the drainage work from the lands and roads liable for such assessments. 57 V. c. 56, s. 3. Basis of assessment for outlet and injuring liability.

Petition for Construction.

4. The petition shall be in the form or to the effect of Schedule A. to this Act. 57 V. c. 56, s. 4, *part.* Form of petition.

Duties of Engineer or Surveyor.

5. Any engineer or surveyor employed or appointed by any municipal council to perform any work under the provisions of this Act, including the assessment of real property for the purpose of drainage work, shall, before entering upon his duty, take and subscribe the following oath (or affirmation) before the clerk of the municipality, a Justice of the Peace or a commissioner for taking affidavits, and shall leave the same with, or send it by registered letter to the clerk of the municipality: Oath of engineer or surveyor.

In the matter of the proposed drainage work (*or as the case may be*) in the township of (*name*).

I (*name in full*) of the town of in the county of Engineer (*or* Surveyor) make oath and say, (*or* do solemnly declare and affirm):

That I will, to the best of my skill, knowledge, judgment and ability, honestly and faithfully and without fear of, favour to, or prejudice against any owner or owners, or other person or persons whomsoever, perform the duty assigned to me in connection with the above work and will make a true report thereon.

Sworn (*or* solemnly declared and affirmed) before me at the of in the county of this day of A.D. 189

A Commissioner, etc. (*or* Township Clerk, *or* J. P.)

57 V. c. 56, s. 5.

Assessment of whole lot or sub division.

6. The engineer or surveyor, in assessing the lands to be benefited or otherwise liable for assessment under this Act, need not confine his assessment to the part of the lot actually affected, but may place such assessment on the quarter, half or whole lot containing the part affected as the case may be, if the owner of such part is also the owner of such lot or other said sub-division. 57 V. c. 56, s. 6.

Assessment may be shown in money.

7. The assessment upon any lands or roads for any drainage work may be shown by the engineer or surveyor placing sums of money opposite the lands or roads, and it shall not be necessary to insert the fractional part of the whole cost to be borne by the lands or roads. 57 V. c. 56, s. 7.

Plans, specifications and estimates.

8. The engineer or surveyor, when required by the council, shall make plans, specifications and detailed estimates of the drainage work to be constructed and charge the same to the work as part of its cost. 57 V. c. 56, s. 8.

Bridges and culverts on highways.

9.—(1) The engineer or surveyor shall in his report and estimates provide for the construction, enlargement or other improvement of any bridges or culverts throughout the course of the drainage work rendered necessary by such work crossing any public highway or the travelled portion thereof; and he shall in his assessment apportion the cost of bridges and culverts between the drainage work and the municipality or municipalities having jurisdiction over such public highway as to him may seem just.

Bridges between highways and private lands.

(2) The engineer or surveyor shall also in his report and estimates provide for the construction or enlargement of bridges required to afford access from the lands of owners to the travelled portion of any public highway, and he shall include the cost of the construction or enlargement of such bridges in his assessment for the construction of the drainage work, and they shall, for the purposes of construction and maintenance, be deemed part of the drainage work.

Farm bridges.

(3) The engineer or surveyor shall in the same manner provide for the construction or enlargement of bridges rendered necessary by the drainage work upon the lands of any owner, and shall fix the value of the construction or enlargement thereof to be paid to the respective owners entitled thereto, but the land assessed for the drainage work shall not nor shall any municipal corporation be liable for keeping such bridges in repair.

Allowing for private ditches, etc.

(4) The engineer or surveyor shall likewise in his report estimate and allow in money to any person, company or corporation the value to the drainage work of any private ditch or drain, or of any ditch constructed under any Act respecting ditches or watercourses which may be incorporated in whole or in part into such drainage work or used therewith.

(5) The engineer or surveyor shall further in his report determine in what manner the material taken from any drainage work, either in the construction or repair thereof, shall be disposed of, and the amount to be paid to the respective persons entitled for damages to lands and crops (if any) occasioned thereby, and shall include such sums in his estimates of the cost of the drainage work or the repairs. Disposal of material taken from drainage work.

(6) Any owner of lands affected by the drainage work, if dissatisfied with the report of the engineer in respect of any of the provisions of the next preceding sub-section, may appeal therefrom to the Referee, and in every such case the notice of appeal shall be served upon the head of the council of the initiating municipality and the clerk thereof within 10 days after the adoption of the engineer's report by the council, and the further proceedings on such appeal shall be as hereinafter provided in other cases of appeals to the Referee. The Referee, on an appeal under this subsection, may make such order as to him seems just, and his decision shall be final. 57 V. c. 56, s. 9. Appeal to referee.

(7) Forthwith upon the filing of the engineer's report with the clerk of the municipality, the clerk shall by letter or postal card, notify the parties assessed of such assessment, and of the amount thereof. 59 V., c. 66, s. 1. Notice of assessment.

10. When a drainage work is to be constructed on or along a road allowance the engineer or surveyor shall, upon the application of the municipal council controlling such road allowance, place in his estimate of the cost of the work a sum sufficient to close-chop, or grub and clear not less than twelve feet of the middle of the road allowance (if required) and to spread thereon the earth to be taken from the work, and shall charge the cost thereof to the municipality, together with its proportion of the cost of the drainage work. 57 V. c. 56, s. 10 Spreading earth and leaving [illegible] on road allowances.

Covering Drainage Work.

11. Where the engineer or surveyor reports in favour of covering the whole or any part of a drainage work constructed under this Act, he shall determine and state in his report the size and capacity thereof and also the material to be used in its construction, and all the provisions of this Act shall apply thereto in the same manner and to the same extent as to an uncovered or open drainage work, but in no case shall the improvement of a creek, stream or natural watercourse be made into a covered drainage work unless it provides capacity for all the surface water from lands and roads draining naturally towards and into it, as well as for all the waters from all the lands assessed for the drainage work. 57 V. c. 56, s. 11. Report on covering drains.

Distinguishing Assessments.

Engineer to distinguish assessments.

12. The engineer or surveyor shall, in his report, assess for benefit, outlet liability and injuring liability, and shall also in his assessment schedule, insert the sum charged for each, opposite the lands and roads liable therefor respectively, and in separate columns. 57 V. c. 56, s. 12.

Prior assessments to be taken into consideration.

13. In fixing the sum to be assessed upon any lands or roads, the engineer or surveyor may take into consideration any prior assessment on the same lands or roads for drainage work and repairs and make such allowance or deduction therefor as may seem just, and he shall, in his report, state the allowance made by him in respect thereof. 57 V. c. 56, s. 13.

Engineer to report as to whether or not outlet or injuring liabilities are assessed, and how.

14. The engineer or surveyor aforesaid shall determine and report to the council of the municipality by which he was employed, whether the drainage work shall be constructed and maintained solely at the expense of such municipality and the lands assessed therein, or at the expense of all the municipalities interested, and the lands therein assessed, and in what proportions. 57 V. c. 56, s. 14.

Filing Report.

Engineer to file report.

15. As soon as the engineer or surveyor has completed his report, plans, specifications, assessments and estimates, he shall file the same with the clerk of the municipality by which he was employed. 57 V. c. 56, s. 15.

Notice to Persons Assessed.

Clerk to notify parties assessed.

16. The clerk of the municipality shall notify all parties assessed within the area described in the petition, by mailing to the owner of every parcel of land assessed therein for the drainage work, a circular or postal card upon which shall be stated the date of filing the report, the name or other general designation of the drainage work, its estimated cost, the owner's lands and their assessment, distinguishing benefit, outlet liability and injuring liability, and the date of the council meeting at which the report will be read and considered, which shall be not less than ten days after the mailing of the last of such circulars or postal cards, and the determination of the council as to the sufficiency of notice or otherwise shall be final and conclusive. 57 V. c. 56, s. 16.

Consideration of Report.

Proceedings at meeting for consideration of report.

17. The municipal council shall at the meeting mentioned in such notice, immediately after dealing with the minutes of its previous meeting, cause the report to be read by the clerk

to all the ratepayers in attendance, and shall give an opportunity to any person who has signed the petition to withdraw from it by putting his withdrawal in writing, signing the same and filing it with the clerk, and shall also give those present who have not signed the petition an opportunity so to do; and should any of the roads of the municipality be assessed, the council may by resolution authorize the head or acting head of the municipality to sign the petition for the municipality, and such signature shall count as that of one person benefited in favour of the petition. 57 V. c. 56, s. 17.

Effect of Withdrawal from Petition.

Withdrawing from petition.

18. Should the petition at the close of the said meeting of the council contain the names of the majority of the persons shown as aforesaid to be owners benefited within the area described, the council may proceed to adopt the report and pass a by-law authorizing the work, and no person having signed the petition shall after the adoption of the report be permitted to withdraw; but if after striking out the names of the persons withdrawing, the names remaining, including the names, if any, added as provided by section 17 of this Act, do not represent a sufficient number of owners within the area described to comply with the provisions of section 3 of this Act, then the persons who have withdrawn from the petition shall on their respective assessments in the report with one hundred per centum added thereto, together with the other original petitioners on their respective assessments in the report, be, *pro rata*, chargeable with and liable to the municipality for the expenses incurred by said municipality in connection with such petition and report, and the sum with which each of such owners is chargeable shall be entered upon the collector's roll for such municipality against the lands of the person liable, and shall be collected in the same manner as taxes placed on the roll for collection. 57 V. c. 56, s. 18.

By-Laws.

What by-laws may be passed by council.

19. Should the council of the municipality in which the lands and roads benefited by the petition, or of a municipality which may be assessed for the work, be of opinion that the drainage work proposed in said petition, or a portion thereof, would be desirable, the council may pass a by-law or by-laws;—

Doing Work and Borrowing Money.

1. For providing for the proposed drainage work or a portion thereof being done as the case may be. Work.

2. For borrowing on the credit of the municipality the funds necessary for the work, or the portion to be contributed by the initiating municipality when the same is to be constructed at Borrowing funds.

the expense of two or more municipalities, and for issuing the debentures of the municipality to the requisite amount, including the costs of appeal, if any, and any amount payable in respect of work on railway lands, in sums of not less than $50 each, and payable within twenty years from date, (except in case of pumping and embanking drainage work, the debentures for which shall be payable within thirty years from their date,) with interest at a rate of not less than 4 per centum per annum.

Assessing Lands and Roads.

Assessing lands and roads.

3. For assessing and levying, in the same manner as taxes are levied upon the lands and roads (including roads held by joint stock companies, railway companies, private individuals, counties or county councils) to be benefited by the work and otherwise liable for assessment under this Act in the municipality passing the by-law, a special rate sufficient for the payment of the principal and interest of the debentures, and for so assessing, levying and collecting the same as other taxes are assessed, levied and collected, in proportion as nearly as may be, to their respective liability to contribute.

Fixing time for paying assessment.

4. For regulating the times and manner in which the assessments shall be paid.

Determining Assessment Liability.

Determining property to be benefited.

5. For determining what lands and roads will be benefited by or otherwise rendered liable for assessment for the drainage work, and the proportion in which the assessment should be made, subject in every case of complaint by the owner or any person interested in any lands or roads to appeal as hereinafter provided. 57 V. c. 56, s. 19.

FORM OF BY-LAW.

Form of by-law.

20. The by-law shall, varying with the circumstances, be in the form or to the effect of the form given in Schedule B. to this Act. 57 V. c. 56, s. 20.

PUBLICATION OF BY-LAW.

Publication of by-law and notice of sitting of Court of Revision.

21.—(1) Before the final passing of the by-law, it shall be published once in every week for four consecutive weeks in such newspaper published either within the municipality or in the county town, or in a newspaper published in an adjoining or neighbouring municipality, as the council may by resolution designate, with a notice of the time and place of holding the Court of Revision, and also a notice that any one intending to apply to have the by-law or any part thereof quashed,

must, not later than ten days after the final passing thereof, serve a notice in writing upon the reeve or other head officer and the clerk of the municipality, of his intention to make application for that purpose to the High Court of Justice during the six weeks next ensuing the final passing of the by-law.

Newspaper to be sent to each person assessed.

(2) The Clerk shall furnish the publisher of the newspaper with the names and post office addresses of all persons within the municipality whose lands are assessed for the drainage work, and the publisher shall mail or cause to be mailed to each owner, to such post office address, the first two issues of the newspaper containing the by-law, and the publisher or person mailing such newspapers shall make a statutory declaration of such mailing, and file the same with the clerk of the municipality publishing the by-law. 57 V. c. 56, s. 21.

Service in lieu of publication.

22. The municipal council may, at its option, instead of publishing in a newspaper, by resolution direct that a copy of the by-law, including said notice of the sitting of the Court of Revision and notice as to proceedings to quash, written or printed, or partly written and partly printed, be served upon each of the assessed owners, or their lessees or the occupant of their lands, or the agent of such owner, or be left on the lands, if occupied, with some grown up person; and if the lands are unoccupied and the owner or his agent does not reside within the municipality, the council may cause a copy of the by-law and notices to be sent by registered letter to the last known address of such owner; and a statutory declaration shall be made by the person effecting any service or mailing any such registered letter, showing the manner and date of effecting the service or mailing the registered letter; and the said declaration shall be filed by the person making the same, with the clerk of the municipality passing the by-law. 57 V. c. 56, s. 22.

If by-law or part thereof not quashed within time limited.

23. In case no notice of the intention to make application to quash a by-law is served within the time limited for that purpose in the notice attached to the by-law, or where the notice is served, then if the application is not made or is made unsuccessfully in whole or in part, the by-law, or so much thereof as is not quashed, so far as the same ordains, prescribes or directs anything within the proper competence of the council to ordain, prescribe or direct, shall, notwithstanding any want of form or substance, either in the by-law itself or in the time or manner of passing the same, be a valid by-law. 57 V. c. 56, s. 23.

COURT OF REVISION.

Court of Revision where council consists of five or less than five.

24. If the council of the municipality consists of not more than five members, such five members shall be a Court for the revision of the assessments for the drainage work. 57 V. c. 56, s. 24.

Where council contains more than five members.

25. If the council consists of more than five members, it shall appoint five of its members to constitute the Court of Revision. 57 V. c. 56, s. 25.

Oath of member of court.

26. Every member of the Court of Revision shall, before entering upon his duties, take and subscribe before the clerk of the municipality the following oath, or affirmation in cases where by law affirmation is allowed:

I, , do solemnly swear (*or* affirm), that I will, to the best of my judgment and ability, and without fear, favour or partiality, honestly decide the appeals to the Court of Revision from the assessments appearing in a by-law (*here set out title of by-law*), which may be brought before me for trial as a member of said Court.

57 V. c. 56, s. 26.

Quorum.

Members not to sit on appeals in which interested.

27. Three members of the Court of Revision shall constitute a quorum, and the majority of a quorum may decide all questions before the Court. But no member of the Court shall act as a member thereof while any appeal is being heard respecting any lands in which he is directly or indirectly interested, save and except roads and lands under the jurisdiction of the municipal council. 57 V. c. 56, s. 27.

Clerk of Court.

28.—(1) The clerk of the municipality shall be the clerk of the Court, and shall record the proceedings thereof and shall issue summonses to witnesses to attend any sittings of the Court.

Form of summons.

(2) The summons to any witness issued by the Clerk under this section may be in the following form:—

You are hereby required to attend and give evidence before the Court of Revision at on the day of 189 , in the matter of the drainage work (*naming or describing work*) and of the following appeal.

Appellant (*name of*).

A. B.

Clerk of the township of

Witness fees.

(3) The fees payable to any witness on an appeal to the Court of Revision shall be according to the scale of witness fees in the Division Court. 57 V. c. 55, s. 28.

Meeting and adjournments.

29. At the time appointed, the Court shall meet and try all complaints in regard to owners wrongly assessed or omitted from assessment, or assessed at too high or too low an amount, and the Court may adjourn from time to time as required. 57 V. c. 56, s. 29.

Administering oaths and summoning witnesses.

30. The evidence of witnesses shall be taken on oath and any member of the Court may administer an oath to any party or witness. 57 V. c. 56, s. 30.

Witness failing to attend when summoned.

31. If any person summoned to attend the Court of Revision as a witness fails, without good and sufficient reason, to attend (having been tendered the proper witness fees) he shall incur a penalty of $20 to be recovered with costs, by and to the use of any person suing for the same, either by suit in the proper Division Court, or in any way in which penalties incurred under any by-law of the municipality may be recovered. 57 V. c. 56, s. 31.

Procedure for Trial of Complaints.

Who may give notice of appeal.

32. Any owner of land, or, where roads in the municipality are assessed any ratepayer, complaining of overcharge in the assessment of his own land, or of any roads of the municipality, or of the undercharge of any other lands, or of any road in the municipality, or that lands or roads within the area described in the petition which should have been assessed for benefit, have been wrongly omitted from the assessment, or that lands or roads which should have been assessed for outlet liability or injuring liability have been wrongly omitted, may personally, or by his agent, give notice in writing to the clerk of the municipality, that he considers himself aggrieved for any or all of the causes aforesaid. 57 V. c. 56, s. 32.

Time for holding Court of Revision.

33. The trial of complaints shall be had in the first instance by and before the Court of Revision of the municipality in which the lands and roads assessed are situate, and the first sitting of such Court shall be held pursuant to notice on some day not earlier than twenty nor later than thirty days from the day on which the by-law was first published, or from the date of completing the services or mailing of a printed copy of the by-law, as the case may be; notice of the first sitting of the Court shall be published or served with the by-law, but the Court may adjourn from time to time as occasion may require; and all notices of appeal shall be served on the clerk of the municipality at least ten days prior to the first sitting of the Court; but the Court may, though such notice of appeal be not given, by resolution passed at its first sitting, allow an appeal to be heard on such conditions as to giving notice to all persons interested or otherwise as may be just. 57 V. c. 56, s. 33.

Notice.

Form of notice of complaint.

34. If any complaint is made on the ground that any lands or roads have been assessed too low or wrongly omitted from assessment by the engineer or surveyor, the clerk shall give notice of the complaint and the time of the trial to the owner or person interested in such lands or in the case of roads to the reeve or other head of the municipality; which notice shall be in the form following or to the like effect:

Take notice that you are required to attend before the Court of Revision at on the day of 189 , in the matter of the following appeal :— ,

"Appellant (*name of*).

Subject-—That you are assessed too low (*or as the case may be*) for drainage work (*naming the drainage work*).

"To *J. K.*

(Signed.) *X. Y.*
Clerk."

57 V. c. 56, s. 34.

Serving notice.

35. The notice in the preceding section mentioned shall be sent by letter addressed to such person and to his post office address or to his last known address, at least seven days before the first sitting of the Court for the trial of complaints. 57 V. c. 56, s. 35.

Entry of appeals.

36. The clerk of the Court shall enter the appeals on a list in the order in which they are received by him, and the Court shall proceed with the appeals in the order, as nearly as may be, in which they are so entered, but may grant an adjournment or postponement of any appeal. 57 V. c. 56, s. 36.

Form of list of appeals.

37. Such list may be in the following form :—

Appeals from the assessment of the engineer on drainage work, to be heard at the Court of Revision to be held at commencing at 10 o'clock in the forenoon on the day of 189

Appellant	Omitted or wrongly assessed.	Matter complained of.
A. B.	Self.	Overcharged for benefit.
C. D.	Self.	Overcharged for outlet.
E. F.	Self.	Overcharge for injuring.
G. H.	J. R.	Undercharge for benefit.
L. M.	N. O.	Undercharge for outlet.
P. Q.	R. S.	Undercharge injuring.
T. U.	V. W.	Wrongly omitted.
X. Y.	Self.	Wrongly assessed.
etc.	etc.	etc.

57 V. c. 56, s. 37.

Court of Revision may take into consideration prior assessments.

38. In case any lands or roads have been assessed for the construction or repair of a drainage work, and the same property is afterwards assessed by the engineer or surveyor for the construction or repair of any other drainage work, the Court of Revision or Judge may take into consideration any prior assessment for drainage work on the same property and give such effect thereto as may be just. 57 V. c. 56, s. 38.

Adjournment of Court to notify persons affected by alteration of assessment.

39. When the ground of complaint is, that lands or roads are assessed too high, and the evidence adduced satisfies the Court of Revision or Judge that the assessments on such lands or roads should be reduced, but no evidence is given of other lands or roads assessed too low or omitted, the Court or Judge shall adjourn the hearing of such appeal, for a time

sufficient to enable the clerk to notify by postal card or letter all persons affected of the date to which such hearing is adjourned; the clerk shall so notify all persons interested, and unless they appear and show cause against the reduction of the assessment appealed against or the increase of their own, the Court or Judge may dispose of the matter of appeal in such manner as may be just, and the sum by which the assessment appealed against is reduced (if any) may be distributed *pro rata* over the assessments of its own class or otherwise so as to do justice to all parties. 57 V. c. 56, s. 39.

Notice of result of appeal.

40 The clerk shall by registered letter immediately after the close of the Court, notify all appellants of the result of their appeals and also of the date of the closing of the Court of Revision. 57 V. c. 56, s 40.

APPEALS FROM COURT OF REVISION.

Appeal to County Judge

41 An appeal from the Court of Revision shall lie to the County Judge of the county within which the municipality is situate, and not only against a decision of the Court of Revision but also against the omission, neglect or refusal of said Court to hear or decide an appeal. 57 V. c. 56, s. 41.

Time for giving notice of appeal.

42. The person appealing shall, in person or by solicitor or agent, file with the clerk of the municipality within ten days after the date of the closing of the Court of Revision, a written notice of his intention to appeal to the Judge. 57 V. c. 56, s. 42.

Clerk to notify Judge and Judge to fix time and place for hearing appeals.

43. The clerk shall immediately after the time limited for filing appeals has expired notify the Judge, who shall thereupon appoint a day for the hearing thereof and shall fix the place for holding such hearing at the town hall or other place of meeting of the council of the municipality from the Court of Revision of which the appeal is made unless the Judge for the greater convenience of the parties and to save expense fixes some other place for the hearing. 57 V. c. 56, s. 43.

Notice to persons appealed against.

44. The clerk shall thereupon give notice to all the parties appealed against in the same manner as is provided for giving notice on a complaint to the Court of Revision, but in the event of failure by the clerk to give the required notice, or to have the same given within proper time, the Judge may direct notice to be given for some subsequent day upon which he may try the appeals. 57 V. c. 56, s. 44.

Time for giving judgment.

45. At the Court the Judge shall hear the appeals and may adjourn the hearing from time to time, but shall deliver judgment not later than 30 days after the hearing. 57 V. c. 56, s. 45.

Clerk of Court

46.—(1) The clerk of the municipality shall be the clerk of such Court, and shall record the proceedings thereof and shall have the like powers as the clerk of a Division Court as to the issuing of subpœnas to witnesses upon the application of any party to the proceedings or upon an order of the Judge for the attendance of any person as a witness before him.

Witness fees.

(2) The fees to be allowed to witnesses upon an appeal to the Judge under this Act shall be those allowed to witnesses in an action in the Division Court. 57 V. c. 56, s. 46.

Powers of Judge on appeal.

47. In all proceedings before the County Judge as aforesaid, he shall possess all such powers for compelling the attendance of and for the examination on oath of all parties, and all other persons whatsoever, and for the production of books, papers and documents, and for the enforcement of his orders, decisions and judgments as belong to or might be exercised by him in the Division Court or County Court. 57 V. c. 56 s. 47.

Fees and costs of Appeals.

Apportionment of costs —enforcing payment.

48. The costs of any proceeding before the Court of Revision, or before the Judge as aforesaid, shall be paid or apportioned between the parties in such manner as the Court or Judge thinks fit, and the same shall be enforced when ordered by the Court of Revision by a distress warrant under the hand of the clerk and the corporate seal of the municipality, and when ordered by the Judge, by execution to be issued as the Judge may direct, either from the County Court or any Division Court within the county in which the municipality is situate. 57 V. c. 56, s. 48.

What costs may be awarded—taxation of.

49. The costs chargeable or to be awarded in any case may be the costs of witnesses and of procuring their attendance and none other, and the same shall be taxed according to the allowance in the Division Court for such costs, and in cases where execution issues, the costs thereof as in the like Court, and of enforcing the same may also be collected thereunder. 57 V. c. 56, s. 49.

Fees and expenses of Judge.

50. The Judge shall be entitled to receive from the municipality as his expenses for holding court in any place in the municipality, other than the county town, for the hearing of appeals from the Court of Revision, the sum of five dollars per day and disbursements necessarily incurred. 57 V. c. 56, s. 50.

Decision to be final.

51. The decision of the County Judge as aforesaid shall be final and conclusive. 57 V. c. 56, s. 51.

Clerk to alter assessments conformably with result of appeals.

52. Any change in the assessment of the engineer or surveyor made by the Court of Revision or Judge in appeal there-

from, shall be given effect to by the clerk of the municipality altering the assessments and other parts of the schedule to comply therewith, and the by-law shall before the final passing thereof be amended to carry out any changes so made by the Court of Revision or Judge. 57 V. c. 56, s. 52.

Issue of Debentures.

Debentures may include principal and interest in one sum.

53. Any municipal council issuing debentures under this Act, may include the interest on the debentures in the amount payable, in lieu of the interest being payable annually in respect of each debenture, and any by-law authorizing the issue of debentures for a certain amount and interest, shall be taken to authorize the issue of debentures, in accordance with this section, to the same amount with interest added. 57 V. c. 56, s. 53.

Payment of assessment before debentures issue.

54. Any owner of lands or roads, including the municipality, assessed for the work, may pay the amount of the assessment against him or them, less the interest, at any time before the debentures are issued, in which case the amount of debentures shall be proportionately reduced. 57 V. c. 56, s. 54.

Informalities not to invalidate debentures.

55. No debentures issued or to be issued under any by-law for the construction or maintenance of any drainage work, shall be held to be invalid on account of the same not being expressed in strict accordance with such by-law, provided that the debentures are for sums in the aggregate not exceeding the amount authorized by the by-law. 57 V. c. 56, s. 55.

When debentures to be valid and binding to extent of amount advanced.

56. Any debentures issued and sold to provide any sum of money for the construction or repairs of any drainage work, shall be good in the hands of the purchaser, and be binding upon the corporation issuing them, to the extent of the money actually advanced on the security, and interest thereon, according to the provisions of same, provided no application to quash be made within six weeks from the final passing of the by-law authorizing the issue thereof notwithstanding the by-law be afterwards quashed or declared illegal in any proceedings 57 V. c. 56, s. 56.

Work not Continued in Another Municipality.

Drainage work not continued into another municipality.

57.—(1) Where any drainage work is not continued into any other than the initiating municipality, any lands or roads in the initiating municipality or in any other municipality, or roads between two or more municipalities, which will, in the opinion of the engineer or surveyor, be benefited by such work or furnished with an improved outlet or relieved from liability for causing water to flow upon and injure lands or roads, may be assessed for such proportion of the cost of the work as to the engineer or surveyor seems just.

(2) A drainage work shall not be deemed to be continued into a municipality other than the initiating municipality, merely by reason of such drainage work or some part thereof being constructed on a road allowance forming the boundary line between two or more municipalities. 57 V. c. 56, s. 57.

Construction of drainage work on road allowance.

58. Where it is necessary to construct any drainage work or any part thereof on a road allowance used as a boundary line between two or more municipalities, the municipal council or councils of the adjoining municipalities may, on the petition of the majority of owners in the area therein described and within its own limits, authorize the same to be constructed on the allowance for road between the municipalities, and may make the road as provided by section 10, and the engineer or surveyor may assess and charge the lands and roads benefited or otherwise liable to assessment in the adjoining municipality or municipalities, as well as the road allowance, with such proportion of the cost of constructing the said work as he may deem just. 57 V. c. 56, s. 58.

WORK CONTINUED INTO ANOTHER MUNICIPALITY.

Continuing work beyond the limits of municipality.

59. Where it is required to continue any drainage work beyond the limits of the municipality, the engineer or surveyor employed by the council of such municipality may continue the survey and levels on or along or across any allowance for road or other boundary between any two or more municipalities, and from any such road allowance or other boundary into or through any municipality until he reaches a sufficient outlet; and in every such case he may assess and charge regardless of municipal boundaries, all lands and roads to be affected by benefit, outlet or relief, with such proportion of the cost of the work as to him may seem just; and in his report thereon he shall estimate separately the cost of the work within each municipality and upon the road allowances or other boundaries. 57 V. c. 56, s. 59.

Charging neighbouring municipality when work does not enter same.

60. Wherever any lands or roads in or under the jurisdiction of any adjoining or neighbouring municipality, other than the municipalities into or through which the drainage work passes, are, in the opinion of the engineer or surveyor of the initiating or other municipality doing the work or part thereof, benefited by the drainage work or provided with an improved outlet or relieved from liability for causing water to flow upon and injure lands or roads, he may assess and charge the same as is provided in the next preceding section. 57 V. c. 56, s. 60.

SETTLING ASSESSMENTS, ETC., BETWEEN MUNICIPALITIES.

Council of initiating municipality

61. The council of any initiating municipality shall serve the head of the municipality or municipalities into or through

which the work is to be continued, or whose lands or roads are assessed without the drainage work being continued into it, with a copy of the report, plans, specifications, assessments and estimates of the engineer or surveyor on the proposed work, and unless the same are appealed from as hereinafter provided, they shall be binding on each and every corporation whose council is so served, and the council of the initiating municipality shall be entitled, in the event of no appeal, to proceed with the by-law, and authorize and construct or procure the construction of the whole drainage work in accordance therewith. 57 V. c. 56, s. 61.

to serve other municipalities to be affected.

62. The council of the municipality so served, shall in the same manner as nearly as may be, and with such other provisions as would have been proper if a majority of the owners of the lands to be taxed had petitioned as provided in section 3 of this Act, pass a by-law or by-laws to raise, and shall raise and pay over to the treasurer of the initiating municipality within four months from such service, the sum that may be named in the report as its proportion of the cost of the drainage work, or, in the event of an appeal from the report, the sum that may be determined by the Referee or Court of Appeal, and such council shall hold the Court of Revision for the adjustment of assessments upon its own ratepayers in the manner hereinbefore provided. 57 V. c. 56, s. 62.

Municipality served to raise and pay over its proportion of cost.

63.—(1) The council of any municipality served as provided by section 61 may, within thirty days after such service upon its head, appeal to the Referee from the report, plans, specifications, assessments and estimates of the engineer or surveyor, by serving the head of the council from which they received the copy, and also the head of the council of any other municipality assessed by the engineer or surveyor with a written notice of appeal, setting forth therein the reasons for such appeal.

Appeal to referee from report of engineer.

(2) The reasons of appeal which shall be set out in such notice may be the following or any of them:—

Grounds of appeal.

(*a*) Where the assessment against the appealing municipality exceeds $1,000, or exceeds the estimated cost of the work in the initiating municipality,—

1. That the scheme of the drainage work as it affects the appealing municipality should be abandoned or modified, on grounds to be stated;
2. That such scheme does not provide for a sufficient outlet;
3. That the course of the drainage work, or any part thereof, should be altered;
4. That the drainage work should be carried to an outlet in the initiating municipality or elsewhere.

(*b*) In any case not otherwise provided for,—

1. That a petition has been received by the council of the appealing municipality, as provided by section 3 of this Act, from the majority of the owners within the area described in the petition, praying for the enlargement by the appealing municipality of any part of the drainage work lying within its limits, and thence to an outlet, and that the council is of opinion that such enlargement is desirable to afford drainage facilities for the area described in the petition;

2. That such appealing municipality objects to paying over its proportion of the cost of the work to the treasurer of the initiating municipality;

3. That the initiating municipality should not be permitted to do the work within the limits of the appealing municipality;

4. That the assessment against lands and roads within the limits of the appealing municipality and roads under its jurisdiction is illegal, unjust or excessive. 57 V. c. 56, s. 63.

Powers of referee on appeal.

64.—(1) Upon an appeal under the preceding section the Referee shall hear and adjudicate upon all questions raised by the notice of appeal, and the reasons for such appeal stated therein as they may affect any municipality assessed for the drainage work; and he may give to any municipality through or into which the proposed work will be continued, leave to enlarge the same, pursuant to petition in that behalf and according to the report, plans, specifications, assessments and estimates of an engineer appointed by the Referee for that purpose, and may make such order in the premises and as to costs already incurred, and as to costs of the appeal, as may seem just.

Appeal to Court of Appeal.

(2) The order of the Referee upon such appeal shall be subject to appeal to the Court of Appeal, as in other cases, and the decision of the Court of Appeal shall be final and conclusive as to all corporations affected thereby.

Abandonment of work by initiating municipality.

(3) The council of the initiating municipality may, by resolution passed within thirty days after the decision of the Referee on the appeal to him or in case of an appeal therefrom after the hearing and determination thereof, abandon the proposed drainage work, subject to such terms as to costs and otherwise as to the Referee or the Court of Appeal may seem just. 57 V. c. 56, s. 64.

ASSESSMENT FOR CUT OFF.

Benefit by cut off.

65. Any lands or roads from which the flow of surface water is by any drainage work cut off, may be assessed and charged for same by the engineer or surveyor of the munici-

pality doing the work; and such assessment shall be classified and scheduled as benefit. 57 V. c. 56, s. 65.

Amending By-Law.

66.—(1) Any by-law heretofore passed or which may be hereafter passed by the council of any municipality for the assessment upon the lands and roads liable to contribute for any drainage work and which has been acted upon by the doing of the work in whole or in part, but does not provide sufficient funds to complete the drainage work or the municipality's share of the cost thereof, or does not provide sufficient funds for the redemption of the debentures authorized to be issued thereunder as they become payable, may from time to time be amended by the council, and further debentures may be issued under the amending by-law in order to fully carry out the intention of the original by-law. Amendment of by-law when insufficient funds provided.

(2) Where in any such case lands and roads in another municipality are assessed for the drainage work, the council of the initiating municipality shall procure an engineer or surveyor to make an examination of the work and to report upon it with an estimate of the cost of completion for which sufficient funds have not been provided under the original by-law, and shall serve the heads of the other municipalities as in the case of the original report, plans, specifications, assessments and estimates; and the council of any municipality so served shall have the same right of appeal to the Referee as to the improper expenditure or illegal or other application of the drainage money already raised and shall be subject to the same duty as to raising and paying over its share of the money to be raised, as, in the case of the original by-law, is provided by sections 62 and 63. When lands and roads in another municipality assessable.

(3) Any by-law already passed or hereafter passed for the assessment upon the lands and roads liable to contribute for any drainage work and acted upon by the completion of the work, which provides more than sufficient funds for the completion of or proper contribution towards the work or for the redemption of the debentures authorized to be issued thereunder as they become payable shall be amended, and if lands and roads in any other municipality are assessed for the drainage work the surplus money shall be divided *pro rata* among the contributing municipalities, and every such surplus until wholly paid out shall be applied by the council of the municipality *pro rata* according to the assessment in payment of the rates imposed by it for the work in each and every year after the completion of the work. 57 V. c. 56, s. 66. Amendment of by-law which provides more than sufficient funds and distribution of surplus.

(4) Any by-law passed prior to the 1st day of June, 1894, by the council of any county or union of counties for the assessment of the cost of any drainage work upon the lands Amendment of by-law not providing sufficient funds.

and roads liable to contribute therefor which has been acted upon by the doing of the work in whole or in part and which does not provide sufficient funds to complete the drainage work, or the share of the said county or union of counties of the cost thereof, or does not provide sufficient funds for the redemption of the debentures issued under such by-law, as they became payable, may from time to time be amended by the council and further debentures may be issued under the amending by-law in order to fully carry out the intention of the original by-law; provided that every such drainage work shall, when fully completed, be maintained as provided in section 70 of this Act. 58 V. c. 55, s. 1.

Issuing debentures for completion of county drainage works commenced before 57 V. c. 56.

Publication of amending by-laws.

Rev. Stat. c. 40.

67. It shall be in the discretion of the council whether an amending by-law passed under any of the provisions of the preceding section shall be published or not, and the provisions of *The Municipal Drainage Aid Act* shall apply to any debentures issued under the authority of the said section, which have heretofore been or may hereafter be purchased by direction of the Lieutenant-Governor in Council. 57 V. c. 56, s. 67; 58 V. c. 55, s. 2.

MAINTENANCE OF DRAINAGE WORK.

Maintenance of work not continued into another municipality.

68. Any drainage work which has been heretofore constructed under a by-law of any municipality passed in pursuance of any Act relating to the construction of drainage work by local assessment, or which is hereafter constructed by a municipality under the provisions of this Act, and which is not continued into any other municipality, shall after the completion thereof be maintained by the initiating municipality,

(*a*) If no lands or roads in any other municipality are assessed for the construction thereof, then at the expense of the lands and roads in the initiating municipality in any way assessed for such construction, according to the assessment of the engineer or surveyor in his report and assessment for the original construction of such drainage work, or,

(*b*) If lands or roads in any other municipality, or roads between two or more municipalities are in any way assessed for the construction of such drainage work, then at the expense of all the lands and roads in any way assessed for such construction in the municipalities affected, and in the proportion determined by such report and assessment, or in appeal therefrom by the award of arbitrators or order of the Referee,—

Unless or until such assessment or proportion as the case may be, is varied or otherwise determined from time to time

by the report and assessment of an engineer or surveyor for the maintenance of the drainage work, or in appeal therefrom by the award of arbitrators or order of the Referee. 57 V. c. 56, s. 68.

Maintenance of drainage work passing into another municipality.

69. Any drainage work heretofore constructed under a by-law of a municipality, passed in pursuance of any Act relating to the construction of any drainage work by local assessment, or hereafter constructed under the provisions of this Act, which is continued into or through more than one municipality, or which is commenced by the initiating municipality on a road allowance adjoining such municipality and is continued thence into the lands of any other municipality shall after the completion thereof be maintained by the initiating municipality from the point of commencement of the drainage work in the municipality or upon such road allowance to the point at which the drainage work crosses the boundary line between any road allowance and lands in another municipality, and by such last mentioned municipality and by every other municipality through or into which the drainage work is continued from the point at which the drainage work crosses the boundary line between a road allowance and lands in the municipality to an outlet in the municipality or on a road allowance adjoining the municipality, or to the point at which the drainage work crosses the boundary line between any road allowance and lands in another municipality, as the case may be, at the expense of the lands and roads in any way assessed for the construction thereof and in the proportion determined by the engineer or surveyor in his report and assessment for the original construction or in appeal therefrom by the award of arbitrators or order of the Referee, unless and until, in the case of each municipality, such provision for maintenance is varied or otherwise determined by an engineer or surveyor in his report and assessment for the maintenance of the drainage work or in appeal therefrom by the award of arbitrators or order of the Referee. 57 V. c. 56, s. 69.

Maintenance of drains constructed by government or under county by-laws.

Rev. Stat. 1887, c. 36.

70.—(1) Where a drainage work constructed before the 5th day of May, 1894, under the provisions of *The Ontario Drainage Act* or any Act in amendment thereof or under a by-law passed by a county council does not extend beyond the limits of one municipality, such drainage work shall be maintained and kept in repair by such municipality at the expense of the lands and roads in any way liable to assessment under the provisions of this Act.

When such drains extend into another municipality.

Rev. Stat., 1887, c. 36.

(2) Any drainage work constructed before the 5th day of May, 1894, under *The Ontario Drainage Act* or any Act in amendment thereof or under a by-law passed by a county council, which continues from the municipality in which the drainage work commences into or through one or more other municipalities, shall be maintained and kept in repair by the

municipality in which the drainage work commences, from the point of commencement to the point at which the drainage work crosses the boundary line between any road allowance and lands in another municipality, or to the outlet on such road allowance as the case may be, and by every other municipality through or into which the drainage work is continued, from the point at which the same crosses the boundary line between any road allowance and lands in the municipality and enters upon such lands to an outlet in the municipality, or on a road allowance adjoining the municipality, or to the point at which the drainage work crosses the boundary line between any road allowance and lands in an adjoining municipality, as the case may be, at the expense of the lands and roads in any way assessed for the construction thereof, and in the proportion determined by the assessors or engineer or surveyor in their assessment roll or report as the case may be, for construction, or in appeal therefrom by the award of arbitrators or order of the Referee, unless and until in the case of each municipality such provision for maintenance is varied or otherwise determined by an engineer or surveyor in his report and assessment for the maintenance of the drainage work or in appeal therefrom by the award of arbitrators or order of the Referee.

(3) A drainage work which commences on a road allowance between two municipalities, shall, for the purposes of this section, be deemed to commence in the municipality next adjoining that half of the road allowance upon which the drainage work is begun. 57 V. c. 56, s. 70.

Service of by-law on municipality in which lands are assessed without drain being continued into it.

71.—(1) The council of any municipality undertaking the repair of any drainage work under sections 68, 69 or 70 of this Act, shall, before commencing the repairs, serve upon the head of any municipality liable to contribute any portion of the cost of such repairs under the provisions of this Act, a certified copy of the by-law for undertaking the repairs, as the same is provisionally adopted, which by-law shall recite the description, extent and estimated cost of the work to be done and the amount to be contributed therefor by each municipality affected by the drainage work; and the council of any municipality so served may, within thirty days thereafter, appeal from such by-law to the Referee on the ground that the amount assessed against lands and roads in such municipality is excessive or that the work provided for in the by-law is unnecessary, or that such drainage work has never been completed through the default or neglect of the municipality whose duty it was to do the work, in the manner provided in the case of the construction of the drainage work; and the Referee on such appeal may alter, amend or confirm such by-law, or may direct that the same shall not be passed as to him may seem just.

Appeal.

Council served to raise and pay over amount required.

(2) The council of every municipality served with the provisional by-law shall, within four months after such service,

pass a by-law to raise, and shall, within said period of four months, raise and pay over to the treasurer of the initiating municipality the amount assessed against lands and roads in the municipality, as stated in the provisional by-law or as settled on appeal therefrom by the order of the Referee. 57 V. c. 56, s. 71.

Varying Assessment.

Varying assessment for maintenance.

72.—(1) The council of any municipality liable for the maintenance of any drainage work may from time to time as the same requires repairs vary the proportions of assessment for maintenance, on the report and assessment of an engineer appointed by the council to examine and report on the condition of the work, or the portion thereof, as the case may be, which it is the duty of the municipality as aforesaid to maintain and on the liability to contribute of lands and roads which were not assessed for construction, and have become liable to assessment under this Act; and the engineer or surveyor may in his report upon such repairs assess lands and roads in the municipality undertaking the repairs and in any other municipality from which water flows through the drainage work into the municipality undertaking the repairs; but he shall not, except after leave given by the Referee on an application of which notice has been given to the head of every municipality affected, assess for such repairs any lands or roads lying in any municipality into which water flows through the drainage work from the municipality undertaking the repairs.

Proceedings on report of engineer.

(2) The proceedings upon such report and assessment shall be the same, as nearly as may be, as upon the report for the construction of the drainage work.

Appeal from report of engineer.

(3) Any council served with a copy of such report and assessment may appeal from the finding of the engineer as to the proportion of the cost of the work for which the municipality is liable to the Referee, and the proceedings on such appeal shall be the same as in other cases of appeals to the Referee under this Act.

Appeal to Court of Revision.

(4) Any owner of lands and any ratepayer in the municipality as to roads assessed for such repairs may appeal from such assessment in the manner provided in the case of the construction of the drainage work, and the council of every municipality affected by the report of the engineer or surveyor made under this section shall appoint a Court of Revision for the trial of any appeals in the manner hereinbefore provided. 57 V. c. 56, s. 72.

Power to compel repairs by mandamus.

73. Any municipality neglecting or refusing to maintain any drainage work as aforesaid, upon reasonable notice in writing from any person or municipality interested therein who or whose property is injuriously affected by the condition

of the drainage work, shall be compellable, by mandamus, issued by the Referee or other Court of competent jurisdiction, to maintain the work, unless the notice is set aside or the work required thereby is varied as hereinafter provided, and shall also be liable in pecuniary damages to any person or municipality who or whose property is injuriously affected by reason of such neglect or refusal.

Proviso.

(*a*) Provided nevertheless, that any municipality, after receiving such notice, may, within fourteen days thereafter, apply to the Referee to set aside the notice; such application may be made upon four days' notice to the party who gave the notice to the municipality, and the Referee shall, after hearing the parties and any witnesses that may be called or other evidence, adjudicate upon the questions in issue, confirm or set aside the notice, as to him may seem proper, or order that the said work of maintenance shall be done wholly or in part; and the costs of and concerning the said motion shall be in the discretion of the Referee except as hereinafter mentioned, and may be taxed upon the County or Division Court scale, as the Referee may direct.

Giving notice to repair maliciously.

(*b*) Should the Referee find that the notice to the municipality was given maliciously or vexatiously, or without any just cause, or to remove an obstruction which under this Act it was the duty of the party giving the notice to remove, he shall, notwithstanding anything hereinbefore contained, order the costs to be paid by the party giving the notice.

Costs to be paid out of general funds.

(*c*) Any costs which the municipality may be called upon to pay, by reason of any proceedings in these clauses mentioned, shall be paid out of its general funds.

Appeal to Court of Appeal.

(*d*) Any party to such proceedings may, except on a question of costs, by leave of the Referee or special leave of the Court of Appeal or a Judge thereof, appeal to the Court of Appeal from the decision or judgment of the Referee; and the proceedings in and about such appeal shall be the same, as nearly as may be, as upon an appeal from the decision or judgment of the Referee as is hereinafter provided.

Powers of Court of Appeal.

(*e*) Upon any such appeal the Court may determine whether a mandamus shall issue or otherwise, and may make such order as may seem just.

Thirty days' notice to be given.

(*f*) A mandamus against the municipality shall not, in any case, be moved for until after the lapse of thirty days from the date of the service of the notice upon the municipality. 57 V. c. 56, s. 73.

Repairing without Report.

Deepening, widening or extending without report of engineer.

74. The council of any municipality, whose duty it is to maintain any drainage work for which only lands and roads within or under the jurisdiction of such municipality are assessed, may, after the completion of the drainage work, without the report of an engineer or surveyor upon a *pro rata* assessment on the lands and roads as last assessed for the construction or repair of the drainage work, deepen, widen or extend the same to an outlet, provided the cost of such deepening, widening and extending is not above one-fifth of the cost of the construction, and does not exceed in any case $400; and in every case where the cost of repairs exceeds such proportion or amount, the proceedings to be taken shall be as provided in section 75 of this Act. 57 V. c. 56, s. 74.

Repairing upon Report.

Repairing upon examination and report by engineer.

75. Wherever, for the better maintenance of any drainage work constructed under the provisions of this Act or any Act respecting drainage by local assessment, or to prevent damage to any lands or roads, it is deemed expedient to change the course of such drainage work, or make a new outlet for the whole or any part of the work, or otherwise improve, extend, or alter the work, or to cover the whole or any part of it, the council of the municipality or of any of the municipalities whose duty it is to maintain the said drainage work, may, without the petition required by section 3 of this Act, but on the report of an engineer or surveyor appointed by them to examine and report on the same, undertake and complete the change of course, new outlet, improvement, extension, alteration or covering specified in the report, and the engineer or surveyor shall for such change of course, new outlet, improvement, extension, alteration or covering, have all the powers to assess and charge lands and roads in any way liable to assessment under this Act for the expense thereof in the same manner, and to the same extent, by the same proceedings and subject to the same rights of appeal as are provided with regard to any drainage work constructed under the provisions of this Act. 57 V. c. 56, s. 75.

Repairing Work Constructed out of General Funds.

Assessment for repair of work constructed out of general funds.

76. Any drainage work heretofore or hereafter constructed out of the general funds of any municipality, or out of the general funds of two or more municipalities or out of funds raised by a local assessment under a by-law which is afterwards found to be illegal or which does not provide for repairs, need not be repaired out of such general funds, but the council of any of the contributing municipalities may, without the petition required by section 3, on the report of an

engineer or surveyor, pass a by-law for maintaining the same at the expense of the lands and roads assessable for such work, and may assess the lands and roads in any way liable to assessment under this Act, for the expense thereof in the same manner, and to the same extent, by the same proceedings and subject to the same rights of appeal as are provided with regard to any drainage work constructed under the provisions of this Act. 57 V. c. 56, s. 76.

Paying back Advances.

Repayment of advances from general funds on receipt of assessments.

77. Any moneys which have been or may hereafter be advanced by the council of any municipality out of its general funds for the purpose of any drainage work, in anticipation of the levies and collections therefor, shall be repaid into the general funds of the municipality as soon as the moneys first derived from the assessment are collected. 57 V. c. 56, s. 77.

Minor Repairs.

Persons responsible for obstruction to remove same on notice.

78.—(1) When any drainage work, heretofore or hereafter constructed, becomes obstructed by dams, low bridges, fences, washing out of private drains, or other obstructions, for which the land adjoining the drainage work or the owner or person in possession thereof is responsible, so that the free flow of the water is impeded thereby, the persons owning or occupying the land shall, upon reasonable notice in writing given by the council or by an inspector appointed by the council for the inspection and care of drains, remove such obstructions in any manner caused as aforesaid, and if not so removed within the time specified in the notice, the council or the said inspector, shall forthwith cause the same to be removed.

Inspector of drains.

(2) The council may, by by-law, appoint an inspector for the purposes mentioned in the preceding subsection, and shall in the by-law regulate the fees or other remuneration to be received by him.

Collection of cost of removal by municipality.

(3) If the cost of removing such obstruction is not paid by the owner or occupant of the lands liable, to the municipality forthwith after the completion of the work, the council may pay the same, and the clerk of the municipality shall place such amount upon the collector's roll against the lands liable, with ten per cent. added thereto, and the same shall be collected like other taxes, subject, however, to an appeal by the owner or occupant, in respect of the cost of the work, to the Judge of the County Court of the county in which the lands are situate. 57 V. c. 56, s. 78.

Cutting Embankments, Banks, etc.

Penalty for injury to embankments, etc.

79. Any person who obstructs, fills up or injures any drainage work, or destroys, cuts or injures any embankment of any pumping works, or of any other drainage work, shall, in addition to his liability in civil damages therefor, upon the complaint of the council of the municipality or of any person affected by such obstructing, filling up, destroying, cutting, or injuring, be liable upon summary conviction thereof, before a Justice of the Peace, to a fine of not less than $5 nor more than $100 and costs of conviction, or to imprisonment with or without hard labour for any term not exceeding six months, or in default of payment of such fine and costs or costs only to imprisonment for any term not exceeding three months. 57 V. c. 56, s. 79.

Removing Artificial Obstructions.

Removal of dams, etc., on construction of work.

80. Wherever, in the construction of any drainage work any dam or other artificial obstruction exists in the course of or below the work, and is situate wholly within the municipality doing the work, the council shall have power, with the consent of the owner thereof and of the council or councils of the other municipalities liable to assessment for the cost of the work, and upon payment of such purchase money as may be mutually agreed upon, or in default of agreement be determined by the Referee, to remove the same wholly or in part; and any amount so paid or payable as purchase money shall be deemed part of the cost of construction and be provided for in the assessment by the engineer or surveyor. 57 V. c. 56, s. 80.

Operating Pumping Works.

Appointment of commissioners for pumping works, etc.

81.—(1) For the better maintenance of drainage work by embanking, pumping or other mechanical operations, the council of the municipality initiating the work may pass by-laws appointing one or more commissioners from among those whose lands are assessed for construction, who shall have power to enter into all necessary and proper contracts for the purchase of fuel, erection or repairs of buildings, and purchase and repairs of machinery, and to do all other things necessary for successfully operating such drainage work, as may be set forth in the by-law appointing them; and the council may pass by-laws for defraying the annual cost of maintaining and operating the work by assessment upon the lands and roads in any way liable for assessment under the provisions of this Act. 57 V. c. 56, s. 81.

Commissioners of pumping works.

(2) Upon the petition of two-thirds of the resident owners in the drainage territory, the council of the municipality may pass by-laws empowering the commissioner or commissioners ap-

pointed under this section to use all buildings, machinery and equipments belonging to and in connection with any drainage pumping works, and to operate the same for such purposes and upon such terms as may be set forth in such by-laws upon the condition that the profits or benefits of such user shall accrue to the owners. 59 V. c. 66, s. 2.

Assuming pumping works, etc., constructed by private persons.

82. Upon the petition of two-thirds of the persons interested in any drainage work constructed by embanking, pumping or other mechanical operations, and not constructed by the municipality, the council of the municipality in which the work is situate may assume the work and maintain and operate the same, in the same manner and to the same extent and if the said drainage work had been constructed under the provisions of this Act, but at the cost of the lands and roads liable to be assessed for the work. 57 V. c. 56, s. 82.

Debentures for Maintenance.

Powers to issue debentures for cost of maintenance.

83. Where the maintenance of any drainage work is so expensive that the municipal council liable therefor deems it inexpedient to levy the cost thereof in one year, the said council may pass a by-law to borrow, upon the debentures of the municipality, payable within seven years from the date thereof, the amount necessary for the work, or its proportion thereof, and shall assess, and levy upon the lands and roads liable therefor a special rate sufficient for the payment of the debentures. The provisions of *The Municipal Drainage Aid Act*, shall apply to any debentures issued under the authority of any such by-law, which has before its final passing been published or of which the ratepayers have been notified in manner provided by this Act or which has, after its passing been promulgated as required by section 375 of *The Municipal Act*. 57 V. c. 56, s. 83.

Rev. Stat., c. 40.

Rev. Stat., c. 223.

Making Award Drains Municipal.

Power to bring drains constructed under Rev. Stat., 285, within this Act.

84. Upon a petition presented to the council of any municipality as provided for in section 3 of this Act, having within the area described therein any drain constructed under *The Ditches and Watercourses Act* or any other Act providing for assessment in work, signed by a majority of the owners interested in such ditch or drain, the said council may assume the same and proceed thereon in the same manner and to the same extent as for the construction of any drainage work under the provisions of this Act, and the passing of the by-law under the provisions of this Act shall in every such case be a bar to any further proceedings upon the award or under the provisions of the Act upon which such award is based. 57 V. c. 56. s. 84.

Work on Railway Lands.

Work on railway lands.

85.—(1) The council of any municipality may enter into an agreement with any railway company for the construction or enlargement by the railway company of any work on the lands of such railway company into or through which a drainage work constructed under this Act may pass, and for the payment of the cost of such work, after completion, out of the general funds of the municipality, and the amount so paid shall be assessed against the lands and roads liable for the construction or maintenance of the drainage work, and shall be deemed part of the cost of the drainage work, and be included in the amount chargeable against lands and roads liable therefor according to the report and estimates of the engineer or surveyor.

(2) No agreement shall be entered into by a municipal council under this section without the consent in writing, filed with the clerk of the municipality, of a majority of the owners liable for the construction or maintenance of the drainage work in respect to which such work on railway lands is to be undertaken. 57 V. c 56, s. 85.

Cost of Reference and Incidental Expenses.

Certain expenses to be deemed part of the cost of the work.

86. Except where otherwise provided by this Act, the cost of any reference had in connection with the construction or maintenance of any drainage work, the cost of the publication or service of by laws, and all other expenses incidental to the construction or maintenance of the work and the passing of the by-laws, shall be deemed part of the cost of such work, and shall be included in the amount to be raised by local rate on all lands and roads liable therefor. 57 V. c. 56. s. 86.

Landlord and Tenant.

Tenant's covenant to pay taxes—when to include drainage assessments.

87. Any agreement on the part of any tenant to pay the rates or taxes in respect of the demised lands, shall not include the charges and assessments for any drainage work unless such agreement in express terms so provides; but in cases of contracts to purchase or of leases giving the lessee an option to purchase, the said charges and assessments for drainage work in connection with which proceedings were commenced under this Act, after the date of the contract or lease, and which have been already paid by the owner, shall be added to the price and shall be paid by the purchaser or the lessee in case he exercises his option to purchase; but the amount still unpaid on the cost of the work or repair, and charged against the lands shall be borne by the purchaser unless otherwise provided by the conveyance or agreement. 57 V. c. 56, s. 87.

DRAINAGE TRIALS.

Appointment of referee.

Rev. Stat. 1887, c. 36.

88.—(1) The Lieutenant-Governor in Council may from time to time appoint a Referee for the purpose of the drainage laws, that is to say, *The Ontario Drainage Act*, the provisions of this Act and all other Acts and parts of Acts on the same subject, for which this Act is substituted.

To be deemed an officer of High Court.

(2) Such Referee shall be deemed to be and shall be an officer of the High Court.

To be a barrister of ten years standing.

(3) He shall be a barrister of at least ten years' standing at the bar of Ontario.

Tenure of office. Rev. Stat., c. 51.

(4) He shall hold office by the same tenure as an official referee under *The Judicature Act*.

Not to practise in drainage matters.

(5) He shall not practise as a solicitor or barrister or act in any capacity as a legal agent or adviser in any matter arising under this Act. 57 V. c. 56, s. 88 (1-5); 60 V. c. 14, s. 77.

Salary.

(6) He shall be paid a salary of such amount as may be appropriated by the Legislature for that purpose (not exceeding $3,500 a year), to be paid monthly, and reasonable travelling expenses. 57 V. c. 56 s. 88.

POWERS OF THE REFEREE.

Referee to have powers of an official referee under Rev. Stat cc. 51 and 62.

89.—(1) The Referee shall have the powers of an official referee under *The Judicature Act* and *The Arbitration Act* and of arbitrators under any former enactments relating to drainage works, and the Referee is substituted for such arbitrators.

Powers as to compelling production, amending notices, etc.

(2) In respect to all proceedings before him or which may come before him under the provisions of this Act, or any former Act relating to drainage works, he shall have the powers of a Judge of the High Court of Justice, including the production of books and papers, the amendment of notice of appeal, and of notices for compensation or damages, and of all other notices and proceedings; he may correct errors, or supply omissions, fix the time and place of hearing, appoint the time for his inspection, summon to his aid engineers, surveyors or other experts, and regulate and direct all matters incident to the hearing, trial and decision of the matters before him so as to do complete justice between the parties; he may also grant an injunction or a mandamus in any matter before him under this Act.

Granting a mandamus or injunction.

Power to determine validity of proceedings and amend report.

(3) The Referee shall have power, subject to appeal as hereinafter provided, to determine the validity of all petitions, resolutions, reports, provisional or other by-laws, whether objections thereto have been stated as grounds of appeal to him or not, and to amend and correct any provisional by-law in question; and, with the engineer's consent and upon evi-

dence given, to amend the report in such manner as may be deemed just, and upon such terms as may be deemed proper for the protection of all parties interested, and, if necessary by reason of such amendments, to change the gross amount of any assessment made against any municipality, but in no case shall he assume the duties conferred by this Act upon the Court of Revision or a County Judge. 57 V. c. 56, s. 89.

Interlocutory applications, no appeal from referee thereon.

90. All interlocutory applications for any of the purposes mentioned in subsection (2) of the last preceding section shall be made to the Referee and his order thereon shall be final and conclusive. 57 V. c. 56, s. 90.

Appeals from Assessment.

Notice of appeal from assessment to be filed.

91. A copy of the notice of appeal by any municipality from the report, plans, specifications, assessments, and estimates of an engineer or surveyor or from a provisionally adopted by-law, with an affidavit of service thereof shall, within the time limited by this Act for the service of the same, be filed in the office of the Clerk of the County Court of the county or union of counties in which the drainage work commenced. 57 V. c. 56, s. 91.

Amendment of by-law to carry out decision of referee.

92. The by law of the initiating municipality and of any other municipalities interested shall be amended so as to incorporate and carry into effect the decision or report of the Referee or such decision or report as varied on appeal, as the case may be. 57 V. c. 56, s. 92.

Damages, Compensation, etc.

Reference of claims for damages, etc., to referee.

93.—(1) In case a dispute arises between municipalities or between a company and a municipality, or between individuals and a municipality or company, or between individuals as to damages alleged to have been done to the property of the municipality, company or individual, in the construction of drainage works or consequent thereon, the municipality, company or individual complaining may refer the matter to the arbitration and award of the said Referee, who shall hear and determine the same and give in writing his award and decision and his reasons therefor.

(2) Proceedings for the determination of claims, matters and disputes and for the recovery of damages for the referring of which to arbitration, any of the said drainage enactments provide, other than an appeal from the report of an engineer or a provisional by-law, shall be instituted by serving a notice claiming damages or compensation or a mandamus or injunction as the case may be, upon the other party or parties concerned, and the notice shall state the ground of the claim.

(3) A copy of the notice with an affidavit of service thereof shall be filed with the Clerk of the County Court of the county or union of counties in which the lands in question are situate, and the notice shall be filed and served within one year from the time the cause of complaint arose. 57 V. c. 56, s. 93.

Courts may refer actions for damages, etc., to referee.

94. Where an action for damages is brought and in the opinion of the Court in which the action is brought or of a Judge thereof, the proper proceeding is under this Act, or the action may be more conveniently tried before and disposed of by the Referee, the Court or Judge may on the application of either party or otherwise and at any stage of the action, make an order transferring or referring it to the Referee and on such terms as the Court or Judge deems just, and the Referee shall thereafter give directions for the continuance of the action before him and subject to the order of transfer or reference, all costs shall be in his discretion, and should no application or order be made as aforesaid the Court or Judge shall have jurisdiction to try the action subject to appeal, and such jurisdiction shall include all the relief within the powers herein given to the Referee as well as those of the High Court. 57 V. c. 56, s. 94.

Assessing damages and costs payable by municipaliti

95.—(1) Save as provided by subsections 2 and 3 of this section all damages and costs payable by a municipality and arising from proceedings taken under this Act shall be levied *pro rata* upon the lands and roads in any way assessed for the drainage work according to the assessment thereof for construction or maintenance, and may be assessed, levied and collected in the same manner as rates assessed, levied and collected for maintenance under this Act.

(2) Where such damages and costs become payable owing to any improper action, neglect, default or omission on the part of the council of any municipality or of any of its officers in the construction of the drainage work or in carrying out the provisions of this Act, the Referee or Court may direct that the whole or any part of such damages and costs shall be borne by such municipality and be payable out of the general funds thereof.

(3) Where in any such proceedings by or against a municipality an amicable settlement is arrived at and carried out by the advice of counsel, the damages and costs payable under the terms of such settlement by any municipality shall be borne and paid as directed by the Referee on application to him on behalf of the council of the municipality or any owner of lands assessed for the construction or maintenance of the drainage work, and in making such direction the Referee shall have regard to the provisions of the next preceding subsection. 57 V. c. 56, s. 97.

Proceeding with Reference.

Referee to direct procedure.

96.—(1) The Referee at any time after an appeal or reference is made to him as hereinbefore provided, may give direc-

tions for the filing or serving of objections and defences to such appeal or reference and for the production of documents and otherwise, and may give an appointment to either or any party to the appeal or reference, to proceed therewith at such place and time and in such manner as to him may seem proper, but the hearing shall be in the county or one of the counties in which the drainage work or proposed drainage work is situate or in which lands are assessed.

Clerk of Court

(2) The Clerk of the County Court shall be the Clerk of the Court of the Referee, and shall take charge of and file all the exhibits and shall be entitled to the same fees for filings and for his services and for certified copies of decisions or reports as for similar services in the County Court; which fees shall be paid in money and not by stamps.

Referee's clerk.

(3) In the absence of the Clerk of the County Court the Referee may appoint the Referee's clerk or some other person to act as Deputy Clerk of the County Court for the purpose of the trial and for taking charge of and filing all exhibits, and the person so appointed shall while so acting have the same power and be entitled to the same fees as the Clerk of the County Court would have and be entitled to if personally present

Subpœnas.

(4) County Court subpœnas for the attendance of witnesses at the hearing, tested in the name of the Referee may be issued by the Clerk of the County Court of the county in which the case is to be heard. 57 V. c. 56, s. 95.

When referee proceeds on view or special knowledge.

97. When the Referee proceeds partly on view or on any special knowledge or skill possessed by himself, he shall put in writing a statement of the same sufficiently full to allow the Court of Appeal to form a judgment of the weight which should be given thereto; and he shall state as part of his reasons the effect by him given to such statement. 57 V. c. 56, s. 96.

Shorthand writer.

98. A shorthand writer may from time to time be appointed by the Lieutenant-Governor in Council to report hearings or trials before the Referee, and every such officer shall be deemed to be an officer of the High Court, and shall be paid in the same manner as shorthand writers in the High Court are paid and the several sections of *The Judicature Act* respecting shorthand writers shall apply to any shorthand writer appointed under this Act. 57 V. c. 56, s. 98.

Rev. Stat. c. 51.

Clerk of Court to forward notice of filing report, etc., to parties.

99. The decision or report of the Referee on appeals from assessment or on claims for damages or compensation under section 93 with the evidence, exhibits, the statement (if any) of inspection or of technical knowledge and the reason for his decision shall be filed in the office of the Clerk of the County Court aforesaid, and notice of the filing shall forthwith be given by the Clerk, by post or otherwise, to the solicitors of

the parties appearing by solicitor, and to other parties not represented by a solicitor, and also to the clerk of the municipality or other corporation. 56 V. c. 56, s. 99.

Report to be sent to clerk of each municipality interested.

100. A copy of the decision or report certified by the Referee or Clerk aforesaid, shall be sent or delivered to the clerk of every municipality interested in the drainage work in question upon receipt of the sum chargeable therefor, as hereinbefore provided and shall be kept on file as a public document of the municipality. 57 V. c. 56, s. 100.

Decision to be in form of order for judgment.

101. The decision of the Referee in all cases other than appeals from assessment or on claims for damages or compensation under section 93 of this Act, shall be in the form of an order for judgment and may be delivered as decisions by the Judges of the Supreme Court of Judicature are, and need not be in the form of a report; and unless appealed from to the Court of Appeal, as herein provided, judgment may be entered in the proper office without any further or other application or order. 57 V. c. 56, s. 101.

Use of court house.

102. When an appointment is given by the Referee for the hearing of any matter of reference under this Act in any city, town or place wherein a court house is situated, he shall have in all respects the same authority as a Judge of the High Court in regard to the use of the court house, or other place or apartments set apart in the county for the administration of justice. 57 V. c. 56, s. 102.

Sheriffs, etc., to assist referee—fees therefor.

103. Sheriffs, deputy-sheriffs, constables and other peace officers shall aid, assist and obey the Referee in the exercise of the jurisdiction conferred by this Act whenever required so to do, and shall, upon the certificate of the said Referee, be paid by the county or counties interested, like fees as for similar services at the sittings of the High Court for the trial of causes. 57 V. c. 56, s. 103

Rules and practice.

104. Except as in this Act otherwise provided and subject to the provisions thereof, the rules and practice for the time being of the High Court of Justice shall be followed so far as the same are applicable. 57 V. c. 56, s. 104.

Evidence taken before referee need not be filed or written out.

105. In cases brought before the Referee in pursuance of the powers conferred by this Act, or by any other Act, the evidence taken before him need not be filed, and need only be written out at length by the shorthand writer, if required by the Referee or by any parties to the reference; and if required by any of the parties to the reference, copies shall be furnished upon such terms as may be fixed by the Lieutenant-Governor in Council. 58 V. c. 55, s. 3.

106. Costs shall be taxed by the Referee; or he may direct the taxation thereof by the Clerk of the County Court with whom the papers are filed, or by any taxing officer of the High Court. 57 V. c. 56, s. 110. Taxation of costs.

107. Fees shall be paid in stamps or otherwise in the same manner as in the case of other proceedings in the said courts respectively, until other provision is made in that behalf by competent authority. 57 V. c. 56, s. 111. Fees, how payable.

108. To provide a fund for or towards the payment of the Referee's salary and other expenses, there shall be further payable a sum which shall be determined by the Referee and mentioned in his decision or report or in a subsequent report; the said sum not to exceed the rate of four dollars a day for every full day the trial occupies, and shall be paid in stamps by one or the other of the parties, or distributed between or among the parties as the Referee directs. 57 V. c. 56, s. 112. Referee's fees.

109. The decision or report of the Referee shall not be given out until stamped with the necessary stamps. 57 V. c. 56, s. 113. Reports to be stamped.

110. The decision or report of the Referee, on any appeal or reference under this Act, or on a reference under sections 28 or 29 of *The Arbitration Act* or in any action or proceeding transferred or referred to him under this Act shall be binding and conclusive upon all parties thereto, unless appealed from to the Court of Appeal within one month after the filing thereof, or within such further time as the Referee or the Court of Appeal or a Judge thereof may allow, save as otherwise provided by this Act in any case where it is declared that the decision of the Referee shall be final. The decision or report may be appealed against to the Court of Appeal in the same mannner as from a decision of a Judge of the High Court sitting in Court. 57 V. c. 56, s. 106; 60 V. c. 3, s. 3. Time for appealing to Court of Appeal. Rev. Stat. c. 62.

Rules and Tariff of Costs.

111. The Judges of the Supreme Court shall have the same authority to make general rules with respect to proceedings before the Referee and appeals from him as they have with respect to proceedings under *The Judicature Act*: and sections 122 to 125 of *The Judicature Act* shall apply thereto. 57 V. c. 56, s. 107. Judges of Supreme Court may make rules. Rev. Stat. c. 51.

112.—(1) Subject to any such general rules the Referee shall have power, with the approval of the Lieutenant-Governor in Council, to frame rules regulating the practice and procedure to be followed in all proceedings before him under this Act, and also to frame tariffs of fees in cases not governed by the County Court tariff. Referee may make rules.

(2) Such rules and tariffs, whether made by the Judges or the Referee, shall be published in the *Ontario Gazette* and shall thereupon have the force of law; and the same shall be laid before the Legislative Assembly at its next Session after promulgation thereof. 57 V. c. 56, s. 108.

Tariff of County Court adopted until rules made.

113. Until other provisions are made under the last two preceding sections the tariff of the County Court shall be the tariff of costs and of fees and disbursements for solicitors and officers under this Act and the Referee shall have the powers of a County Judge with respect to counsel fees, and may also allow further counsel fees in case of a trial occupying more days than one. 57 V. c. 56, s. 109.

SCHEDULE A.

Form of Petition for Drainage Work.

(*Section* 4.)

The petition of the majority in number of the resident and non-resident persons (exclusive of farmers' sons not actual owners), as shown by the last revised assessment roll of the township of in the county of to be the owners of the lands to be benefited within said township, and hereinafter described, sheweth as follows:

Your petitioners request that the area of land within the said township and being described as follows: that is to say, lots numbered 1 to 10 inclusive in the first concession; lots lettered A to H inclusive in the second concession; north-west halves of lots numbered 4 to 12 inclusive in the third concession; the side-road between lots numbered 7 and 8 in the first concession, and the road allowance between concessions 1 and 2 and between 2 and 3 (*as the case may be, or describing the area by metes and bounds*), may be drained by means of:—

1. A drain or drains.

2. Deepening, straightening, widening, clearing of obstructions or otherwise improving the stream, creek or watercourse, known as (*name or other general designation*).

3. Lowering the water of lake or the pond known as (*name or other general designation*), (*or by any or all of said means.*)

And your petitioners will ever pray:—

57 V. c. 56, s. 4.

SCHEDULE B.

Form of By-Law.

(*Section* 20).

A by-law to provide for drainage work in the of in the county of and for borrowing on the credit of the municipality, the sum of for completing the same (*or the sum of the proportion to be contributed by said municipality for completing the same*).

Provisionally adopted the day of A.D. 189

Whereas the majority in number of the resident and non-resident owners (exclusive of farmers' sons not actual owners), as shown by the last revised assessment roll, of the property hereinafter set forth to be benefited by drainage work (*as the case may be*) have petitioned the council of the said of praying that (*here set out the purport of the petition, describing generally the lands and roads to be benefited*).

And whereas, thereupon the said council has procured an examination, to be made by , being a person competent for such purpose, of the said area proposed to be drained and the means suggested for the drainage thereof, and of other lands and roads liable to assessment under *The Municipal Drainage Act*, and has also procured plans, specifications and estimates of the drainage work to be made by the said and an assessment to be made by him of the lands and roads to be benefited by such drainage work, and of other lands and roads liable for contribution thereto, stating as nearly as he can the proportion of benefit, outlet liability and injuring liability, which in his opinion will be derived or incurred in consequence of such drainage work by every road and lot, or portion of lot, the said assessment so made being the assessment hereinafter by this by-law enacted to be assessed and levied upon the roads and lots, or parts of lots hereinafter in that behalf specially set forth and described: and the report of the said in respect thereof, and of the said drainage work being as follows: (*here set out the report of the engineer or surveyor employed.*)

And whereas the said council are of opinion that the drainage of the area described is desirable:—

Therefore the said municipal council of the said of , pursuant to the provisions of *The Municipal Drainage Act*, enacts as follows:—

1st. The said report, plans, specifications, assessments and estimates are hereby adopted, and the drainage work as therein indicated and set forth shall be made and constructed in accordance therewith.

2nd The reeve (*or* mayor) of the said may borrow on the credit of the corporation of the said of the sum of dollars, being the funds necessary for the work *not otherwise provided for* (*or* being said municipality's proportion of the funds necessary for the work), and may issue debentures of the corporation to that amount in sums of not less than $50 each, and payable within years from the date thereof, with interest at the rate of per centum per annum, that is to say: (*insert the manner of payment annually and whether with or without coupons, and if the latter, omit the last clause of this paragraph*) such debentures to be payable at , and to have attached to them coupons for the payment of interest.

3rd. For paying the sum of ($410), the amount charged against the said lands and roads for benefit, and the sum of ($108), the amount charged

against said lands and roads for outlet liability, and the sum of ($135), the amount charged against said lands and roads for injuring liability, apart from lands and roads belonging to or controlled by the municipality, and for covering interest thereon for years, at the rate of per centum per annum, the following total special rates over and above all other rates shall be assessed, levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the undermentioned lots and parts of lots and roads, and the amount of the said total special rates and interest against each lot or part of lot respectively shall be divided into equal parts, and one such part shall be assessed, levied and collected as aforesaid, in each year, for years, after the final passing of this by-law, during which the said debentures have to run.

Concession.	Lot or part of lot.	Acres.	Value of benefit.	Value of outlet liability.	Value of injuring liability.	To cover interest for years at per cent.	Total special rate.	Annual assessment during each year for years.
			$ c.	$ c.	$ c.	$ c.	$ c.	$ c.
10	5	200	100 00	23 00				
10	S. ½ 6	100	50 00	10 00				
10	N. ¼ 6	50	30 00	5 00				
10	S. W. ¼ 8	100	80 00	13 00				
10	S. W. ¼ & N. ¼ 9	150	150 00	20 00				
10	4	200	.....	24 00				
10	S. ½ 3	100	.....	13 00				
9	W. ½ 5	100	.....	.....	40 00			
9	N. ¼ 6	50	.....	.....	25 00			
9	N. E. ½ & N. ¼ 7	150	.....	.....	70 00			
Total for benefit.....			410 00	108 00	135 00			
" outlet.....			108 00					
" injuring.....			135 00					
Roads (and lands) of municipality.....			100 00					
Total.....			$753 00					

4th. For paying the sum of ($100), the amount assessed against the said roads and lands of the municipality, and for covering interest thereon for years at the rate of per centum per annum, a special rate on the dollar, sufficient to produce the required yearly amount therefor shall, over and above all other rates, be levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the whole rateable property in the said of in each year for years, after the final passing of this by-law, during which the said debentures have to run.

5th. This by-law shall be published once in every week for four consecutive weeks in the , newspaper, published in the town of (*or* printed and served *or* mailed *as described*), and shall come into force upon and after the final passing thereof, and may be cited as the " By-law."

57 V. c. 56, s. 20.

CHAPTER 227.

An Act respecting Municipal Arbitrations.

SHORT TITLE, s. 1.
OFFICIAL ARBITRATOR:
Appointment and jurisdiction, s. 2.
PROCEEDINGS BERORE OFFICIAL ARBITRATOR, ss. 3-6.
APPEALS, 7-9.
TRANSFER OF ACTIONS TO OFFICIAL ARBITRATOR, s. 10.
COSTS, s. 11.
FEES OF OFFICIAL ARBITRATOR, s. 12.
ASSESSOR, s. 13.
RULES, s. 14.
APPLICATION OF ACT TO MUNICIPALITIES, s. 15.
ACT TO BE READ AS PART OF THE MUNICIPAL ACT, s. 16.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Municipal Arbitrations Act*." 58 V., c. 43, s. 1.

Appointment of Official Arbitrator.

Rev. Stat. c. 223.

2.—(1) Notwithstanding anything contained in *The Municipal Act* or any other Act, all claims against the corporation of a city, containing a population of 100,000 or more, for compensation or damages, under section 437 of *The Municipal Act*, and all other claims and questions arising under any lease or other contract, to which the corporation is a party, and which, by law, or by the terms of the contract are to be decided by the award of one or more arbitrators, shall be heard and determined by an official referee, to be appointed by the Lieutenant-Governor in Council and to be called the Official Arbitrator.

(2) The Official Arbitrator shall be deemed to be an officer of the High Court and shall not act as solicitor or counsel for or against the municipality, in which he is such arbitrator, in any case in which the said municipality is interested.

(3) He shall be a barrister of at least ten years' standing at the bar of Ontario.

Powers.

Rev. Stat. c. 51.

(4) The Official Arbitrator shall have all the powers of an official referee under *The Judicature Act* and otherwise, and shall hold his office upon the same tenure as an official referee.

Rev. Stat. c. 223.

(5) The Official Arbitrator shall have all the powers of an arbitrator under *The Municipal Act*, and he shall likewise have the powers of other arbitrators generally.

Powers of Official Arbitrator.

(6) The Official Arbitrator shall have also, as respects proceedings before him, the powers of a Judge of the High Court, including the production of books and papers, the amendment of notices for compensation or damage, and of all other notices and proceedings, the rectification of errors or omissions, the time and place of taking examinations and views, the assistance of engineers, surveyors, or other experts, and as respects all matters whatsoever incident to the trial and decision of matters before him, or proper for doing complete justice therein between the parties, including the question of costs. 58 V., c. 43, s. 2.

Commencement of proceedings under Act.

3. In case any person interested in any such claim or question, as aforesaid, desires the same to be determined by the Official Arbitrator for the city, he shall give to the city clerk and to the other party interested, seven clear days' notice that the same is so referred, specifying, therein, the nature of the claim or question to be determined, and the amount in controversy, and upon such notice, with sufficient proof of the service thereof, as aforesaid, being filed with him, the Official Arbitrator may proceed to hear and determine the matters so referred to him. 58 V., c. 43, s. 3.

When arbitrator to state reasons in writing.

4. In the event of the Official Arbitrator proceeding partly on view or upon any special knowledge or skill possessed by himself he shall put in writing as part of his reasons a statement of such matter sufficiently full to allow the Court of Appeal to determine the weight which should be attached thereto. 58 V., c. 43, s. 4.

Filing award or report.

5. The award of the Official Arbitrator, with his notes of evidence and exhibits, and the reasons of his decision, shall be filed in the office of the Registrar of the Court of Appeal, and notice of the filing shall forthwith be given by the Official Arbitrator to the parties appearing upon the reference, or to their solicitors; and upon the request of any one of the parties interested in the inquiry, the notes of the shorthand writer shall be extended by him, and upon payment of his proper fees therefor, shall be filed with the said Registrar. 58 V., c. 43, s. 5; 59 V., c. 53, s. 1.

Extending notes of evidence.

Fees to be paid before award made public.

6. The award when filed with the Registrar of the Court of Appeal shall not be made public until all the fees payable by the parties have been paid to the said Official Arbitrator. 58 V., c. 43, s. 6.

Appeal to Court of Appeal.

7. The award of the Official Arbitrator may be appealed against to the Court of Appeal in the same manner as the decision of a Judge of the High Court sitting in Court is appealed from; and shall be binding and conclusive upon all parties thereto unless appealed from within one month after the taking up of the same. 58 V., c. 43, s. 7; 60 V. c. 46 s. 1.

8. The time of any vacation of the High Court or of the Court of Appeal shall not be reckoned in the computation of the time for doing any act or taking any proceeding in appealing as aforesaid to the Court of Appeal. 60 V. c. 15, *Sched.* B (16).

Giving out exhibits when no appeal.

9. In case of no appeal the exhibits may be delivered out to the parties entitled to the same at the expiration of the time limited for appealing. 58 V. c. 43, s. 8; 60 V. c. 3, s. 3.

Transferring actions to arbitrator.

10. Where a party brings an action for damages in a case in which, according to the opinion of the Court in which the action is brought, or a Judge thereof, the proper proceeding is under this Act, the Court or Judge, on the application of either party, or otherwise, may order the action to be transferred to the Official Arbitrator at any stage of the action, and on such terms as to costs and otherwise as the Court or Judge may see fit, and the Official Arbitrator shall thereupon give such directions as to the prosecution of the claim before him as may seem just or convenient, and, subject to the provisions, if any, in respect thereto in the order of transfer, the costs of the proceedings shall be in the discretion of the Official Arbitrator. 58 V., c. 43, s. 9.

How costs to be taxed.

11. Costs, if given by the Official Arbitrator, shall be taxed by one of the taxing officers of of the High Court, and shall be payable upon such scale and to such parties as may be determined by the said Official Arbitrator. 58 V. c. 43, s. 10 (3).

Fees of Official Arbitrator.

12.—(1) The said Official Arbitrator shall receive for his services, while sitting upon any arbitration proceeding, at the rate of $20 per day, or a proportionate part thereof, where a sitting upon any one day occupies less than a whole day; and for a meeting, at which the cause is not proceeded with, but an enlargement or postponement is made at the request of any party, $4. One-half of the said fees shall be payable by each of the parties thereto, if only two parties are interested, and proportionately by all parties interested if a larger number than two are so interested, but the Official Arbitrator shall have power by his award to determine that any sum so paid or payable for fees may be recoverable by any one or more of the parties thereto from any other or others of the parties thereto, and the said fees shall be recoverable as any other costs of the sitting. 58 V. c. 43, s. 10 (4).

Recovery of fees.

(2) In case the award of the Official Arbitrator is not taken up within thirty days after the service of notice of filing thereof upon the parties, he may sue for and recover his fees or expenses from any one or more of the parties to the arbitration, in any Court of competent jurisdiction. But nothing herein shall prejudicially affect the right of the Arbitrator to recover his fees or expenses in any way in which they may now be recovered. 60 V. c. 46, s. 2.

Appointment of assessor.

13.—(1) The Lieutenant-Governor in Council may also appoint, for such municipality, an assessor of sound judgment, experience and knowledge in, and as to matters relating to real property within such municipality, to sit with the Official Arbitrator, upon arbitrations as hereinafter provided.

In what cases to be called in.

(2) The assessor shall be called upon by the Official Arbitrator:

(*a*) In any arbitration pending before him, upon the request of all parties to the arbitration, and at any stage of the proceedings;

(*b*) Where the Official Arbitrator desires his advice and assistance, and no party to the proceedings objects thereto, at the time he is so called in.

(3) The assessor shall not make or join in the award, but shall otherwise give the Official Arbitrator such assistance as he may require.

Assessor's fee.

(4) The assessor shall receive for his services, while sitting on any arbitration proceeding as aforesaid at the rate of $10 per day, or a proportionate part thereof, where a sitting on any one day occupies less than a whole day; and for a meeting where the cause is not proceeded with, but an enlargement or postponement is made at the request of any party, $2.

How payable.

(5) The fees of the assessor shall be payable by the same parties and in the same proportion and manner, and shall be recoverable in the same way as those of the arbitrator and shall be treated, in all respects, in the same manner as the fees of the arbitrator, as to the ultimate payment thereof, and as to the manner of such payment. 58 V. c. 43, s. 11.

Rules of Supreme Court. Rev. Stat. c. 51.

14.—(1) The Judges of the Supreme Court shall have the same authority for making general rules and orders with respect to matters under this Act as they have in respect to proceedings under *The Judicature Act*, and also to frame tariffs of fees to be paid; and sections 122 to 125 of *The Judicature Act* shall apply thereto.

Publication of rules and tariff.

(2) Such rules and tariffs, shall be published in the *Ontario Gazette*, and shall thereupon have the force of law, and the same shall be laid before the Legislative Assembly at its next Session after such publication. 58 V. c. 43, s. 10 (1, 2).

Application of Act extended.

15. This Act shall extend and apply to the county of York and to the Township of York and to any municipality which by by-law declares that it is the desire of such municipality to be brought within the provisions of this Act; and in such case this Act shall be read as though it had been expressly made to apply to such municipality by the terms thereof. The Official Arbitrator appointed under this Act shall in such case be the Official Arbitrator for such municipality. 58 V. c. 43, s. 12, *and proclamation of 3rd July, 1895, thereunder;* 59 V. c. 53, s. 2.

Act incorporated with Rev. Stat. c. 223.

16. This Act shall be read with and as part of *The Municipal Act*. 58 V. c. 43, s. 14.

CHAPTER 228.

An Act to make better provision for keeping and auditing Municipal and School Accounts.

APPLICATION OF ACT, s. 1.
APPOINTMENT OF PROVINCIAL MUNICIPAL AUDITOR, s. 2.
FRAMING OF RULES AS TO BOOKS AND BOOK-KEEPING, ss. 3, 4.
BOOKS, PREPARATION OF :
For municipalities, s. 5.
For school boards, s. 6.
Use of prescribed books, ss. 7, 8.
INSPECTION AND AUDIT, ss. 9-16.
REMUNERATION OF AUDITOR, s. 17.
ANNUAL REPORT OF AUDITOR, s. 18.
BY-LAWS FOR PAYMENT OF TAXES, ETC., INTO A BANK, s. 19.
TREASURER TO KEEP MONEYS IN ACCOUNT SEPARATE FROM HIS OWN, s. 20.
STATEMENT BY BANK OF TREASURER'S BALANCES, s. 21.
STATEMENTS ANNUALLY BY MORTGAGORS OF MUNICIPALITY OF STATE OF MORTGAGE ACCOUNTS, s. 22.
PENALTIES, s. 23.
PROVISIONS AND MATTERS NOT AFFECTED BY ACT, ss. 24-26.
ACT TO BE READ AS PART OF THE MUNICIPAL ACT, s. 27.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Act not to apply to cities of over 15,000.

1. This Act shall not apply to cities having a population of over fifteen thousand by the latest enumeration of the assessors; and the word "city" when it appears herein shall apply and include only cities having a population of fifteen thousand or less. 60 V. c. 48, s. 27.

Appointment of Provincial Municipal Auditor.

2. The Lieutenant-Governor in Council may from time to time appoint for the purposes of this Act a Fellow of the Institute of Chartered Accountants of Ontario, or some other expert accountant who shall be known as "The Provincial Municipal Auditor." 60 V. c. 48, s. 1. *See* 46 V. c. 62, s. 1.

Auditor may make rules subject to approval by Order in Council.

3. It shall be the duty of the Provincial Municipal Auditor, subject to the approval of the Lieutenant-Governor in Council, from time to time to frame rules respecting the following matters namely:—

(*a*) The number and forms of books of account to be kept by the treasurers of county, city, town, township and village municipalities and of police villages respectively;

(*b*) The system of book-keeping to be adopted by all municipal treasurers, or by the treasurers of any class of municipalities, and by the treasurers of all or of any class of school boards;

(*c*) The manner in which books of account, vouchers, receipts, moneys and securities of municipalities and school boards shall be kept;

(*d*) The audit and examination of accounts and moneys of municipal corporations and of school moneys by municipal and school auditors respectively, or by the Provincial Municipal Auditor, or by any person appointed by him for that purpose. 60 V. c. 48, s. 2.

Rules to have force of law.

Penalty for violation of rules.

4. The rules so made shall, after approval by the Lieutenant-Governor in Council and publication in *The Ontario Gazette*, have the force of law, and any officer of a municipal corporation guilty of any wilful act or omission in contravention of such rules, in addition to any other penalty provided by law, shall, upon conviction before two or more Justices of the Peace, be liable to a penalty of not more than $100, nor less than $20 and costs, and shall be disqualified for the period of two years thereafter from holding any municipal office. 60 V. c. 48, s. 3.

Auditor to prepare books for municipalities.

5. In order that municipal accounts may be kept correctly and according to a uniform method, the said Auditor shall prepare a book or sets of books of account upon a proper system for use by county, city, town, township and village corporations, and police villages respectively; and he shall submit the said books to the Lieutenant-Governor in Council for approval. 60 V. c. 48, s. 4.

Books for use of school boards.

6. The said Auditor when directed by and subject to the approval of the Lieutenant-Governor in Council as aforesaid shall also from time to time prepare books of account upon a simple and uniform system of book-keeping, for use by the various school boards throughout the Province, except in cities having a population of 15,000 or over, to be determined as hereinafter mentioned. 60 V. c. 48, s. 5.

Councils and boards to procure books prescribed.

7. (1) After the approval of the said books by the Lieutenant-Governor in Council, and after notice of their preparation and publication has been given in *The Ontario Gazette*, and in two public newspapers published in the City of Toronto once a week for three successive weeks, and after a notice of such approval has been sent to the clerk of each municipality to which this Act applies by registered letter, the council of each of such municipalities and each of such school boards, shall at the beginning of the next year after the last publication of said notice, procure the book or books prescribed for their municipality or board, and shall keep the accounts of the municipality

or board therein, and in accordance with the system provided thereby, and any municipality aforesaid which refuses or neglects so to do, shall be liable to the penalty of $100 for every month it may be in default, to be recovered by the said Auditor or by any ratepayer in the municipality with the consent of the Auditor in any court of competent jurisdiction, with full costs of suit; and every school board of any city or town which refuses or neglects so to do shall be liable to a penalty of $50, and every other school board shall be liable to a penalty of $25 for every month it is in default, to be recovered by any ratepayer of the city or town or school section with the consent of the Auditor in any court of competent jurisdiction, with full costs of suit. Penalty.

(2) Provided, nevertheless, that where any municipality or board establishes to the satisfaction of the Provincial Municipal Auditor that the system adopted and the books in use by such municipality or board are sufficient and satisfactory, and the auditor so certifies, the use of the books or the adoption of the system hereinbefore provided for shall not be compulsory and the penalties in such cases shall not be incurred. 60 V. c. 48, s. 6.

8. In case there is no prospect of the publication of said books or of any one or more of them by some responsible publisher, the Auditor may call for tenders for their publication, and with the approval of the Lieutenant-Governor in Council, may arrange for such publication and for the sale thereof, and in order that said books may be supplied to the public at a reasonable cost, may, with the like approval, fix the price at which the same shall be sold. 60 V. c. 48, s. 7. Arrangement for publication of books.

9.—(1) The Provincial Municipal Auditor may at any time on his own motion, or whenever requested by any two members of a municipal council, make an inspection, examination or audit of the books, accounts, vouchers and moneys of any municipal corporation in the hands of the treasurer or collector thereof; and when required by a requisition in writing signed by thirty ratepayers resident in the municipality and directed by the Lieutenant-Governor in Council, he shall make such an inspection, examination or audit. Inspection and audit of municipal accounts.

(2) The said Auditor may at any time on his own motion make an inspection, examination, or audit of the books, accounts, vouchers and moneys of any school board in the hands of its treasurer, collector or other officer.

(3) The said Auditor may with the approval of the Lieutenant-Governor in Council appoint a Fellow of the Institute of Chartered Accountants of Ontario or some other expert accountant who is familiar with municipal accounts to make such inspection, audit or examination and the person so appointed shall have all the powers and shall perform all the duties by this Act conferred or imposed upon the said Auditor when acting under this section. 60 V. c. 48, s. 8; c. 3, s. 3.

Powers of auditor while holding investigation.

10. The said Auditor upon any such audit, examination or inspection may require the treasurer, collector or auditor of any municipality or school board, or any other person to appear and give evidence on oath, and for this purpose he shall have the same power to summon such officers or other persons to attend as witnesses, to enforce their attendance, and to compel them to produce books and documents and to give evidence as any Judge or Court has in civil cases, and the officers of all municipalities and school boards shall as often as required by the said Auditor, produce all books and documents required to be kept by them, at the treasurer's office for examination and inspection. 60 V. c. 48, s. 10.

Treasurer to notify auditor of appointment.

11. It shall be the duty of every municipal treasurer within five days after his appointment to office to inform the said Auditor of his appointment and of his full name and post office address. 60 V. c. 48, s. 11.

Treasurer to produce books when required by auditor.

12.—(1) Every treasurer shall whenever requested so to do by the Provincial Municipal Auditor, at any reasonable time, produce and exhibit for examination and inspection all books, accounts, vouchers and documents in his hands as treasurer of the municipality.

Penalty.

(2) Any treasurer who neglects or refuses to comply with the provisions of subsection 1 of this section shall, on summary conviction thereof, before two or more Justices of the Peace, be liable for each offence to a fine of not more than $20, nor less than $5, besides the costs of conviction. 60 V. c. 48, s. 12.

Report on inspection, audit, etc.

13. The Provincial Municipal Auditor or any other person making an audit, inspection or examination under this Act, shall report thereon to the council of the municipality, and to the Lieutenant-Governor, and shall in such report make such recommendations as seem to him to be necessary to carry out the provisions of this Act and *The Municipal Act* and the School Laws as regards the keeping of the books and accounts of the municipality or board and so as best to secure the moneys and assets of the said corporation. 60 V. c. 48, s. 13.

Rev. Stat. c. 223.

Members of councils to see that Act carried out.

14. It shall be the duty of every member of the council of a municipality, by every means in his power, to procure the due observance by the council and officers of the corporation of the provisions of this Act and the rules to be made hereunder, and to see that the recommendations of the said Auditor, or of any person appointed by him as hereinbefore mentioned are duly carried out. 60 V. c. 48, s. 14.

Payment of expenses of inspection, audit, etc., by auditor.

15. Whenever the said Auditor personally conducts an audit, inquiry, inspection or examination under this Act, the fees and expenses to be allowed therefor shall be determined and certified by the Attorney-General or other Minister and shall become a debt due to the Crown from the municipality, and in default of payment thereof the Provincial Treasurer may deduct the same from any moneys payable to the muni-

cipality by the Province, or such fees and expenses may be recovered in any Court of competent jurisdiction in the name of the Provincial Municipal Auditor. 60 V. c. 48, s. 15.

Payment of expenses when work done by another person.

16. Wherever such audit, inquiry, inspection or examination is conducted by any person other than the said Auditor, the fees and expenses to be allowed for the same shall be determined by the Auditor subject to the approval of the Attorney-General or other Minister, and shall thenceforth become a debt due to such person by the municipal corporation, and shall be payable within three months after demand thereof at the office of the treasurer of the municipality. 60 V. c. 48, s. 16.

Remuneration of auditor.

17. The said Auditor shall not receive from any municipal corporation, or from any officer thereof, any fees or other remuneration for services rendered by him in the fulfilment of the duties of his office under this Act, and in lieu of all other fees, emoluments or expenses he shall be paid out of the Consolidated Revenue Fund such salary per annum as shall from time to time be provided by the Legislature, and reasonable travelling and other expenses. 60 V. c. 48, s. 17.

Annual report of auditor.

18. The said Auditor shall annually prepare and present to the Lieutenant-Governor a report showing the number and character of the investigations made by him or under his direction during the preceding year, and also as to any changes in the law or in the rules made under this Act which he may consider advisable. 60 V. c. 48, s. 19.

By-laws directing payment of moneys into bank to credit of corporation.

19.—(1) The council of any municipality may by by-law direct that moneys payable to the municipality for taxes or rates and upon such other accounts as may be mentioned in the by-law shall be by the person charged with the payment thereof paid into a chartered bank having an office in the municipality, and in such case the person making the payment shall obtain a receipt from the bank therefor, and produce the same to the municipal treasurer, who shall make the proper entries thereof in the books of the municipality.

By-laws directing that cheque of treasurer shall be counter signed.

(2) The council of any municipality may by by-law direct that moneys of the municipality paid to or received by the treasurer of the municipality deposited in a chartered bank or elsewhere to the credit of the municipal corporation, shall be withdrawn therefrom only upon the cheque of the treasurer countersigned by the head of the municipality or such other person or official as may be named in the by-law. 60 V. c. 48, s. 18.

Treasurer to keep moneys of corporation

20. The treasurer of every municipality and school board shall keep the moneys held by him as such treasurer entirely

or board separate from his own.

separate from his own moneys, and in depositing any moneys of the municipality or board in any bank or company he shall deposit the same to a separate account kept in his name as treasurer of the municipality or school board under some designation that will show the account to be an account of the money of such municipality or school board. 60 V. c. 48, s. 23.

Bank to state balance of treasurer's account to member of council or board.

21. The manager or other person in charge of the business of every chartered bank or private bank or company in which the treasurer of any municipality or school board deposits moneys and keeps an account as such treasurer, shall truly state the balance in the hands of the bank or company or charged to the treasurer at any time when required so to do by a member of the council or school board; and shall, on or before the fourth day of the months of January, April, July and October in every year, make up and deliver or send by registered letter to the head of the municipality or chairman of the school board, as the case may be, a statement in writing signed by such manager or person in charge, showing the balance of such treasurer's account at the close of business on the last day of the preceding month, and the head of the municipality or chairman shall cause the same to be read at the next regular meeting of the council or school board held thereafter. 60 V. c. 48, s. 20.

Statement of balance to be required quarterly.

Persons liable to corporation on mortgage to state balance due thereon annually

22. The mortgagor and every other person liable for the payment of any debt secured by a mortgage given to or held by a municipal corporation, shall on the 31st day of December, in every year, deliver to the head of the municipality a statement in writing showing the amount remaining unpaid upon such mortgage at the said date, and the head of the municipality shall lay the said statement before the council at the next regular meeting held thereafter. 60 V. c. 48, s. 22.

Penalties.

23. Every person guilty of any act or omission in contravention of this Act for which no other penalty is provided, shall be liable on summary conviction thereof before two or more Justices of the Peace, to a fine of not less than $5 and not more than $20, and costs of conviction. 60 V. c. 48, s. 25.

Securities heretofore given by treasurers not affected.

24. Nothing in this Act contained shall affect or impair any security heretofore given by any treasurer to the municipality for the due and faithful performance of the duties of his office, nor be deemed to relieve the sureties named in any bond or other security from liability in case of default on the part of the treasurer in duly accounting for all moneys coming into his hands. Nor shall anything herein contained relieve the council or board or any member thereof from their present duty to appoint competent auditors. 60 V. c. 48, s. 21.

25. Nothing in this Act contained shall be deemed to affect or repeal the provisions of section 428 of *The Municipal Act*, relating to the issue of commissions of inquiry into the financial affairs of municipal corporations. 60 V. c. 48, s. 9. Act not to affect Rev. Stat. c. 223, s. 428.

26. Nothing in this Act contained shall relieve municipal councillors or officers from any duty now imposed upon them by law. 60 V. c. 48, s. 26. Councillors and officers not relieved from other duties.

27. This Act shall be read with and as part of *The Municipal Act*. 60 V. c. 48, s. 28. Act to be read with Rev. Stat. c. 223.

CHAPTER 229.

An Act respecting Provincial Municipal Auditors.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lieutenant-Governor may appoint board of auditors.

1. The Lieutenant-Governor may from time to time constitute a Board of Municipal Auditors, and the persons appointed shall be Provincial Municipal Auditors, and shall inquire into the financial affairs of municipal corporations and matters connected therewith. 59 V. c. 54, s. 1.

Constitution of boards.

2. The Board shall consist of three members, or such further number as may be deemed necessary, and the persons appointed shall be chartered accountants or otherwise competent for the investigation and audit of municipal accounts, and shall hold office during pleasure and without salary. 59 V. c. 54, s. 2.

Directing audit instead of commission of inquiry. Rev. Stat. c. 223.

3. Where a commission of inquiry is applied for under section 428 of *The Municipal Act*, the Lieutenant-Governor in Council, instead of issuing a commission, may direct a member of the Board to hold an investigation. 59 V. c. 54, s. 4.

Powers of auditors when holding investigation.

4. The members of the Board shall when holding any inquiry have the same powers as to summoning witnesses and enforcing their attendance, and compelling them to produce documents and give evidence, as any court has in civil cases. 59 V. c. 54, s. 5.

Form of oath of auditors.

5. Every member of the Board shall on his appointment take the oath following, and the same may be taken before a Justice of the Peace or before a commissioner for taking affidavits, and shall be filed in the office of the Provincial Secretary, that is to say:—

I, *A.B.*, of the of in the county of do swear that I will well and truly serve our Sovereign Lady Queen Victoria as a Provincial Municipal Auditor, and I will do right to all manner of people after the laws and usages of this Province without fear or favour, affection or ill-will. So help me God.

59 V. c. 54, s. 6.

Remuneration of members.

6. Unless an agreement to the contrary is made, every member of the Board while actually employed shall be entitled to $10 a day and his expenses, and the same may be determined and certified and shall be payable as provided in section 428 of *The Municipal Act*. 59 V. c. 54, s. 3.

Rev. Stat. c. 223.

CHAPTER 230.

An Act respecting Public Meetings.

PUBLIC MEETINGS DEFINED, ss. 1-3.
NOTICES TO CONSTITUTE, ss. 4-8.
SHERIFF, MAYOR OR MAGISTRATES TO ATTEND MEETING CALLED BY THEM, s. 9.
PROCEDURE AT MEETING, s. 10.
POWERS OF CHAIRMAN, ss. 11, 12.
SPECIAL CONSTABLES, s. 13.
LIMITATION OF ACTIONS, s. 14.

Preamble.

WHEREAS it is the undoubted right of Her Majesty's subjects to meet together in a peaceable and orderly manner, not only when required to do so in compliance with the express direction of law, but at such other times as they may deem it expedient so to meet for the consideration and discussion of matters of public interest, or for making known to their Gracious Sovereign or Her Representative in this Province, or to both or either of the Houses of the Imperial or Dominion Parliaments, or to the Provincial Legislature, their views respecting the same, whether such be in approbation or condemnation of the conduct of public affairs; and it being expedient to make legislative provision for the calling and orderly holding of such meetings and the better preservation of the public peace at the same;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

"Public meetings" within the protection of this Act.

1. All public meetings of the inhabitants or of any particular class of the inhabitants of any district, county, riding, city, town, township or ward in this Province, which are required by law, and summoned or called in the manner hereinafter by section 4 of this Act prescribed, shall be and be deemed to be public meetings within the meaning of this Act. R. S. O. 1887, c. 187, s. 1.

"Public meetings" called by Sheriff or two magistrates to be within protection of this Act.

2. All public meetings of the inhabitants or of any particular class of inhabitants of any district, county, riding, city, town, township or ward in this Province, called by the sheriff of any such district or county, or by the mayor or other chief municipal officer of any such city or town respectively, in the manner hereinafter by section 5 of this Act prescribed, upon the requisition of any twelve or more of the freeholders, citizens or burgesses of the district, county, riding, city, town, town-

ship or ward, having a right to vote for members to serve in the Legislative Assembly; and all such meetings called by any two or more Justices of the Peace resident in any such district, county, riding, city, town, township or ward respectively, upon a like requisition from twelve or more of such freeholders, citizens or burgesses, shall be and be deemed to be public meetings within the meaning of this Act. R. S. O. 1887, c. 187, s. 2.

"Public meetings" declared by two magistrates to be within the protection of this Act to be so.

3. All public meetings of the inhabitants or of any particular class of the inhabitants of any district, county, riding, city, town, township or ward in this Province, declared to be public meetings within the meaning of this Act by any two Justices of the Peace resident in such district, county, riding, city, town, township or ward, in the manner hereinafter by section 6 of this Act prescribed, shall be and be deemed to be public meetings within the meaning of this Act. R. S. O. 1887, c. 187, s. 3.

Manner of bringing meetings required by law within protection of this Act.

4.—(1) In every notice or summons for calling together any such public meeting as in section 1 of this Act is mentioned, there shall be contained a notice that such meeting, and all persons attending the same, will be within the protection of this Act, and requiring all persons to take notice thereof and govern themselves accordingly.

Notice.

(2) Such part of the notice or summons may be in the form or to the effect following:

And be it known, that the meeting to be held in pursuance hereof is called in conformity with the provisions of Chapter 230 of *The Revised Statutes of Ontario, 1897*, entitled *An Act respecting Public Meetings;* and that the said Meeting and all persons attending the same will therefore be within the protection of the said Act, of all which premises, all manner of persons are hereby in Her Majesty's name most strictly charged and commanded, at their peril, to take especial notice, and to govern themselves accordingly.

R. S. O. 1887, c. 187, s. 4.

Manner of bringing meetings called by sheriffs, etc., within the protection of this Act.

5. The notice to be issued by the sheriff of any county, or by the mayor or other chief municipal officer of any city or town, or by two or more Justices of the Peace, for calling any such public meeting as in section 2 of this Act is mentioned:

1. Shall be issued at least three days before the day upon which such meeting is appointed to be held; and shall set forth

(*a*) The names of the requisitionists, or of a competent number of them;

(*b*) That such meeting is called in conformity with the provisions of this Act; and

(*c*) That such meeting, and all persons attending the same, will be within the protection of this Act, and that all persons are required to take notice thereof and govern themselves accordingly.

2. Such notice may be in the form or to the effect of Schedule A to this Act. R. S. O. 1887, c. 187, s. 5.

By private persons within the protection of this Act.

6. Upon information on oath, before any Justice of the Peace, that any public meeting of the inhabitants, or of any particular class of the inhabitants of any district, county, riding, city, town, township or ward, not being a public meeting of the description mentioned in section 1 of this Act, or a public meeting called in the manner referred to in section 2 of this Act, is appointed to be held at any place within the jurisdiction of such Justice, and that there is reason to believe that great numbers of persons will be present at such meeting, any two Justices of the Peace having jurisdiction within the district, county, city or town within which such meeting is appointed to be held, may give notice of such meeting, and may declare the same, and declare all persons attending the same, within the protection of this Act, and require all persons to take notice thereof and govern themselves accordingly, and such notice or declaration may be in the form of Schedule B to this Act. R. S. O. 1887, c. 187, s. 6.

Sheriff or Justices, etc., calling meetings on requisition to give certain notices.

7. Every sheriff, mayor, Justice of the Peace, or other person who calls any such public meeting as is mentioned in section 2 of this Act, shall give public notice thereof, as extensively as he reasonably can, by causing to be posted and distributed throughout the district, county, riding, city, town, township or ward for which the same is called, a sufficient number of printed or written copies of the notice calling the same. R. S. O. 1887, c. 187, s. 7.

Justices declaring meetings to be within protection of Act to give certain notices.

8. The Justices of the Peace who declare any public meeting about to be held to be a public meeting within the protection of this Act, as in section 3 of this Act mentioned, shall give public notice of its having been so declared, by causing to be posted and distributed throughout the district, county, riding, city, town, township or ward for which the same is so called, as many printed or written copies of the notice or declaration issued by them in that behalf as may be reasonably necessary for that purpose, and as the time appointed for the holding such meeting reasonably admits. R. S. O. 1887, c. 187, s. 8.

Sheriffs and Justices calling and declaring meetings under Act to attend the same.

9. Every sheriff, mayor, Justice of the Peace, or other person who either calls any public meeting under the provisions of section 2 of this Act, or declares any meeting called by others to be a public meeting within the protection of this Act, under the provisions of section 3 hereof, shall attend such meeting, and whether such sheriff, mayor, Justice of the Peace, or other person is appointed by such public meeting to take the chair and preside over the same, or not, every such sheriff, mayor, Justice of the Peace, and other person

shall continue at or near the place appointed for holding such public meeting, until the same has dispersed, and shall afford all such assistance as is in his power in preserving the public peace thereat. R. S. O. 1887, c. 187, s. 9.

Chairman to read requisition and make proclamation for the preservation of order.

10. Every person required by law, or who has, in the usual way, been appointed at such public meeting to preside over the same, shall commence the proceedings of the meeting by causing the summons or notice calling the meeting, or the declaration whereby the same is declared to be a public meeting, under the protection of this Act, to be publicly read. R. S. O. 1887, c. 187, s. 10.

Chairman to remove disorderly persons, and convict on view of disturbance.

11. Any person required by law, or who has been appointed at such meeting in the usual way to preside over the same shall cause order to be kept at such meetings, and for that purpose may, by oral direction or otherwise, cause any person who attempts to interrupt or disturb such meeting to be removed to such a distance from the same as may effectually prevent such interruption or disturbance, and by an instrument in writing under his hand, on his own view, may adjudge any person who so attempts to interrupt or disturb such meeting guilty of such attempted interruption or disturbance, upon which conviction any Justice of the Peace may, by warrant under his hand, forthwith commit such person to the common gaol of the county or district, or to any other place of temporary confinement that such Justice may appoint, for any period not exceeding forty-eight hours from the time of commitment signed, and until the lawful costs of the constable and gaoler for the arrest, transmission and detention of such person are paid or satisfied. R. S. O. 1887, c. 187, s. 11.

To call on Justices of the Peace, constables, &c., for assistance.

12. For the purpose of keeping the peace and preserving good order at every such public meeting, the person required or appointed to preside at such meeting as aforesaid may command the assistance of all Justices of the Peace, constables, and other persons to aid and assist him in so doing. R. S. O. 1887, c. 187, s. 12.

Justices to swear in special constables on requisition of Chairman.

13. Any Justice of the Peace present at any such meeting upon the written application of the person so required or appointed to preside at the same, shall swear in such a number of special constables as such Justice may deem necessary for the preservation of the public peace at such meeting. R. S. O. 1887, c. 187, s. 13.

Action to be brought within 12 months.

14. Every action to be brought against any person for any thing by him done under authority of this Act, must be brought within twelve months next after the cause of such action accrued. R. S. O. 1887, c. 187, s. 14.

SCHEDULE A.

(*Section* 5.)

TO THE INHABITANTS OF THE COUNTY OF A. (*or as the case may be*), AND ALL OTHERS HER MAJESTY'S SUBJECTS WHOM IT DOTH OR MAY IN ANYWISE CONCERN :

Whereas I, *A. B.*, Sheriff of, etc., *or* we, *C. D.* and *E. F.*, two (*or whatever the number may be*) of Her Majesty's Justices of the Peace for the County (*or* District) of A, resident within the said County (*or* District) having received a requisition, signed by *I, J, K, L*, etc., etc. (*inserting the names of at least twelve of the requisitionists and as many more as conveniently may be, and mentioning the number of the others; thus*) and fifty-six (*or as the case may be*) others, who (*or* twelve of whom) are freeholders of the said County (*or* District) (*or* citizens of the said City) having a right to vote for members to serve in the Legislative Assembly requesting me (*or* us) to call a public meeting (*here recite the requisition*) : And whereas I (*or* we) have determined to comply with the said requisition :

Now, therefore, I (*or* we) do hereby appoint the said meeting to be held at (*here state the place*) on , the day of next (*or* instant), at of the clock in the noon, of which all persons are hereby required to take notice. And whereas the said meeting has been so called by me (*or* us) in conformity with the provisions or Chap. 230 of The Revised Statutes of Ontario, 1897, entitled *An Act respecting Public Meetings*, the said meeting, and all persons who attend the same, will therefore be within the protection of the said Act, of all which premises all manner of persons are hereby in Her Majesty's name most strictly charged and commanded, at their peril, to take especial notice, and to govern themselves accordingly.

Witness my hand (*or* our hands) at , in the of , this day of , 18 .

A. B., Sheriff,
or C. D., J. P.
E. F., J. P.

R. S. O. 1887, c. 187, *Sched.* A.

SCHEDULE B.

(*Section* 6.)

TO THE INHABITANTS OF THE COUNTY OF A. (*or as the case may be*), AND ALL OTHERS HER MAJESTY'S SUBJECTS WHOM IT DOTH OR MAY IN ANYWISE CONCERN :

Whereas, by information on oath taken before *D. E.*, Esquire, one of Her Majesty's Justices of the Peace for the County of C (*or* City *or* District, *or as the case may be*), within which the meeting hereinafter mentioned is appointed to be held, it appears that a Public Meeting of the inhabitants (*or* householders, etc., *as the case may be*) of the County of G (*or as the case may be*) is appointed to be held at , in the said County (*or as the case may be*), on , the day of next (*or* instant), at of the clock in the noon (*or* at

some other hour on the same day), and that there is reason to believe that great numbers of persons will be present at such meeting ; and whereas it appears expedient to us *C. D.* and *E. F.*, two (*or whatever the number may be*) of Her Majesty's Justices of the Peace having jurisdiction within the said County (*or as the case may be*), that, with a view to the more orderly holding of the said meeting, and the better preservation of the public peace at the same, the said meeting, and all persons who may attend the same, should be declared within the protection of chapter 230 of The Revised Statutes of Ontario, 1897, entitled *An Act respecting Public Meetings:*

Now, therefore, in pursuance of the provisions of the said Act, and the authority in us vested by virtue of the same, we, the said Justices, do hereby give notice of the holding of the said meeting, and do hereby declare the said public meeting, and all persons who attend the same, to be within the protection of the said Act.

Of all which premises all manner of persons are hereby in Her Majesty's name most strictly charged and commanded, at their peril, to take especial notice, and to govern themselves accordingly.

Witness our hands at , in the of this day of 18 .

C. D., J. P.
E. F., J. P.
&c.

R. S. O. 1887, c. 187, *Sched.* B.

CHAPTER 231.

An Act to exempt Firemen from certain Local Services.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Formation of fire companies.

1. It shall be in the discretion of the corporate authorities or boards of commissioners of police in any city or town, or place in which the formation of companies of firemen is by law authorized and regulated, or, where there are no such authorities or board, it shall be in the discretion of the Justices of the Peace of the district or county in which such city or town is situate, in General Sessions assembled, or the majority of them, to consent to the formation of a fire company in such city, town or place, or to defer the same until circumstances in their opinion render it expedient that such company should be formed; and they may also, in their discretion, from time to time, discontinue or renew any such company or companies. R. S. O. 1887, c. 188, s. 1.

Discontinuance or renewal.

Certificated members of such company to be exempted from serving as jurors, and from certain other offices.

2. Whenever any company of firemen has been regularly enrolled in any such city, town or place, the corporate authorities, or board of police in such city or town, or the Justices of the Peace for the district or county, or the majority of them, as aforesaid, respectively, being satisfied of the efficiency of such persons and accepting their enrolment shall direct the Clerk of the Peace for the district or county to grant to each member of such company a certificate that he is enrolled in the same, which certificate shall exempt the person named therein, during the period of his enrolment, and his continuance in actual duty as such fireman, from serving as a juryman or a constable, and in any municipal office. R. S. O. 1887, c. 188, s. 2.

Such exemption may be taken away in case of misconduct on the part of any member of any such company.

3. The corporate authorities or board of commissioners of police in any city and town, or where there are no such authorities or board, the Justices of the Peace for the district or county, or the majority of them, at any Court of General Sessions of the Peace, upon complaint to them made of neglect of duty, by any member of such fire company, shall examine into the same, and for any such cause, and also, in case any member of such company is convicted of a breach of any of the rules legally made for the regulation of the same, may strike off the name of any such

member from the list of the company, and thenceforward the certificate granted to such member, as aforesaid, shall have no effect in exempting him from any duty or service in the next preceding section of this Act mentioned. R. S. O. 1887, c. 188, s. 3.

Firemen having served seven years exempted from serving in certain offices.

4. Where any member of any company of firemen, regularly enrolled in any city, town or place in which the formation of companies of firemen is by law authorized and regulated, has regularly and faithfully served for the space and term of seven consecutive years in the same, he shall be entitled to receive, upon producing due proof of his having served seven consecutive years as aforesaid, a certificate from the Clerk of the Peace of the district or county in which he resides, or from the clerk of the corporate body or board of police under whose authority the said company has been established, that he has been regularly enrolled and served as a member of the said fire company for the space of seven years; and such certificate shall exempt the individual named therein from serving as a constable, and in any municipal office; but this shall not exempt such fireman from serving as a juryman. R. S. O. 1887, c. 188, s. 4.

Firemen having served seven years entitled to a certificate to that effect.

5. The municipal council of a city wherein the formation of companies of firemen is by law authorized and regulated, may, by by-law, enact, that when a member of a company of firemen regularly enrolled in such city has regularly and faithfully served in such company for the space and term of seven years consecutively, such member, upon producing due proof of his having so served, shall receive a certificate from the clerk of the council of the city or the clerk of the corporate body under whose authority the company was established, that he has been regularly enrolled and served as a member of the said fire company for the space of seven years. R. S. O. 1887, c. 188, s. 5.

Such certificate shall exempt from tax and from serving as jurors.

6. The certificate shall exempt the person named therein from the payment of any personal statute labour tax thereafter, and from serving as a juror on the trial of any cause in any Court within this Province. R. S. O. 1887, c. 188, s. 6.

[*See also, as to exemption of Firemen from Jury services, Cap. 61, sec. 6 (31); and as to exemption from municipal offices, Cap. 223, sec. 84*]

CHAPTER 232.

An Act respecting Public Free Libraries.

SHORT TITLE, s. 1.

PART I.

ESTABLISHMENT OF PUBLIC LIBRARIES in cities, towns and villages, ss. 2-8.
Board of Management, s. 9.
Duties and powers of, ss. 10-13.
Special rate and debentures for Library purposes, s. 14.
ADMISSION TO BE FREE, s. 15.

PART II.

ORGANIZATION OF FORMER MECHANICS' INSTITUTES, &c., AS PUBLIC LIBRARIES, ss. 16-18.
AGREEMENTS by CONTIGUOUS MUNICIPALITIES AS TO USE OF LIBRARY, s. 19.
UNION OF TEACHERS' INSTITUTES WITH PUBLIC LIBRARY, s. 20.
AFFILIATION OF FARMER'S INSTITUTES WITH PUBLIC LIBRARY, s. 21.
LIBRARIES TO BE FREE, s. 22.

PART III.

ESTABLISHMENT IN TOWNSHIPS AND IN OTHER CASES, ss. 23-26.

PART IV.

GENERAL PROVISIONS.
Legislative Aid, ss. 27-30.
Municipal Aid, s. 31.
Special Constables, s. 32.
Penalties, s. 33, 34.
Regulations of Boards, s. 35.
Existing Boards, etc., continued, ss. 36, 37.
Forms, s. 38.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Public Libraries Act,*" 58 V. c. 45, s. 1. Short title.

PART I.

2. A public library may be established in any city, town or incorporated village, in manner hereinafter provided. 58 V. c. 45, s. 2(1). Establishment of public libraries.

3. In cities with a population of 100,000 persons or over, the board of management shall not establish a museum except by and with the consent of the municipal council of the city. 58 V. c. 45, s. 2(2). Museums in cities of 100,000.

4. Not less than one hundred electors in the case of a city, or not less than sixty in the case of a town, or not less than thirty in the case of an incorporated village may present a petition to the council praying for the establishment of a pub- Petition for establishment of library.

lic library under this Act, and on the receipt of such petition the council may pass a by-law giving effect to such petition, with the assent of the electors qualified to vote at municipal elections obtained before the final passing of the by-law as provided by *The Municipal Act.* 58 V. c. 45, s. 2(3).

Rev. Stat., c. 223.

When by-law may be passed by council.

5. A by-law under this Act, which has been assented to by the electors may be passed at the first or any meeting of the municipal council thereafter, without waiting for the expiration of fourteen days or any other time, unless a petition for a scrutiny has been presented in the meantime as provided by section 374 of *The Municipal Act.* 58 V. c. 45, s. 2(4).

Rev. Stat. c. 223.

Council to pass by-law without delay.

6. After a by-law has been assented to, it shall be the duty of the council for the time being to pass the same without unnecessary delay, whether such council is, or is not, the same council which submitted the by-law to the electors. 58 V. c. 45, s. 2(5).

If defeated by electors, by-law not to be re-submitted in same year.

7. In case the vote of the electors is adverse to the by-law, no new by-law for the same purpose shall afterwards be passed by the council, to be submitted to the electors within the same municipal year. 58 V. c. 45, s. 2(6).

Act to be incorporated Municipal and Assessment Acts.

8. Upon the coming into operation of this Act in any municipality, it shall, as regards such municipality, be deemed to be incorporated with *The Municipal and Assessment Acts* from time to time affecting such municipality. 58 V. c. 45, s. 2(7)

Appointment of Board of Management.

9.—(1). The general management, regulation, and control of the library, and of the reading-room and museum shall be vested in and exercised by a board of management; which board shall be a body politic and corporate, and shall be known as "The Public Library Board," and shall be composed of the mayor of the city or town, or the reeve of the village, and three other persons to be appointed by the council, three by the public school board, or the board of education of the municipality, and two by the separate school board, if any. 58 V. c. 45, ss. 3(1), 10.

Member of appointing bodies not eligible.

(2) No person who is a member of the body entitled to appoint shall be qualified to be a member of the board of management.

Annual retirement of one member from each class.

(3) Of the representatives appointed by the council, and the public school board, or board of education and separate school board, respectively, one shall retire annually, but may be re-appointed.

Term of office of first members.

(4) Of the three members first appointed by the council, and public school board, or board of education, respectively, one shall hold office until the first day of February after his appoint-

ment, one until the first day of February in the following year, and one until the same day in the year next thereafter; and of the two members first appointed by the separate school board, one shall hold office until the first day of February after his appointment and one until the first day of February of the following year; but every member of the board of management shall continue in office after the time named until his successor is appointed. 58 V. c. 45, s. 3 (2-4).

When office of library trustees to become vacant.

(5) If a trustee of any public library board is convicted of any offence against the criminal laws of the Dominion of Canada, or becomes insane, or absents himself from the meetings of the board for three consecutive months without being authorized by resolution entered upon its minutes, or ceases to be a resident within the county or municipality for which he is trustee, such trustee shall *ipso facto* vacate his seat, and the remaining trustees shall declare his seat vacated forthwith and notify the appointing council or board having authority to appoint such trustee accordingly. 59 V. c. 57, s. 5.

Vacancies.

(6) In case of a vacancy by the death or resignation of a member of the board of management, or from any cause other than the expiration of the term for which he was appointed, the member appointed in his place shall hold office for the remainder of his term.

Term of office of subsequent members.

(7) Subject to these provisions, each of the members appointed by the council, or public school board, or board of education, shall hold office for three years from the first day of February in the year in which he is appointed; and each of the members appointed by the separate school board, for two years from the first day of February in the year in which he is appointed.

When appointments to be made.

(8) The first appointment of members to the board of management shall be made at the first meeting of the appointing council or board, after the final passing of the by-law. The annual appointments thereafter shall be made at the first meeting of the appointing council or board, after the first day of January in every year; and any vacancy arising from any cause, other than the expiration of the time for which the member was appointed, shall be filled at the first meeting thereafter of the appointing council or board. But if for any reason appointments are not made at the said dates, the same shall be made as soon as may be thereafter.

Chairman.

(9) The board of management shall at the first meeting in February of each year elect one of their number as chairman, who shall hold office for one year; he shall preside at meetings of the board when present; in his absence a chairman may be chosen *pro tempore*. The chairman shall have the same right of voting as the other members of the board, and no other.

Meetings.

(10) The board shall meet at least once every month, and at such other times as they may think fit,

Special meetings.

(11) The chairman or any two members may summon a special meeting of the board by giving at least two days' notice in writing to each member, specifying the purpose for which the meeting is called.

Quorum.

(12) No business shall be transacted at any general or special meeting unless four members are present.

Record of business.

(13) All orders and proceedings of the board shall be entered in books to be kept by them for that purpose, and shall be signed by the chairman for the time being.

Records as evidence.

(14) The orders and proceedings so entered and purporting to be so signed, shall be deemed to be original orders and proceedings, and such books may be produced and read as evidence of the orders and proceedings upon any judicial proceeding whatsoever. 58 V. c. 45, s. 3 (5-13).

Duties of board.

10.—(1) Subject to the restrictions and provisions hereinafter contained, the board from time to time, shall procure, erect, or rent the necessary buildings for the purposes of the library and reading room and for all other purposes authorized by this Act; the board shall purchase books, newspapers, magazines, maps and specimens illustrative of the arts and sciences, for the library, reading room and museum, and do all things necessary for keeping the same in a proper state of preservation and repair; and provide the necessary fuel, lighting, and other similar matters; and appoint and dismiss, as they see occasion, the officers and servants of the board.

Limit as to expenditure on capital account.

(2) No public library board shall in any year purchase any lands or erect any buildings or make any addition or alterations thereto exceeding in cost $2,000 without the authority of the municipal council.

Free reading rooms, museums, evening classes.

(3) The board of management may open a free reading room or museum, or both, in connection with the library; they may establish branch libraries, and branch reading rooms in the municipality. They may also open evening classes for artisans, mechanics and workingmen, in such subjects as may promote a knowledge of the mechanical and manufacturing arts.

Powers, etc., of board of management with respect to evening classes.

(4) All the powers vested in the board of management, and all the duties imposed upon the said board with respect to libraries, news-rooms and museums, shall apply to evening classes established under this Act, and the board shall have the same powers with respect to the appointment and dismissal of teachers or instructors as they possess with respect to other officers of the board. 58 V. c. 45, s. 4.

Art schools.

(5) The board of management of any public library established under this Act in a city may, with the approval of the municipal council, establish an art school within said city, and conduct the same in such manner as may promote the study of art or the purposes for which such art school is established, subject to the regulations of the Education Department; and

all the powers vested in the board of management and all the duties imposed upon the board with respect to libraries, news-rooms and museums shall be applicable, *mutatis mutandis*, to any art school so established. 60 V. c. 14, s. 63.

Board may make by-laws respecting use of library.

11.—(1) The board may make regulations for the use of the library, reading-rooms, and museum, and for the admission of the public thereto; and for regulating all other matters and things whatsoever connected with the management of such library, reading-rooms, museum, and evening classes, and for the management of all property of every kind under their control for the purposes of this Act; and the board may impose penalties for breaches of the regulations, not exceeding $10 for any offence; and may from time to time repeal, alter, vary, or re-enact any such regulations.

Promulgation of regulations

(2) After such regulations have been published once a week for at least two weeks in a newspaper published in the municipality, or in a newspaper circulated therein, if no newspaper is published therein, the regulations so published shall be binding on all persons concerned; but any Judge or Magistrate, before whom a penalty imposed thereby is sought to be recovered, may order a part only of such penalty to be paid, if he thinks fit.

Recovery of damages.

(3) Nothing herein contained shall preclude the recovery of the value of articles or things damaged, or the amount of damage sustained, from persons liable for the same. 58 V. c. 45, s. 5.

Submission of estimates by board to council.

12. The board of management shall submit to the municipal council on or before the first day of April in each year a detailed estimate of the several sums required to pay during the ensuing financial year—

1. The interest on any money borrowed, as hereinafter mentioned.

2. The amount of the sinking fund.

3. The expense in detail of maintaining and managing the libraries, reading rooms or evening classes under their control and of making any purchases required therefor. 58 V. c. 45, s. 6.

Board to keep regular accounts.

13. The board of management shall keep distinct and regular accounts of their receipts, payments, credits and liabilities, and the accounts shall be audited by the auditors of the municipality, in like manner as other accounts of the municipality, and shall thereafter be laid before the council by the board of management. 58 V. c. 45, s. 7.

Special rate for library purposes.

14.—(1) For the purpose of providing for the expenses necessary for carrying this Act into effect, the council of the municipality, in addition to all other rates and assessments levied

and assessed for municipal purposes, shall levy and assess from year to year a special annual rate sufficient to furnish the amount estimated by the said board to be required as aforesaid, but not exceeding one-half of a mill in the dollar upon the assessed value of all rateable real and personal property, such rate to be called "The Public Library Rate."

In cities of 100,000.

(2) In cities with over 100,000 of a population the council shall not levy in any year a rate greater than one-quarter of one mill in the dollar.

Submission of by-laws for incurring debts for free libraries to electors.

(3) In case any public library board requires the council to raise, as provided in the said Act, any money involving an assessment exceeding the amount specified in subsection 1 of this section, for the purpose of purchasing or erecting buildings, the council by a two-thirds vote of all the members thereof may refuse to raise such sum, and, if the board requires, the question shall be submitted by the council to a vote of the electors of the municipality entitled to vote on money by-laws, in the manner provided by *The Municipal Act*, in respect to by-laws for the creation of debts, and in the event of the assent of the electors being obtained, it shall be the duty of the council to raise the said amount in the manner provided by the said Act.

Rev. Stat., c. 223.

Public library debentures.

(4) The council may also, subject as hereinafter provided, on the requisition of the board of management, raise by a special issue of debentures of the municipality, to be termed "Public Library Debentures," such sums as may be required for the purpose of purchasing and erecting the necessary buildings, and, in the first instance, for obtaining books and other things required, and for discharging the liabilities of any mechanics' institute transferred to the board under this Act.

Interest and sinking fund.

(5) During the currency of the debentures so issued the council shall withhold, and retain as a first charge on the said annual rate, such amount as shall be required to meet the annual interest of the debentures, and a sinking fund for the retirement thereof as the debentures become due, such sinking fund to be invested and dealt with as in the case of other municipal debentures.

Application of moneys raised on debentures.

(6) All moneys levied or raised as aforesaid shall be received by the treasurer of the municipality in the same manner as other municipal funds, and be paid out by him on the orders of the board; save as to the amount required to meet the interest and provide a sinking fund for debentures issued as aforesaid.

When by-law need not receive assent of electors.

(7) It shall not be necessary to submit to the electors a by-law authorizing the issue of debentures, provided the annual sum required to meet the annual interest and sinking fund does not, with a reasonable allowance for annual expenses, exceed half a mill in the dollar. 58 V. c. 45, s. 8.

Admission to be free.

15. All libraries, reading rooms and museums established under Part I of this Act shall be open to the public, free of charge. 58 V. c. 45, s. 9.

PART II.

Mechanics' institutes changed to public libraries.

16.—(1) On the presentation to the municipal council of any city, town, incorporated village or township of a petition signed by a majority of the board of management of any public library appointed under Part III. of this Act, or of the directors of any public library formerly known as a mechanics' institute situated within such city, town or incorporated village or township, and incorporated or operating under chapter 173 of *The Revised Statutes of Ontario, 1887*, or any other Act, the municipal council may appoint a board of management as provided by section 9 of this Act, (of which board the reeve shall be one), and such board shall be a corporation within the meaning of this Act, and shall be known as "The Public Library Board." 58 V. c. 45, s. 11 (1); 59 V. c. 57, s. 6; 60 V. c. 14, s. 64.

Rev. Stat. 1887, c. 173.

(2) If at the time of the presentation of such petition a public library board has already been appointed in such municipality under *The Free Libraries Act*, being chapter 189 of *The Revised Statutes of Ontario, 1887*, or under this Act, then on the presentation of such petition as aforesaid the municipal council shall by by-law appoint such public library board to be the board of management of the public library or mechanics' institute presenting such petition. 59 V. c. 57, s. 1.

Rev. Stat. 1887, c. 189.

(3) Upon a board of management being so appointed, the corporation of the mechanics' institute shall cease and determine, and all property real and personal and all books and papers belonging to such mechanics' institute shall be vested in such board of management subject to this Act, and subject to the payment of any debts and liabilities of such mechanics' institute by such board. 58 V. c. 45, s. 11 (2).

Appointment of treasurer of board of management.

17. Every board of management so appointed may appoint its own treasurer for receiving and disbursing the funds of the board, and shall possess and enjoy similar powers (except as hereinafter mentioned) and discharge similar duties with respect to public libraries organized according to Part II. of this Act, to those possessed or discharged by the boards of management of public libraries organized according to Part I. of this Act. 58 V. c. 45, s. 11 (3); 59 V. c. 57, s. 7.

By-law to be approved by electors before special rate levied.

18. No special rate shall be levied by any municipal council for the purposes of a public library organized according to Part II. of this Act, until a by-law has been first approved by the electors of the municipality as required by Part I. of this Act. 58 V. c. 45, s. 11 (4).

Municipalities may unite.

19. Any municipality contiguous to any city, town or incorporated village in which a public library is situated may enter into an agreement with the board of management for the use of such library and for such representation on the board as may be deemed expedient. 58 V. c. 45, s. 13.

Teachers' institutes may unite.

20. The teachers' institute of any inspectoral district in which a public library has been established may place the books held by such institute in the custody of the board of management of the public library, and on so doing shall be entitled to appoint one member to the board of management, and in such cases every member of such teachers' institute shall have the use of the public library on the same terms as residents of the municipality in which such library is situated. 58 V. c. 45, s. 14.

Farmers' institutes may unite.

21. Every farmers' institute established within the electoral district in which a public library is situated may affiliate with such public library on terms to be agreed upon with the board of management, and in the event of such affiliation every member of such farmers' institute shall have the use of the library on the same terms and conditions as residents of the municipality in which such library is situated. 58 V. c. 45, s. 15.

Public libraries free.

22. Every public library established, and every mechanics' institute transferred to a board of management, under Part II. of this Act shall be open to the public free of charge. 58 V. c 45, s. 16.

PART III.

Ten persons may incorporate for purpose of establishing a public library.

23.—(1) In townships, and where in other municipalities a public library has not been established under Part I. of this Act, any number of persons not less than ten, being British subjects and 21 years of age, may become incorporated for the purpose of establishing a public library by making a declaration according to Form E given in the Schedule to this Act and filing the same in the office of the Registrar of deeds for the registration district in which the public library which it is proposed to establish is situated. The person presenting such declaration for filing shall, before the Registrar or before a notary public or a commissioner for taking affidavits, declare the same to be executed by the parties thereto or by their attorneys. A copy of such declaration shall be transmitted to the Education Department. For the filing of the declaration and for every certified copy the Registrar shall be entitled to a fee of fifty cents.

Election of board of management.

(2) Within thirty days after the filing of the declaration a meeting of the persons whose names were subscribed thereto shall be held for the election of a board of management for the public library which it is proposed to establish, and the board of management so elected and their successors shall be a body corporate and shall possess all the rights and powers conferred by *The Interpretation Act* and by Part III. of this Act. 58 V. c. 45, s. 17 (1, 2).

Rev. Stat. c. 1.

Members.

24. On the incorporation of a public library as provided in section 23, any person 12 years of age may become a member thereof. 58 V. c. 45, s. 17(3) *part.*

25. On the first Monday of May in each year the members of every public library established under *The Act respecting Mechanics' Institutes and Art Schools* or under Part III. of this Act shall elect a board of management of not less than five or more than nine persons, who shall hold office for one year, or until their successors are elected. The board shall, as soon after their election as convenient, elect from among themselves a president, and shall also appoint a secretary, treasurer and librarian, and any other officers that may be necessary for the purpose of such library. 58 V. c. 45, s. 17(4). Rev. Stat. 1887, c. 173.

26. The board shall provide suitable accommodation for the library, reading-rooms and evening classes, and shall have power to purchase, erect or rent buildings for this purpose; they shall purchase books, magazines, newspapers and other reading matter for the library and reading-rooms, and shall make regulations for the management and use of the same; they shall also make regulations for conducting the business of the board, for holding regular and special meetings, and for defining the duties of the officers of the board and the fees to be paid by members, and generally for such other matters not inconsistent with this Act as may be necessary for promoting the usefulness of the public library and reading-rooms and the efficiency and discipline of the evening classes. Minutes of all their proceedings shall be kept and entered in books to be provided for this purpose by the board of management. 58 V. c. 45, s. 18. Board may make regulations.

Part IV.

General Provisions.

27. No public library established under Part II. or Part III. of this Act which does not possess a membership of at least one hundred persons, of whom fifty are over 21 years of age, shall be entitled to share in any appropriation made by the Legislative Assembly. In the case of the election of a board of management the word "member" shall mean only such persons as are 21 years of age. 58 V. c. 45, s. 17(3), *part*. Condition precedent to sharing in Legislative grant.

28.—(1) Subject to the preceding section and to any regulations approved by the Lieutenant-Governor in Council in that behalf, there shall be paid to every public library established under this Act, out of any money appropriated by the Legislature for that purpose one dollar for every dollar expended by the board of management on the purchase of books, but so as not to exceed the sum of $200, provided it is shown to the satisfaction of the Education Department that an amount at least equal to the sum so expended has been contributed by municipal or school corporations, or from the fees of members and other sources Legislative grant to public libraries.

(2) The sum of one dollar shall be allowed each public library for every dollar expended on newspapers or magazines for the purpose of a reading room, but so as not to exceed $50 for each reading room.

(3) The sum of three dollars shall be allowed for every pupil attending evening classes established under this Act, provided the class is composed of twenty-five pupils or under, with an additional allowance of one dollar per pupil over the number of twenty-five, but so as not to exceed the sum of $100 for evening classes. 59 V. c. 57, s. 2.

Art schools. Rev. Stat. 1887, c. 173.

29. Every art school incorporated under *The Act respecting Mechanics' Institutes and Art Schools* or under any other Act is hereby continued and shall be entitled to receive, subject to the regulations of the Education Department, a sum not exceeding $400 annually out of any appropriation made by the Legislative Assembly for art schools, and such further sum on the basis of attendance and efficiency as may be approved by the Minister of Education. 58 V. c. 45, s. 20.

Ontario Society of Artists.

30. The Ontario Society of Artists, so long as the number of its *bona fide* members is not less than 25, shall receive, subject to the regulations of the Education Department, the sum of $500, provided such sum is annually appropriated by the Legislature for the benefit of such society. 58 V. c. 45, s. 21.

Contributions from municipalities.

31. Any municipal or school corporation may contribute to the maintenance of a public library as such corporation may deem expedient, and may exercise its corporate powers for the collection of any sum so contributed from the taxable property of the ratepayers under its jurisdiction. 59 V. c. 57, s. 3.

Janitor may be appointed special constable.

32. The County Judge, upon the request of the board of any public library within his jurisdiction, may appoint the janitor to be, while holding such office, a special constable, and such special constable shall have the special duty of preserving the peace in the rooms of the library and in the building in which the library is situated, and of preventing stealing, injuring or destroying the property of the library, or any breach of the peace therein, and of apprehending offenders, and he shall have generally all the powers and privileges and be liable to all the duties and responsibilties which pertain to the office of a constable. 58 V. c. 45, s. 24.

Neglect to keep library open.

33. Where the board of management of a public library fail or neglect to open the library to the members of such library or to the public for two years, as required by the regulations of the Education Department, such failure or neglect shall effect a dissolution of such corporation, and it shall be lawful for the Education Department, through its proper officer, to

take possession of all the books, magazines and periodicals in such library, and dispose of the same as may be recommended by the Education Department, but nothing herein contained shall be deemed to confer any authority or control over any real estate under the jurisdiction of said directors. 58 V. c. 45, s. 22; 60 V. c. 14, s. 65.

Penalty for disorderly behaviour.

34. Any person who wilfully interrupts or disquiets any public library established and conducted under the authority of this Act, by rude or indecent behaviour, or by making a noise either within the library, or so near thereto as to disturb the persons using the same, shall, for each offence on conviction thereof before a Police Magistrate or Justice of the Peace, forfeit and pay for library purposes to the municipality within which the offence was committed, a sum not exceeding $20, together with the costs of conviction, as the said Police Magistrate or Justice may think fit. 58 V. c. 45, s. 23.

Regulations and Orders in Council to be laid before the Legislative Assembly.

35.—(1) Every regulation or Order in Council made under this Act shall be laid before the Legislative Assembly forthwith, if the Legislature is in session at the date of such regulation or Order in Council, and if the Legislature is not in session such regulation or Order in Council shall be laid before the said Assembly within the first seven days of the session next after such regulation or Order in Council is made.

(2) In case the Legislative Assembly at the said session, or if the session does not continue for three weeks after the said regulation or Order in Council is laid before the said Assembly, then at the ensuing session of the Legislature, disapproves by resolution of such regulation or Order in Council, either wholly or of any part thereof, the regulation or Order in Council, so far as disapproved of, shall have no effect from the time of such resolution being passed. 58 V. c. 45, s. 25.

Agreements continued.

Rev. Stat. 1887, cc. 189, 173.

36. Every free library established under *The Free Libraries Act*, and every mechanics' institute incorporated under *The Act respecting Mechanics' Institutes and Art Schools* is hereby continued and shall be called a Public Library, and all agreements, contracts and appointments to office, and all obligations incurred by the board of management of a free library or by the directors of any corporation heretofore known as a mechanics' institute existing on the 16th day of April, 1895, shall be subject to the provisions of this Act. 58 V. c. 45, s. 26.

Mechanics' institutes power to mortgage or sell real estate.

37. Notwithstanding the repeal of *The Act respecting Mechanics' Institutes and Art Schools* being chapter 173 of the Revised Statutes of Ontario, 1887, it is hereby declared that any mechanics' institute incorporated under the said Act, or under any other Act, always had and has power to sell or to convey absolutely or by way of mortgage any real estate

belonging to such corporation in case a resolution authorizing or recommending such sale or mortgage was or is passed by two-thirds of the directors, and at any time within six months thereafter, was or is approved by a majority of the members of the corporation entitled to vote under its by-laws present at an annual meeting or at any general meeting duly called in accordance with the by-laws respecting the calling of general meetings. 59 V. c. 57, s. 4.

Forms.

38. The forms in the Schedule may be used for the purposes of this Act, or any forms to the like effect, and the recitals contained in the said forms shall be deemed sufficient, any provisions in *The Municipal Act*, to the contrary notwithstanding. 58 V. c. 45, s. 2 (8).

Rev. Stat. c. 223.

SCHEDULE.

(*Section* 38.)

FORM A.

(*Sections* 4, 16.)

PETITION.

To the municipal council of

We, the undersigned electors of the said city of (*or as the case may be*), respectfully pray that a public library may be established in this municipality under *The Public Libraries Act*.

58 V. c. 45, Sched. B, Form A.

FORM B.

(*Sections* 4, 5.)

BY-LAW FOR ESTABLISHING A PUBLIC LIBRARY WITH THE ASSENT OF THE ELECTORS.

A by-law to provide for the establishment of a public library in the city of (*or as the case may be*).

Whereas electors have petitioned the council of the said city of (*or as the case may be*), praying for the establishment of a public library under *The Public Libraries Act*.

Be it therefore enacted by the said municipal council of the said city of (*or as the case may be*), that, in case the assent of the electors is given to this by-law, a public library be established in this municipality in accordance with the provisions of *The Public Libraries Act*.

And be it further enacted that the votes of the electors be taken on this by-law on the day of , 18 , commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon, at the undermentioned places: (*Here insert* (1) *the ward*; (2) *the polling subdivision*; (3) *the place for holding the poll and the name of the deputy returning officer*).

That on the day of next, at his office in the at o'clock in the noon, the (*mayor, reeve, or as the case may be,*) shall appoint in writing, signed by him, two persons to attend to the final summing up of the votes by the clerk, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passage of this by-law.

That the clerk of the said municipal corporation shall attend at the at the hour of o'clock in the noon on the day of 18 , to sum up the number of votes given respectively for and against the by-law.

Notice by Clerk.

The above is a true copy of a proposed by-law which will be taken into consideration by the council of after one month from the day of 18 , being the date of the first publication thereof, and the polls for taking the votes of the electors will be held at the hour, day and place named in the said by-law.

58 V. c. 45, Sched. B, Form B.

FORM C.

(*Section* 14 (4).)

LIBRARY DEBENTURE.

No. . Province of Ontario. $

(*Name of Municipality.*)

Under and by virtue of *The Public Libraries Act*, and of by-law No. of the corporation of passed under the powers in said Act contained.

The corporation of promise to pay or bearer the sum of $ on the day of A.D. and the half-yearly coupons hereto attached, as the same severally become due.

[L. S.]

A. B.,
Mayor (*or as the case may be*).
C. D.,
Treasurer.

58 V. c. 45, Sched. B, Form D.

FORM D.

(*Section* 14 (7).

BY-LAW FOR THE ISSUE OF PUBLIC LIBRARY DEBENTURES WHERE THE ASSENT OF THE ELECTORS IS NOT REQUIRED.

A by-law authorizing the issue of debentures for the purpose of a public library.

Whereas a by-law of the municipal council of the city of (*or as the case may be*) was passed on the day of establishing a public library in this municipality under *The Public Libraries Act*.

And whereas a sum of $ is required for the purpose of acquiring a site, erecting buildings, etc. (*as the case may be*), for the said public library, as appears by the special estimate for that purpose furnished by the board of management to the council.

And whereas it will require the sum of $ annually for a period of years to pay the interest of the said debt and the sum of $ annually during the said period for the forming of a sinking fund of per centum per annum for the payment of the debt created by this by-law, making in all the sum of annually as aforesaid.

And whereas it is necessary that such annual sum of shall in each year during the said period of years be charged on the special rate mentioned in section 14 of the said Act.

Be it therefore enacted by the said municipal council of the said city (*or as the case may be*) of pursuant to the provisions of *The Public Libraries Act*.

That the mayor (*or as the case may be*) of the said municipality may borrow on the credit of the said annual library rate as aforesaid, and may issue public library debentures of the corporation to that amount in sums of not less than $100 each and payable within years from the date thereof, with interest at the rate of per centum per annum, that is to say in (*insert the manner of payment, whether in annual payments or otherwise*), such debentures to be payable at and to have attached to them coupons for the payment of interest.

That during years, the sum of shall be raised and retained annually for the payment of interest on said debentures, and also the sum of for the purpose of forming a sinking fund of per centum per annum for the payment of the principal of the said loan of in years, making in all the sum of to be raised and charged annually, as aforesaid, on the special library rate, unless the said debentures are sooner paid, for the purpose of paying the said sum of with interest thereon, as aforesaid.

58 V. c. 45, Sched. B, Form C.

FORM E.

(*Section* 23.)

DECLARATION FOR ESTABLISHMENT OF A PUBLIC LIBRARY.

We, the subscribers hereto, hereby declare our intention to establish a public library at in the township of , and we further declare that the name of the corporation shall be the Public Library, and we do hereby apply for incorporation as provided by *The Public Libraries Act*.

(*Names and descriptions of the applicants.*)

58 V. c. 45, Sched. A.

CHAPTER 233.

An Act to provide for the establishment and maintenance of Public Parks.

SHORT TITLE, s. 1.
ESTABLISHMENT OF PARKS, s. 2.
PARKS TO BE OPEN TO PUBLIC, s. 3.
BOARD OF MANAGEMENT, ss. 4-17.
Constitution of Board, s. 5.
Tenure of office, s. 6.
Expenses, s. 7 (1).
Members not to be interested in contracts, s. 7 (2).
Employment of clerks and servants, s. 8.
Books and accounts, ss. 9, 10.
By-laws, s. 11.
Acquiring land, ss. 13-16.
Yearly estimates, s. 17 (1, 2,).
GRANTS TO MUNICIPALITY FOR PARK PURPOSES, s. 12.
SPECIAL RATE, s. 17 (3).
ISSUE OF DEBENTURES, s. 17 (4-10).
PROHIBITIONS AND PENALTIES, s. 18.
PRESERVATION OF ORDER, s. 19.
PROTECTION AND POWERS OF OFFICERS, s. 20.
LIMITATION OF ACTIONS, s. 21.
ACT TO BE READ WITH MUNICIPAL AND ASSESSMENT ACTS, s. 22.
FORMS, s. 23.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Short title.

1. This Act may be cited as "*The Public Parks Act.*" R. S. O. 1887, c. 190, s. 1.

Establishment of parks.

2.—(1) A park, or a system of parks, avenues, boulevards and drives, or any of them, may be established in any city, town, county, township or village, and the same, as well as existing parks and avenues, may be controlled and managed in the manner hereinafter provided. R. S. O. 1887, c. 190, s. 2 (1); 54 V. c. 44, s. 1.

(2) In case a petition is presented to the council of any county or city signed by not less than 500 electors, or to the council of any town or township signed by not less than 200 electors, or to the council of any village signed by not less than 75 electors, praying for the adoption of this Act, the council may pass a by-law, giving effect to the petition, with the assent of the electors qualified to vote at municipal elections, given before the final passing of the by-law as provided by *The Municipal Act*. R. S. O. 1887, c. 190, s. 2 (2); 54 V. c. 44, s. 2. Rev. Stat. c. 223.

(3) In case the majority of the votes polled on the by-law are in favour thereof, the by-law shall be finally passed by the

council at its next regular meeting held after the taking of such vote, or as soon thereafter as may be.

(4) In case the vote of the electors is adverse to the by-law, no new by-law for the same purpose shall afterwards be passed by the council, or submitted to the electors, within the same municipal year. R. S. O. 1887, c. 190, s. 2 (3-4).

(5) In case a petition signed as aforesaid, is presented to a county council it shall not be necessary before the final passing of a by-law to give effect to the said petition that the question shall be submitted for the assent of the electors of the county, provided the by-law on the final reading thereof is approved by three-fifths of the members of the council then present. A by-law finally passed by the said three-fifths of the members then present of a county council shall be valid and binding without the assent of the electors. 54 V. c. 44, s. 3.

Parks to be open to public.

3. All parks, avenues, boulevards, and drives, and approaches thereto, or streets connecting the same, in any county, city, town, township or village where this Act is adopted, shall be open to the public free of all charge, subject to such by-laws, rules and regulations as the Board of Park Management may make as to the use thereof. R. S. O. 1887, c. 190, s. 3; 54 V. c. 44, s. 1.

Parks to be under control of Board of Park Management.

4.—(1) In case of the adoption of this Act, the general management, regulation and control of all existing parks and avenues, and of all properties both real and personal, applicable to the maintenance of parks belonging to the county, city, town, township or village, and of all parks, avenues, boulevards and drives which may thereafter be acquired and established under the provisions of this Act, shall be vested in and exercised by a board, to be called The Board of Park Management.

(2) The authority of the board shall not extend to any streets open at the time of the adoption of the Act, with the exception of streets expressly specified in the by-law adopting the Act, or which at any time, or from time to time afterwards, in pursuance of an agreement between the council and the board, the council by by-law declares to be subject to this Act.

(3) Nothing in this Act contained shall authorize the board to assume possession or control of any exhibition park in or belonging to the county, city, town, township or village, without the consent of both the municipal council and of any district agricultural society or exhibition association, having an interest therein. R. S. O. 1887, c. 190, s. 4; 54 V. c. 44, s. 1.

Constitution of Board.

5. The board shall be a corporation, and shall be composed of the mayor of the city or town or warden of the county or reeve of the village or township and of six other persons, who

shall be residents of the county, city, town, township or village, but not members of the council, and shall be appointed by the council on the nomination of the mayor, warden or reeve. R. S. O. 1887, c. 190, s. 5 ; 54 V. c. 44, ss. 1, 4.

Tenure of office.

6.—(1) The appointed members of the board shall hold office for three years, except in the case of the members of the first board, two of whom shall hold office until the 1st day of February in the year following the first appointments, two for one year, and two for two years, from said 1st day of February ; said members retiring in rotation, two each year, the order of such retirement to be determined by lot among themselves at their first meeting ; but every member of the board shall continue in office after the time named until his successor is appointed, and may be reappointed by the council.

(2) In case of a vacancy by the death or resignation of a member, or from any cause other than the expiration of the time for which he was appointed, the member appointed in his place shall hold office for the remainder of his term.

(3) Save as aforesaid, each of the appointed members shall hold office for three years from the 1st day of February in the year in which he is appointed.

(4) The first appointment of members of the board shall be made at the first regular meeting of the council held after the final passing of the by-law.

(5) Thereafter the appointments shall be made annually at the first meeting of the council held after its organization ; and any vacancy arising from any cause other than the expiration of the time for which the member was appointed, shall be filled at the first meeting of the council held after the occurrence of the vacancy. R. S. O. 1887, c. 190, s. 6 (1-5).

(6) The members of the first board, within ten days after their appointment, and on such day and hour as the mayor, warden or reeve shall appoint (notice of the appointment, in writing, signed by the mayor, warden or reeve having been duly sent to the address of each member at least one week before the day and hour named therein), shall meet at the office of the mayor, warden or reeve for the purpose of organization, shall elect one of their number chairman, and shall appoint a secretary, who may be either one of their own number, or any other person whom they may select. R. S. O. 1887, c. 190, s. 6 (6) ; 54 V. c. 44, s. 5.

(7) If for any reason appointments are not made at the said time, the same shall be made as soon as may be thereafter.

(8) The chairman and secretary shall hold their places at the pleasure of the board, or for such period as the board shall prescribe.

(9) When the chairman or secretary is absent, or unable to act, the board may appoint a chairman or secretary *pro tempore*.

(10) The board shall meet at least once every month, and at such other times as they may think fit.

(11) The chairman or any two members may summon a special meeting of the board, by giving at least two days notice in writing, to each member, specifying the purpose for which the meeting is called.

(12) The office of any member of the board who is absent from the meetings of the board for three successive months, without leave of absence from the board, or without reasons satisfactory to the board, shall be declared vacant by the board, and notice thereof shall be given to the council at the next meeting of the council.

(13) No business shall be transacted at any special or general meeting, unless four members are present.

(14) All orders and proceedings of the board shall be entered in books to be kept by them for that purpose, and shall be signed by the chairman for the time being.

(15) The orders and proceedings so entered, and purporting to be so signed, shall be deemed to be original orders and proceedings, and the books may be produced and read in any judicial proceeding as evidence of the orders and proceedings. R. S. O. 1887, c. 190, s. 6 (7-15).

Payment of expenses of Board.

7.—(1) The members of the board shall serve without compensation. Each member shall be entitled to receive his actual disbursements for expenses in visiting or superintending the park when the visit or service is made or rendered by direction of the board. R. S. O. 1887, c. 190, s. 7 (1).

Members of the Board or of the Council not to be interested in any contract.

(2) No member of the board, or of the city or town, county, village or township council, shall have any contract with the board, or be pecuniarily interested, directly or indirectly, in any contract or work relating to the park or park property. R. S. O. 1887, s. 190, s. 7 (2); 54 V. c. 44, s. 6.

Board may employ clerks, etc.

8. The board may employ all necessary clerks, agents and servants, and may prescribe their duties and compensation. R. S. O. 1887, c. 190, s. 8.

Books, etc., to be kept in the office of the Board.

9. (1) The board shall keep in the office of the board all books, maps, plans, papers and documents used in and pertaining to the business of the board.

(2) All books kept by the board shall be open to the examination of the members of the council, and of any other person appointed for that purpose by the council. R. S. O. 1887, c. 190, s. 9.

10. The board shall keep distinct and regular accounts of their receipts, payments, credits, and liabilities; and the accounts shall be audited by the auditors of the municipality in like manner as other accounts of the municipality, and shall thereafter be laid before the council by the board. R. S. O. 1887, c. 190, s. 10. Board to keep regular accounts.

11.—(1) The board may from time to time pass by-laws for the use, regulation, protection and government of the park, avenues, boulevards and drives, the approaches thereto, and streets connecting the same, not inconsistent with the provisions of this Act or of any law of the Province. Power to make by-laws, etc.

(2) The board shall, with respect to street railways, have the powers conferred upon municipal councils by *The Street Railway Act*, so far as relates to any streets or approaches under the control of the board; but no street or other railway shall enter upon or pass through the park. Rev. Stat. c. 208.

(3) The board shall have power to license cabs and other vehicles for use in the park or parks; and to let from year to year, or for any time not exceeding ten years, the right to sell refreshments, other than spirituous, fermented or intoxicating liquors, within the park, under such regulations as the board shall prescribe.

(4) The board shall have power in and by their by-laws to attach penalties for the infraction thereof; and such by-laws may be enforced and the penalties thereunder recovered in like manner as by-laws of municipal councils and the penalties thereunder may be enforced and recovered. R. S. O. 1887, c. 190, s. 11 (1-4); 60 V. c. 15, *Sched.* B (6).

(5) The by-laws shall be sufficiently authenticated by being signed by the chairman of the board; and a copy of any by-law, written or printed, and certified to be a true copy by any member of the board, shall be received as evidence in any Court of Justice or elsewhere without proof of any such signature; unless it is specially pleaded or alleged that the signature to the original by-law has been forged. R. S. O. 1887, c. 190, s. 11 (5).

12. Real and personal property may be devised, bequeathed, granted, conveyed, or given to the county, city, town, township or village for the establishment or formation of a park or for the purpose of the improvement or ornamentation of any park of the county, city, town, township or village and of the avenues, boulevards and drives and approaches thereto, and of the streets connecting therewith; and for the establishment and maintenance on park property of museums, zoological or other gardens, collections of natural history, observatories, monuments, or works of art, upon such trusts and conditions as may be prescribed by the donor. R. S. O. 1887, c. 190, s. 12; 54 V. c. 44, s. 1; 60 V. c. 15, *Sched.* B (7) Property may be granted, etc., to municipality for park purposes.

Power to acquire land.

13.—(1) The board shall have power and authority to acquire, by purchase, lease, or otherwise, the lands, rights and privileges needful for park purposes under this Act.

(2) Lands so acquired together with those the general management, regulation and control of which are vested in the Board under the provisions of section 4 of this Act, exclusive of lands acquired by devise or gift, shall not together exceed in the case of cities having a population of 100,000 inhabitants or more, 2,000 acres, and in the case of other cities or of counties, 1,000 acres, and in the case of towns, villages or townships, 500 acres; but lands in excess of the above mentioned quantities may be taken and held by devise or gift.

(3) The conveyance of all lands, rights and privileges so acquired by purchase or lease shall be taken to the county, city, town, township or village. 60 V. c. 15, *Sched.* B (8).

(4) The board shall have power to let any lands not immediately required for park purposes.

(5) If the board find that they have more land than is required for park purposes, they may sell or otherwise dispose of the land not required, in such manner, and upon such terms of cash or credit, or part cash, and part credit, as they may think most advantageous. R. S. O. 1887, c. 190, s. 13 (4-5).

Power to enter on lands and appropriate streams, etc.

14. The board, their engineers, surveyors, servants and workmen from time to time, and at such times as the board shall see fit, may enter into and upon the lands of any person in the municipality, or, in the case of a city, within ten miles, and, in case of a town, within five miles thereof and may survey, set out, and ascertain such parts thereof as are required for the purposes of the board, including parks, avenues, boulevards and drives and approaches thereto, and including also the supply of water for artificial lakes, fountains, and other park purposes; and (with the consent of all parties interested capable of consenting) may divert and appropriate any river, ponds of water, springs or streams of water therein which the engineer, surveyor or other person authorized in this behalf by the board may judge suitable and proper for the said purposes; and the board may contract with the owner or occupier of the said lands, and with those having a right or interest in the said water, for the purchase or renting thereof, or of any part thereof, or of any privilege which may be required for the purposes of the board. But the board shall not interfere with the water-works of any municipal corporation or of any company. R. S. O. 1887, c. 190, s. 14.

Arbitration.

15. In case of any disagreement between the board and the owner or occupier of, or any other person interested in, such lands, or any person having an interest in the said water, or in the natural flow thereof, or in any such privilege as aforesaid,

respecting the amount of purchase money or yearly rental thereof, or as to the damages which the appropriation thereof by the board will cause, or otherwise, the matter in question shall be decided by arbitration in accordance with the provisions of *The Municipal Act*, and as hereinafter provided. R. S. O. 1887, c. 190, s. 15. Rev. Stat. c. 223.

16. The sections of *The Municipal Act* numbered 437 to 467, both inclusive, shall be deemed to be incorporated with, and shall be read as part of this Act, and shall apply to the board as if the board were specially named therein instead of the corporation or municipal council. R. S. O. 1887, c. 190, s. 16. Arbitration provisions in Municipal Act incorporated herewith.

17.—(1) The board shall in the month of March in every year make up, or cause to be made up, an estimate of the sums required during the ensuing financial year, for: Board to make yearly estimates.

(*a*) The interest of any money borrowed as herein mentioned;

(*b*) The amount of the sinking fund; and

(*c*) The expense of maintaining, improving, and managing the parks, boulevards, avenues and streets under their control.

(2) The board shall report their estimate to the council not later than the 1st day of April in each year.

(3) The council shall, in addition to all other rates and assessments for municipal purposes, levy and assess in every year a special annual rate sufficient to furnish the amount estimated by the board to be required for the year, but not exceeding one-half mill in the dollar upon the assessed value of all rateable real and personal property; such rate to be called "The Park Fund Rate." The said rate shall be deemed to be included in the limit of two cents on the dollar authorized by *The Municipal Act* in that behalf. Special rate for park purposes. Rev. Stat. c. 223.

(4) The council may also, subject as hereinafter provided, on the requisition of the board, raise by a special issue of debentures of the municipality, to be termed "Park Fund Debentures," the sums required for the purpose of purchasing the lands and privileges reported necessary for park purposes. Power to issue debentures.

(5) It shall not be necessary to submit to the electors a by-law authorizing the issue of debentures in case the annual sum required to meet the annual interest and sinking fund does not, with a reasonable allowance for annual expenses of managing, improving and maintaining the parks, and other works under the control of the board, exceed the limit of half a mill in the

dollar, any provisions in the Municipal and Assessment Acts, or any special or private Acts relating to the municipality, to the contrary notwithstanding.

(6) The debentures may run for such period as the council thinks fit, not to exceed forty years from the date thereof, and shall be in such sums as the council sees fit, and bear interest not to exceed six per centum per annum, payable half yearly, and shall not be sold below par. They shall be issued, and a record kept of the same, as is provided with respect to other municipal debentures.

(7) Debentures issued by virtue of this Act, shall form a lien and charge upon all lands which are by this Act declared to be subject to the control and management of the board.

(8) In case of a sale, the board may sell free from the said lien, but the purchase money shall be applied to the payment of park debentures, or to the purchase of other lands for park purposes.

(9) During the currency of the debentures the council shall withhold and retain out of and as a first charge on the annual rate, the amount required to meet the annual interest of the debentures, and the annual sinking fund to be provided for the retirement thereof as the debentures become due; such sinking fund to be invested and dealt with, as in the case of other municipal debentures.

(10) All moneys realized or payable under this Act shall be received by the treasurer of the municipality in the same manner as other moneys, and shall be by him deposited to the credit of the park fund, and shall be paid out by him on the orders of the board; save as to the amount required to meet the interest and provide a sinking fund for debentures. R. S. O. 1887, c. 190, s. 17; 60 V. c. 15, *Sched.* B (9), *part.*

Prohibitions and penalties.

18. If any person does or commits any of the following acts:

1. Wilfully or maliciously hinders, or interrupts, or causes, or procures to be hindered or interrupted, the said board, or their engineers, surveyors, managers, contractors, servants, agents, workmen, or any of them in the exercise of any of the powers and authorities in this Act authorized and contained;

2. Wilfully or maliciously lets off or discharges any water so that the same runs waste or useless from, or out of any reservoir, pond, or lake connected with any such park;

3. Causes any dog or other animal to swim in the water or throws, or deposits any injurious nuisance, or offensive matter into the water in any reservoir, lake, pond, or other receptacle for water connected with any such park, or upon the ice in case such water is frozen, or in any way fouls the

water, or commits any unlawful damage or injury to the works, pipes, or water, or encourages the same to be done;

4. Lays or causes to be laid any pipe or main to communicate with any pipe or main belonging to the water works connected with any such park or parks, or in any way obtains or uses any water thereof, without the consent of the board;

5. Washes or cleanses any cloth, wool, leather, skin or animals, causes any dog or other animal to swim therein, or places any nuisance or offensive thing within the distance of three miles in the case of a city, and one mile in the case of any other municipality, from the source of supply for such water-works, in any river, pond, creek, spring, source or fountain, from which the water for the supply of any such park or parks is taken, or conveys, casts, throws, or puts any filth, dead carcass or other noisome or offensive thing therein, or within the distance as above set forth, or causes, permits or suffers the water of any sink, sewer, or drain to run or be conveyed into the same, or causes any other thing to be done whereby the water therein may be in any way tainted or fouled;

6. Wilfully or maliciously injures, hurts, defaces, tears or destroys any ornamental or shade tree or shrub, or other plant, or any statue, fountain, vase or fixture of ornament or utility, in any street, avenue, drive, park or other public place, under the control of any such board, or wilfully, negligently or carelessly suffers or permits any horse or other animal driven by or for him, or any animal belonging to him or in his custody, possession or control, and lawfully on the street or other public place, to break down, destroy or injure any tree standing for use or ornament, in any such public park or place;

7. Wilfully or maliciously injures, hurts, or otherwise molests or disturbs any animals, birds, or fish, kept in any such park or in the lakes or ponds therewith connected;

and if such person is convicted of any such act before a Justice of the Peace, having jurisdiction in the locality within which the offence is committed, he shall for every such offence forfeit and pay a sum not exceeding $20, nor less than $1, together with the costs and charges attending the proceedings and conviction; or such offender may be imprisoned with or without hard labour, in the first instance for any term not exceeding thirty days; and the person so offending, shall be liable to an action at the suit of the board, to make good any damage done by him. R. S. O. 1887, c. 190, s. 18; 60 V. c. 15, *Sched.* B (9), *part.*

Commissioners of police to detail policemen for service in the park.

19. It shall be the duty of the board of commissioners of police of every city and town, upon the request of the board of park management, to detail for service in any of the property under the care or control of the park board, so many of the police force as the board of police commissioners may deem necessary

to maintain order and protect property therein; and any policeman on duty in the grounds may remove therefrom any person guilty of a violation of any of the provisions of this Act, or of any of the rules and regulations established by the board. R. S. O. 1887, c. 190, s. 19; 60 V. c. 15, *Sched.* B (9), *part.*

Protection and powers of officers.

20. The board of park management and the officers thereof shall have the like protection in the exercise of their offices and the execution of their duties, as Justices of the Peace have under the laws of this Province; and the watchmen and other officers of the board, when in the discharge of their duties, shall be *ex officio* possessed of all the powers and authorities of constables. R. S. O. 1887, c. 190, s. 20..

Limitation of actions.

21. Any action against any person for anything done in pursuance of this Act, shall be brought within six months next after the act committed; or in case there be a continuation of damages, then within one year after the original cause of action first arose. R. S. O. 1887, c. 190, s. 21.

Act to be incorporated with Municipal and Assessment Acts.

22. Upon the coming into operation of this Act in any municipality, it shall, as regards such municipality, be deemed to be incorporated with the Municipal and Assessment Acts for the time being affecting such municipality. R. S. O. 1887, c. 190, s. 22.

Forms.

Rev. Stat. c. 223.

23. The forms in the Schedule hereto may be used for the purposes of this Act, or any forms to the like effect, and the recitals contained in the said forms shall be deemed sufficient, any provisions of *The Municipal Act* to the contrary notwithstanding. R. S. O. 1887, c. 190, s. 23.

SCHEDULE.

FORM A.

(*Section* 2.)

PETITION.

To the Municipal Council of

We, the undersigned electors of the said of (*or as the case may be*) respectfully pray that *The Public Parks Act* may be adopted in this municipality.

R. S. O. 1887, c. 190, Sched. Form A; 54 V. c. 44, s. 8.

FORM B.

(*Section* 2.)

BY-LAW FOR ESTABLISHING A PARK.

A By-law to provide for the adoption of *The Public Parks Act* in the (city of *or as the case may be*)

Whereas electors have petitioned the Council of the said of (*or as the case may be*) praying for the adoption of *The Public Parks Act*, in the municipality.

Be it therefore enacted by the municipal council of the of (*or as the case may be*), that the said Public Parks Act be adopted in this (city *or as the case may be*).

And be it further enacted that the votes of the electors be taken on this by-law on the day of 18 , commencing at nine oclock in the morning, and continuing until five o'clock in the afternoon at the undermentioned places. (*Here insert (1) the Ward, (2) the Polling Subdivisions, (3) the Place for holding the poll and the name of the Deputy Returning Officer.*)

That on the day of next, at his office in the at o'clock in the noon, the mayor shall appoint in writing signed by him, two persons to attend to the final summing up of the votes by the Clerk, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

That the clerk of the said municipal corporation shall attend at the at the hour of o'clock in the noon on the day of 18 , to sum up the number of votes given respectively for and against the by-law.

Notice by the

The above is a true copy of a proposed by-law which will be taken into consideration by the council of after one month from the day of 18 , being the date of the first publication thereof, and the polls for taking the votes of the electors will be held at the hour, day and places named in the said by-law.

R. S. O. 1887, c. 190, Sched. Form B; 54 V. c. 44, s. 8.

FORM C.

(*Section* 17.)

BY-LAW FOR THE ISSUE OF PARK FUND DEBENTURES.

A by-law authorizing the issue of Debentures for the purposes of a park, (*or* parks, *etc.*, *as the case may be*).

Whereas a by-law of the municipal council of the city of (*or as the case may be*) was passed on the day of 18 , adopting in this municipality *The Public Parks Act*;

And whereas a sum of $ is required for the purposes of acquiring lands and improving the same (*or as the case may be*) for the said park, (*or as the case may be*) as appears by the special estimate for that purpose furnished by the Board of Park Management to the Council;

And whereas it will require the sum of $ annually for a period of years to pay the interest of the said debt and the sum of $ annually during said period for the forming of

a sinking fund of per centum per annum, for the payment of the debt created by this by-law, making in all the sum of $ annually as aforesaid ;

And whereas it is necessary that such annual sum of $ shall in each year during the said period be charged on the special rate mentioned in the section of the said Act:

Be it therefore enacted by the municipal council of the said city of (*or as the case may be*) pursuant to the provisions of *The Public Parks Act:*

That the mayor (*or* warden *or* reeve) of the said municipality may borrow on the credit of the said Annual Park Fund Rate as aforesaid, and may issue Park Fund Debentures of the Corporation to that amount, in sums not less than $100 each, and payable within years from the date thereof, with interest at the rate of per centum per annum, that is to say in (*insert the manner of payment, whether in annual payments or otherwise*) such debentures to be payable at and to have attached to them coupons for the payment of interest.

That during years the sum of shall be raised and retained annually, for the payment of interest on said debentures, and also the sum of for the purpose of forming a sinking fund of per centum per annum, for the payment of the principal of the said loan of in years, making in all the sum of to be raised and charged annually as aforesaid, on the Special Park Fund Rate, unless the said Debentures are sooner paid, for the purpose of paying the said sum of with interest thereon as aforesaid.

R. S. O. 1887, c. 190, Sched. Form C ; 54 V. c. 44, s. 8.

FORM D.

(*Section* 17.)

FORM OF DEBENTURE.

Park Fund Debentures $ (*or* £ stg.) $ (*or* £ stg.)
City of (*or as the case may be*) Province of Ontario.
Park Fund Debenture No. Transferable.
Revised Statutes of Ontario, 1897, Chapter 233.
$ (*or* £ stg.)

CANADA :

Under and by virtue of *The Public Parks Act* and of By-law No. of the corporation of the of passed under the powers in said Act contained,

The corporation of the promise to pay to the bearer the sum of at (*insert where payable*) on the day of 18 , with interest at the rate of per cent., said interest to be payable (half-yearly, *or as the case may be*) to the bearer of the annexed coupons or interest warrants respectively, upon the presentation thereof at the said

Dated at the of this day of 188 .

Mayor *or* Warden *or* Reeve.
Treasurer.

R. S. O. 1887, c. 190, Sched. Form D ; 54 V. c. 44, s. 8.

CHAPTER 234.

An Act to authorize Cities, Towns and Villages to provide Gas and other means of Lighting and Heating.

SHORT TITLE, s. 1.
INTERPRETATION, s. 2.
CONSTRUCTION OF WORKS, s. 3.
POWERS AS TO LANDS, ss. 4-6.
PUBLIC HEALTH AND SAFETY NOT TO BE ENDANGERED, s. 7.
DUTY TO SUPPLY BUILDINGS, s. 8.
BY-LAWS AS TO MAINTENANCE AND MANAGEMENT, s. 9.
ENFORCING PAYMENT OF RATES, s. 10 (1, 2).
REMOVAL OF FITTINGS, s. 10 (3).
POWER TO CARRY WORKS INTO ADJOINING MUNICIPALITY, s. 11.
RESTRICTIONS AS TO LAYING MAINS, s. 12.
PROVISIONS OF OTHER ACTS INCORPORATED, ss. 13, 14.
RIGHTS PRESERVED, s. 15.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Municipal Light and Heat Act.*" R. S. O. 1887, c. 191, s. 1. Short title.

2. The word "gas" in this Act shall include natural gas, and all the powers conferred by this Act upon municipal corporations in regard to the manufacture of gas shall be deemed and taken to be conferred on such corporations for mining for and winning from the earth natural gas. 58 V. c. 46, s. 1. "Gas" to include "natural gas."

3.—(1) The corporation of every city, town, and incorporated village shall have power to manufacture and supply, for the use of the corporation and of all persons, gas for heating, cooking, and all other purposes for which gas can be used, and to manufacture and supply electric, galvanic, or any other artificial light or heat, either in connection with gas or otherwise; and for these purposes to construct, purchase, improve, extend, hold, maintain, manage and conduct any works which they may deem requisite, and to acquire any patent or other rights, for the manufacture or production of any artificial light or heat, and also to supply, sell or lease, all fittings, machines, apparatus, meters, or other things for the purposes aforesaid. Corporations of cities, etc., may construct gas works, etc.

(2) The corporation may sell and dispose of coke, tar, and every other product, refuse or residuum obtained in or from their said works, and any surplus coal they may have on hand. May sell coke, etc.

May rent or purchase lands.

(3) The corporation shall have power to rent or purchase such lands and buildings as they deem necessary or advantageous for the purposes aforesaid.

Property of corporation exempt from distress.

(4) No property of the corporation shall be liable to be seized for rent due to the landlord of any lands or buildings upon or in which gas, electricity or other means of lighting or heating, are supplied by the corporation. R. S. O. 1887, c. 191, s. 2.

Corporation may break up streets, etc.

4. The corporation, or their servants under their authority, may, for the purpose of laying down, taking up, examining, and keeping in repair the pipes, wires and rods used for conducting the gas, electricity, or other means of lighting or heating, break up, dig, and trench, in, upon, through, over and under the highways, streets, lanes, roads, squares, and other public passages and places in the municipality, or, with the consent of the owner, in, upon, through, over and under, any private property; or may, upon poles or otherwise, conduct such wires and rods along and across such streets, lanes, roads, squares and other public passages and places, or, with the consent of the owner, upon private property. R. S. O. 1887, c. 191, s. 3; 60 V. c. 15, *Sched.* B (11).

Corporation may carry pipes, wires and rods through parts of buildings to supply other parts.

5.—(1) Where there are buildings within the municipality the different parts whereof belong to different owners, or are in possession of different tenants or occupants, the corporation may carry pipes, wires or rods, to any part of any building so situate, passing over the property of any owner, or in the possession of any tenant or occupant, to convey the gas, electricity, or other means of lighting or heating, to the property of or in the possession of any other person.

(2) Such pipes, wires or rods shall be carried up, and attached to the outside of the building, unless consent is obtained to carry the same in the inside. R. S. O. 1887, c. 191, s. 4; 60 V. c. 15, *Sched.* B (12).

May also break up passages common to different proprietors.

6.—(1) The corporation may also break up and uplift all passages common to neighbouring owners, tenants, or occupants, and dig or cut trenches therein, for the purpose of laying down pipes or wires, or rods, or taking up or repairing or examining the same, doing as little damage as may be in the execution of the powers hereby conferred, and restoring such passages to their original condition without unnecessary delay.

(2) The corporation shall make satisfaction to any owner, tenant, or occupant, for all damages sustained by him in the execution of the said powers conferred by this section. R. S. O. 1887, c. 191, s. 5; 60 V. c. 15, Sched. B (13).

Public safety not to be endangered.

7. The corporation shall construct and locate their gas and other works, and all apparatus and appurtenances thereunto

belonging or appertaining, or therewith connected, and wheresoever situated, so as not to endanger the public health or safety. R. S. O. 1887, c. 191, s. 6.

Municipal corporation constructing works to supply buildings on line of supply, on request.

8. Where the corporation has constructed any works for supplying the municipality with gas, electricity or other means of lighting or heating, and there is a sufficient supply thereof, it shall be the duty of the corporation to supply with gas, electricity or other means of lighting or heating, all buildings within the municipality situate upon land lying along the line of any supply pipe, wire or rod, of the corporation, upon the same being requested by the owner, occupant or other person in charge of any such building. R. S. O. 1887, c. 191, s. 7; 60 V. c. 15, *Sched.* B (10).

Power to make by-laws for maintenance and management of works.

9. The corporation may, from time to time, make and enforce all necessary by-laws, rules, and regulations for the general maintenance and management of all works constructed or maintained under this Act, and of the officers and others employed in connection with them, and for the collection of the rates or charges for supplying gas or electricity or other means of lighting or heating hereunder, and for the rent of fittings, machines, apparatus, meters or other things leased to consumers, and for fixing such rates, charges and rents, and the times and places when and where the same shall be payable; and the corporation may allow for prepayment or punctual payment such discount as they deem expedient. R. S. O. 1887, c. 191, s. 8.

Power to enforce payment of rates.

10.—(1) The corporation may enforce payment of such rates, charges or rents by action in any Court of competent jurisdiction, or by distress and sale of the goods and chattels of the person owing such rates, charges or rents, wherever the same may be found in the municipality in which the gas, electricity or other means of lighting or heating is supplied.

Distress and sale.

(2) Such distress and sale shall be conducted in the same manner as sales are conducted for arrears of taxes, and the costs chargeable shall be those payable to bailiffs under *The Division Courts Act*.

Rev. Stat. c. 60.

Removal of fittings from premises of consumers.

(3) Where any consumer discontinues the use of the gas or other means of lighting or heating furnished by the corporation, or the corporation lawfully refuses to continue any longer to supply the same, the officers and servants of the corporation may at all reasonable times enter the premises in or upon which such consumer was supplied with gas, or other means of lighting or heating, for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes or other things being the property of the corporation, in or upon such premises, and may remove the same therefrom, doing no unnecessary damage. R. S. O. 1887, c. 191, s. 9.

Power to carry works into adjoining municipalities.

11. A corporation possessing, or intending to construct works under this Act may, under a by-law of an adjoining municipality, whether a city, town, village or township, exercise the like powers within the adjoining municipality as it may under this Act within its own municipality, upon such terms as may be agreed upon; and the corporation of the adjoining municipality may either require to be paid a sum in gross, or annually, for such privilege or may pay a sum in gross or annually therefor. R. S. O. 1887, c. 191, s. 10.

Restrictions as to laying mains in streets used for the mains of an existing company.

12. In case a gas company or any unincorporated firm or person has laid down main pipes for the supply of gas in or through any of the streets, squares or public places of a municipality the corporation shall not, without the consent of such company, firm or person first had and obtained, nor otherwise than upon payment to such company, firm or person of such compensation as may be agreed upon, lay down any main pipe for the supply of gas within six feet of the main pipes of such company, firm or person, or if it be impracticable to cut drains for such other main pipes at a greater distance, then as nearly six feet as the circumstances of the case will admit. This section shall be subject to any antecedent agreement between the company, firm or person, and the municipal corporation. R. S. O. 1887, c. 191, s. 11; 60 V. c. 15, *Sched.* B (14).

Rev. Stat. c. 199, ss. 44-54 incorporated herewith.

13. The sections numbered from 44 to 54, both inclusive, of *The Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*, are hereby incorporated with this Act as if the same were repeated herein, with the substitution of "corporation" for "company" wherever "company" occurs in the said sections. R. S. O. 1887, c. 191, s. 12.

Rev. Stat. c. 235, ss. 40-47 incorporated herewith.

14. The sections numbered from 40 to 47, both inclusive, of *The Municipal Water-works Act*, are also hereby incorporated with this Act as if the same were repeated herein, with the substitution of "gas or other" for "water" where "water" occurs in the said sections, except in the fourteenth line of section 45 where "gas or other light or heat" shall be substituted for the said word "water." R. S. O. 1887, c. 191, s. 13.

Rights conferred by special Acts preserved.

15. Nothing in this Act shall be construed to diminish the rights of any company under any special Act, or of any unincorporated owners or owner of existing gas works for the supply of gas to any municipality. R. S. O. 1887, c. 191, s. 14.

CHAPTER 235.

An Act to provide for the construction of Municipal Waterworks.

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CONSTRUCTION OF WORKS, s. 2.
POWERS AS TO LANDS, ss. 3-13.
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ACT TO BE READ WITH MUNICIPAL ACT, s. 54.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Municipal Water-works Act.*" R. S. O. 1887, c. 192, s. 1.

Corporations of Cities, etc., may construct water works.

2. The corporation of every township, city, town or incorporated village shall have power to construct, build, purchase, improve, extend, hold, maintain, manage and conduct waterworks, and all buildings, materials, machinery and appurtenances thereto belonging, in the municipality and in the neighbourhood thereof as hereinafter provided. R. S. O. 1887, c. 192, s. 2.

Powers.

3. The corporation shall have power to employ engineers, surveyors and such other persons, and to rent, with such conditions, covenants and stipulations as the corporation shall deem requisite or necessary, or purchase, at the option of the corporation, such lands and buildings, waters and privileges as in their opinion may, during the construction or at any future time, be necessary to enable them to fulfil their duties under this Act. R. S. O. 1887, c. 192, s. 3.

Power to enter on lands and appropriate streams, etc.

4. The corporation, their engineers, surveyors, servants and workmen, from time to time, and at such times as the corporation shall see fit, may enter into and upon the lands of any person in the municipality or within ten miles thereof, and may survey, set out and ascertain such parts thereof as are required for the purposes of the water-works, and may divert and appropriate any pond of water, spring or stream of water therein, as any engineer, surveyor or other person authorized in this behalf by the corporation judges to be suitable and proper for the said purposes, and may contract with the owner or occupier, of the said lands, and those having a right or interest in the said water, for the purchase or renting thereof, or of any part thereof, or of any privilege that may be required for the purpose of the water-works, at the option of the corporation. R. S. O. 1887, c. 192, s. 4; 56 V. c. 37. s. 1.

Taking water from lake or river.

5. Water for the purpose aforesaid may, subject to the other provisions of section 4, be taken from any lake or river in the municipality, or within fifteen miles thereof; and the corporation shall, in respect thereto, have the like rights, powers, authorities and privileges as are granted to or conferred upon any municipal corporation, and shall be subject to the like obligations and restrictions as are imposed by section 4. 56 V. c. 37. s. 2.

Arbitration.

6. In case of any disagreement between the corporation and the owners or occupiers or any other person interested in such lands, or any person having an interest in the said water or the natural flow thereof, or in any such privilege as aforesaid, respecting the amount of purchase or yearly rental or value thereof, or as to the damages such appropriation will cause or otherwise, the same shall be decided by arbitration, in accordance with the provisions of *The Municipal Act*, and as hereinafter provided. R. S. O. 1887, c. 192, s. 5.

Rev. Stat. c. 223.

Provision in case of infant owners, etc.

7.—(1) In case the owner or occupier is an infant, an idiot, or an insane person, or is absent from this Province, or in case the lands or water privileges are mortgaged or pledged to any person, the Judge of the County Court of the county in which the municipality constructing the water-works is situated, on application being made to him for that purpose by the corporation, and upon proof of notice of the application hav-

ing been served or given as is hereinafter provided, shall nominate and appoint three indifferent persons as arbitrators.

(2) The award of the majority of the arbitrators in writing shall be binding on all parties concerned, as fully as if all had joined therein. R. S. O. 1887, c. 192, s. 6.

Payment of award.

8.—(1) Any sum so agreed upon or awarded shall, in case of purchase, subject to the terms of the agreement, be paid within three months from the time of the agreement, or from the date of the award, as the case may be; and in case of renting, the rent agreed upon or awarded shall be paid at the times agreed upon, or fixed in the award, but in either case, if a motion is made to amend or set aside the award, payment may be delayed until the determination of the motion.

(2) In default of such payment, the proprietor may resume possession of his property, and all his rights shall thereupon revive. R. S. O. 1887, c. 192, s. 7.

Payment into Court in certain cases.

9.—(1) In case the person to whom damages are awarded is an infant, an idiot, or an insane person, or is absent from the Province, or refuses to accept the amount awarded, the corporation may pay the same with interest to the committee of the person under any of the said disabilities, or may pay the same with interest into the High Court to the credit of such person, and such payment shall be a sufficient payment by the corporation.

(2) Any notice required to be served on any person under any of the said disabilities shall be served on the person in whose care or under whose custody or control the person may be.

(3) If any person so required to be served is absent from the Province, or cannot be found, notice may be given by publishing the same for such time in the *Ontario Gazette* and in one paper published in the county in which the said lands lie, as may be ordered by the High Court or a Judge thereof. R. S. O. 1887, c. 192, s. 8.

Lands, etc., on payment vested in corporation.

10. The lands, privileges, and water, so ascertained, set out or appropriated by the said corporation, for the purposes thereof as aforesaid, shall, upon payment of the said moneys to the person entitled thereto, or into Court as aforesaid, be vested in the corporation in fee simple, except where the lands, privileges or water are rented, in which case the term and possession shall be as agreed upon by the respective parties or as awarded by the arbitrators, but the corporation shall have power at the end of the term, or during the last year thereof, to again rent or to purchase such lands, privileges or water, at the option of the corporation, at a rental or price to be again ascertained and determined in manner aforesaid. R. S. O. 1887, c. 192, s. 9.

Construction of necessary works.

11. The corporation may construct, erect and maintain, in and upon the said lands, all reservoirs, water-works, and machinery requisite for the undertaking, and for conveying the water thereto and therefrom, in, upon, and through any lands lying intermediate between the said reservoirs and water-works and the springs, streams, rivers, ponds, or waters from which the same are procured and the municipality, by one or more lines of pipes, as may from time to time be found necessary. R. S. O. 1887, c. 192, s. 10.

Power to enter on intermediate lands.

12.—(1) The corporation, and their servants under their authority, may for the said purposes enter and pass upon and over the said lands, intermediate as aforesaid, and the same may cut and dig up, if necessary, and may lay down the said pipes through the same, and in, upon, through, over, and under the highways, streets, lanes, roads, or other passages within the municipality, or within ten miles, or in the cases provided for by section 4, within fifteen miles thereof, and in, upon, through, over, and under the lands and premises of any person within the municipality.

(2) All lands, not being the property of the municipality, and all highways, roads, streets, lanes, or other passages so dug up, or interfered with, shall be restored to their original condition without unnecessary delay.

(3) The corporation may set out, ascertain, purchase in manner aforesaid, use and occupy such parts of the said lands as the said corporation may think necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the same, and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supply, or for taking up, removing, altering or repairing the same, and for distributing water to the inhabitants of the municipality, or for the uses of the corporation, or of the proprietors or occupiers of the land through or near which the same may pass. R. S. O. 1887, c. 192, s. 11.

Power to lay down pipes, etc.

13. For the purpose of distributing water as aforesaid the said corporation may sink and lay down pipes, tanks, reservoirs and other conveniences, and may from time to time alter all or any of the said works, as well in the position as in the construction thereof, as they may consider advisable. R. S. O. 1887, c. 192, s. 12.

Compensation for damage.

14. The said corporation shall do as little damage as may be in the execution of the powers by this Act granted to them, and shall make reasonable and adequate satisfaction to the proprietors and others whose property is entered upon, taken or used by the corporation, or injuriously affected by the exercise of its powers, to be ascertained as provided in like cases in *The Municipal Act*. R. S. O. 1887, c. 192, s. 13.

Rev. Stat. c. 223.

15. All water-works, pipes, erections, and machinery requisite for the said undertaking shall likewise be vested in and be the property of the corporation of the municipality constructing the said works. R. S. O. 1887, c. 192, s. 14. Property vested in corporation.

16. The council of the corporation may pass by-laws for laying down in, through, across, under, or along the railway and lands of any railway company, in respect of which this Legislature has authority in this behalf, any main pipe belonging or necessary to any water-works which the corporation of the municipality is authorized to construct, and for entering upon, breaking up, taking or using such land in any way necessary or convenient for the said purpose, but subject to the terms and restrictions contained in *The Railway Streets and Drains Act*. R. S. O. 1887, c. 192, s. 15. Pipes may be carried across railways. Rev. Stat. c. 241.

17.—(1) Service pipes which may be required shall be constructed and laid down up to the outer line of the street by the corporation, and the corporation shall be solely responsible for keeping the same in repair. Service pipes.

(2) In cases where a vacant space intervenes between the outer line of the street and the wall of the building or other place into which the water is to be taken, the corporation may, with the consent of the owner, lay the service pipes across such vacant space and charge the cost thereof to the owner of the premises, or the owner may himself lay the service pipes, provided the same is done to the satisfaction of the corporation or person appointed by them in that behalf.

(3) The expense incidental to the laying and repairing, as hereinafter provided, of the service pipes if laid or repaired by the corporation (except the repairing of the service pipes, from the main pipe to the outer limit of the street as aforesaid, which shall be borne solely by the corporation), or of superintending the laying or repairing of the same if laid or repaired by any other person, shall be payable by the owner on demand to the corporation, or if not so paid, may be collected forthwith in the same manner as water-rates: provided that in no case shall the expense of superintending the laying or repairing of such service, if laid or repaired by any other person as aforesaid, exceed one dollar. R. S. O. 1887, c. 192, s. 16.

18.—(1) The service pipes from the line of street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stopcocks and apparatus placed therein by the corporation shall be under their control, and if any damage is done to that portion of the service pipe or its fittings either by neglect or otherwise, the occupant or owner of the lands shall forthwith repair the same to the satisfaction of the corporation; and, in default of his so doing, whether notified or not, the corporation may enter upon the lands where the service pipes are, and by their officers, servants, or agents Service pipe to be under control of corporation.

repair the same, and charge the same to the owner of the premises, as hereinbefore provided.

(2) The stopcock placed by the corporation inside the wall of the building shall not be used by the water taker, except in cases of accident, or for the protection of the building or the pipes, and to prevent the flooding of the premises.

(3) Persons supplied with water by the corporation may be required to place only such taps for drawing and shutting off the water as are approved of by the corporation. R. S. O. 1887, c. 192, s. 17.

Inspection of premises.

19. Any person authorized by the corporation for that purpose, shall have free access, at proper hours of the day, and upon reasonable notice given and request made, or, in case of the written authority of one of the commissioners given in respect of the special case, without notice, to all parts of every building or other premises in which water is delivered and consumed, for the purpose of inspecting or repairing as aforesaid, or for placing meters upon any service pipe or connection within or without any house or building as they may deem expedient, and for that purpose, or for the purpose of protecting or of regulating the use of such meter, may set or alter the position of the same, or of any pipe, connection, or tap, and may fix the price to be paid for the use of such meter, and the times when, and the manner in which the same shall be payable, and may also charge for and recover the expenses of such alterations; and such price, and the expense of such alterations may be collected in the same manner as water-rates. R. S. O. 1887, c. 192, s, 18.

Regulation of use of water and of rates.

20.—(1) The corporation shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time shall fix the prices for the use thereof, and the times of payments; and they may erect such number of public hydrants, and in such places as they shall see fit, and direct in what manner, and for what purposes the same shall be used, all which they may change at their discretion, and may fix the rate or rent to be paid for the use of the water by hydrants, fireplugs, and public buildings.

(2) The sum payable by the owner or occupant of any house, tenement, lot, or part of a lot for the water supplied to him there, or for the use thereof, and all rates, costs and charges by this Act to be collected in the same manner as water-rates, shall be a lien and charge on the house, tenement, lot, or part of a lot, and may be levied and collected in like manner as municipal rates and taxes are by law recoverable. R. S. O. 1887, c. 192, s. 19.

Power to make and enforce by-laws for

21.—(1) The corporation may from time to time make and enforce necessary by-laws, rules and regulations for the gen-

eral maintenance, management and conduct of the water-works and of the officers and others employed in connection with them, not inconsistent with this Act, and for the collection of the water-rent and water-rate, and for fixing the time and times when, and the places where the same shall be payable. maintenance and management of works.

(2) And also for allowing a discount for prepayment, and in case of default of payment may enforce payment by shutting off the water, or by action in any Court of competent jurisdiction, or by distress and sale of the goods and chattels of the owner or occupant, or of any goods and chattels in his possession, wherever the same may be found in the municipality, or of any goods and chattels found on the premises, the property of or in the possession of any other occupant of the premises; but where the arrears exceed one quarter, no distress shall be made of any goods and chattels which are not the property of the person liable for the water rate.

(3) The distress and sale may be conducted in the same manner as sales are conducted for arrears of taxes, and the costs chargeable shall be those payable to bailiffs under *The Division Courts Act*. R. S. O. 1887, c. 192, s. 20. Rev. Stat. c. 60.

22.—(1) The attempt to collect the rates by any process hereinbefore mentioned shall not in any way invalidate the lien upon the premises as hereinbefore provided. Lien for rate not invalidated by attempt to collect same

(2) In the event of the rate remaining uncollected and unpaid, and continuing a lien upon the said premises as aforesaid, the amount of the rate so in arrears shall be returned by the collectors to the treasurer of the municipality annually, on or before the eighth day of April, in each and every year, or such other time as may be fixed by the corporation by by-law in that behalf, and the same, together with interest at the rate of ten per cent. per annum thereon, shall thereupon be collected by the treasurer by the sale of the lands and premises in the same manner and subject to the same provisions as in case of the sale of non-resident lands for arrears of municipal taxes. R. S. O. 1887, c. 192, s. 21.

23. The corporation shall have power to employ the ordinary collectors and assessors, and such other persons as in their opinion may be necessary to carry out the objects of this Act, and to specify their duties, and to fix their compensation; and all such persons shall hold their offices at the pleasure of the corporation, or as the corporation shall determine by by-law in that behalf, and shall give such security as the corporation shall from time to time require, and such assessors and collectors shall have as full power in the performance and enforcement of the matters to them committed as the assessors and collectors of the municipality may by law possess and enjoy in respect of municipal taxes. R. S. O. 1887, c. 192, s. 22. Power to employ collectors and others.

Protection and powers of officers.

24. The corporation and their officers shall have the like protection in the exercise of their respective offices and the execution of their duties as Justices of the Peace now have under the laws of this Province; and the watchmen and other officers of the corporation, when in the discharge of their duties, shall be *ex officio* possessed of all the powers and authority of constables. R. S. O. 1887, c. 192. s. 23.

Limitation of actions.

25. If an action be brought against any person for anything done in pursuance of this Act, the same shall be brought within six months next after the act committed, or in case there be a continuation of damages, then within one year after the original cause of action first arose. R. S. O. 1887, c. 192, s. 124.

Non-liability for breakage or stoppage.

26. The corporation shall not be liable for damages caused by the breaking of any service pipe or attachment, or for any shutting off of any water to repair mains or to tap the mains, if reasonable notice of the intention to shut off the water is given whenever the same is shut off for more than six hours at any one time. R. S. O. 1887, c. 192, s. 25.

Property exempt from execution.

27. All materials procured or partly procured under contract with the corporation, and upon which the corporation have made advances in accordance with such contract, shall be exempt from execution. R. S. O. 1887, c. 192, s. 26.

Property exempt from taxation.

28. The lands, buildings, machinery, reservoirs, pipes, and all other real or personal property connected with, or appertaining, or belonging to the water-works, shall be exempt from municipal taxation. R. S. O. 1887, c. 192, s. 27.

Power to supply water outside of municipality.

29. The said corporation shall have power and authority to supply, upon special terms, any corporation, or persons with water, although not resident within the municipality, and may exercise all other powers necessary to the carrying out of their agreement with such corporation or persons, as well within the suburbs of as within the municipality, and they may also from time to time make and carry out any agreement which they may deem expedient for the supply of water to any railway company or manufactory; but where such water is to be supplied in another municipality which itself possesses water-works, no pipes for that purpose shall be carried in, upon, through, over or under any highway or public street, lane, road or passage within such other municipality without the consent of the council of such municipality; the agreement may be for a term of years or otherwise as may be agreed on. R. S. O. 1887, c. 192, s. 28.

Proviso.

Power to sell any property when no longer required.

30.—(1) The corporation may dispose of any real or personal property acquired by them for water-works purposes when no longer required, and until sold, may rent or lease the same;

any property so sold shall be free from any charge or lien on account of any debentures issued by the corporation, but the proceeds of the sale shall be added to and form part of the fund for the redemption and payment of any debentures constituting a charge thereon, or if no such debentures then exist, the said proceeds shall form part of the general funds of the corporation, and may be applied accordingly.

(2) In case credit is given for any portion of the purchase money of such real property the corporation may take security, by way of mortgage to secure the same, and the corporation shall have all the rights, powers, and remedies expressed in or implied by any mortgage given, as fully as if the mortgage, had been given to a private person and every such mortgage, and the proceeds thereof, shall stand as security for any debentures, constituting a charge on the real property, at the time of sale. R. S. O. 1887, c. 192, s. 29.

No member council to be interested in any contract.

31. No member of the council of the municipality shall personally have or hold any contract in connection with said works or be directly or indirectly interested in the same or any of them, but no person shall be held to be disqualified from being elected or sitting as a member of the council of the corporation by reason of his being a taker or consumer of water supplied by the corporation, or by reason of any dealing or contract with the corporation with reference to the supply of water to such person. R. S. O. 1887, c. 192, s. 30.

Liability of persons doing damage.

32. All persons who, by themselves, their servants or agents, by act, default, neglect or omission, occasion any loss, damage or injury to the water-works of any municipal corporation, or to any plant, machinery, fitting or appurtenances thereof, shall be liable to the corporation for or in respect of such damage, loss, or injury ; and damages in respect thereof may be recovered by the corporation in any Court of competent jurisdiction. R. S. O. 1887, c. 192, s. 31.

Power to make by-laws prohibiting wrongful use of water and regulating supply.

33.—(1) The corporation may make such by-laws as to the council shall seem requisite for prohibiting, by fine, not exceeding $20 and costs, or by imprisonment in the first instance, for any term not exceeding one month, any person, being tenant, occupant, or inmate of any house, building or other place supplied with water from the water-works, from lending, selling or disposing of the water thereof, from giving it away, or permitting it to be taken or carried away, or from using or applying it to the use or benefit of others, or to any other than his, her, or their own use and benefit, or from increasing the supply of water agreed for with the corporation, or from wrongfully neglecting or improperly wasting the water;

(2) And may also make by-laws for regulating the time, manner, extent and nature of the supply by the works, the tenement or persons to which and to whom the same shall be

furnished, the price or prices to be paid therefor, and each and every other matter or thing related to or connected therewith, which it may be necessary or proper to direct, regulate, or determine, in order to secure to the inhabitants of the municipality a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the corporation with regard to the water so supplied.

(3) The amount of the fine, the duration of the imprisonment, and also the option between fine and imprisonment, shall be in the discretion of the Justice of the Peace before whom any proceedings may be taken for the enforcement of such by-law. R. S. O. 1887, c. 192, s. 32.

Prohibitions and penalties.

34. If any person does or commits any of the following acts:

1. Wilfully or maliciously hinders or interrupts, or causes, or procures to be hindered or interrupted the said corporation, or their managers, contractors, servants, agents, workmen, or any of them in the exercise of any of the powers and authorities in this Act authorized and contained;

2. Wilfully or maliciously lets off or discharges water, so that the same runs waste or useless, out of the works;

3. Not being in the employment of the corporation, and not being a member of the fire brigade and duly authorized in that behalf, wilfully opens or closes any hydrant, or obstructs the free access to any hydrant, stopcock, chamber, pipe, or hydrant-chamber, by placing on it any building-material, rubbish, or other obstruction;

4. Throws or deposits any injurious, noisome or offensive matter into the water or water-works, or upon the ice, in case such water is frozen, or in any way fouls the water or commits any wilful damage or injury to the works, pipes, or water, or encourages the same to be done;

5. Wilfully alters any meter of the water-works placed upon any service pipe or connected therewith, within or without any house, building or other place, so as to lessen or alter the amount of water registered thereby, unless specially authorized by the corporation for that particular purpose and occasion;

6. Lays or causes to be laid any pipe or main to communicate with any pipe or main of the water-works, or in any way obtains or uses any water thereof without the consent of the corporation;

7. Washes or cleanses cloth, wool, leather, skin or animals, or places any nuisance or offensive thing within the distance of one mile in the case of a village or town, or within the distance of three miles in the case of a city from the source of supply for such water-works, in any river, pond, creek, spring, source or fountain from which the water of the water-works is obtained, or conveys, casts, throws or puts

any filth, dirt, dead carcase, or other noisome or offensive thing therein, or within the distance as above set forth, or causes, permits, or suffers the water of any sink, sewer or drain to run or be conveyed into the same, or causes any other thing to be done whereby the water therein may be in any way tainted or fouled,—

and such person is convicted of such act before a Justice of the Peace having jurisdiction in the locality within which the offence is committed, he shall, for every such offence, forfeit and pay a sum not exceeding $20 nor less than $1, together with the costs and charges attending the proceedings and conviction, or such offender may be imprisoned in the first instance for any term not exceeding thirty days. R. S. O. 1887, c. 192, s. 33.

Application of penalties.

35. The penalties in money under this Act, or any portion of them which may be recovered, shall be paid to the convicting Justice, and by him paid, one-half to the treasurer of the corporation, and the other half to the prosecutor, unless the prosecutor is a servant or officer of the corporation, in which case the whole of the penalty shall be paid to the corporation. R. S. O. 1887, c. 192, s. 34.

Money borrowed to be a charge on works.

36. The water-works erected or constructed, and also the lands acquired for the purpose thereof, and every matter and thing therewith connected, shall be specially charged with the repayment of any sum or sums which may be borrowed by the corporation for the purposes thereof, and for any debentures which may be issued therefor, and the holders of such debentures shall have a preferential charge on the said lands, waterworks, and the property appertaining thereto, for securing the payment of the debentures and the interest thereon. R. S. O. 1887, c. 192, s, 35.

Power to levy special rate.

37. For the purpose of assisting in the payment of any debentures issued for the purposes of waterworks constructed under the provisions of this Act, and the interest thereon, the corporation may provide by by-law for the assessment and collection of a special tax or rate in each year, not exceeding four mills in the dollar upon the several properties, according to the assessed value thereof, fronting or abutting upon the street in, through and along which the waterworks mains are laid, as well as all other properties which may enjoy the advantage of use of water from the said main distant not more than 300 feet therefrom for the purpose of protection against fire, whether the owners or ratepayers thereof use the water or not for general purposes, to meet the yearly interest on any debentures issued for the purposes of the said waterworks and to form a sinking fund for the payment of all said debentures; Provided that the collector of taxes upon the production by the owner or occupant using said water of the receipt for the payment of the rent

Power to remit special tax.

chargeable for the use thereof, during the year, or such proportion thereof as shall equal such special tax, shall remit or allow to such owner or occupant the amount so paid as a payment *pro tanto* on account of the special tax authorized to be levied by this section. 53 V. c. 53, s. 1.

Application of revenue.

38. After the construction of the works, all the revenues arising from or out of the supplying of water, or from the real or personal property connected with the water-works to be acquired by the corporation under this Act, shall, after providing for the expenses attendant upon the maintenance of the water-works, subject, however, to the provisions contained in the section 36, form part of the general funds of the corporation, and may be applied accordingly. R. S. O. 1887, c. 192, s. 36.

Power to purchase existing works.

39. The corporation of any township, city, town, or incorporated village may purchase any water-works constructed within or in the neighbourhood of the municipality, and being the property of any person or company, and, under the provisions of this Act, may improve and extend such water-works. R. S. O. 1887, c. 192, s. 37.

Council may exercise powers hereby conferred or may elect commissioners.

40.—(1) The council of the township, city, town, or village may itself, or by its officers, exercise and enjoy the powers, rights, authorities and immunities hereby conferred upon the corporation of such municipality, or such council may, either before the commencement of the works, or at any time while they are in course of construction, or after their completion, by by-law, assented to by the electors of the municipality, provide for the election of commissioners for such purpose.

(2) Upon the election of commissioners, all the powers, rights, authorities, or immunities which, under this Act, might have been exercised or enjoyed by the council and the officers of the corporation acting for the corporation, shall and may be exercised by the commissioners and the officers appointed by the commissioners, and the council thenceforth during the continuance of the board of commissioners shall have no authority in respect of such works.

(3) But any officer or employee appointed or employed by the council in or about the construction or management of the works, shall be continued until removed by the commissioners unless his engagement sooner terminates.

(4) Nothing herein contained shall be construed to divest the council of its authority with reference to the providing of moneys required in respect of such works, and the treasurer of the municipality shall, upon the written certificate of the commissioners, pay out any moneys so provided. R. S. O. 1887, c. 192, s. 38.

Number and qualification of commissioners.

41.—(1) The commissioners shall consist of a board of not less than three and not more than five, of whom the head of the council shall *ex officio* be one, and the remainder of whom shall be elected annually at the same time and in the same manner as the head of the council, except where a vacancy from any cause occurs on the board, when a commissioner, who shall hold office during the remainder of the term for which his predecessor was appointed, shall be immediately appointed by the said council.

(2) A majority of the commissioners shall constitute a quorum for the transaction of any business within the authority of the board.

(3) Each of the commissioners so elected or appointed shall during the whole period of his term of office, have the same property qualification as is required for a member of the council of the corporation.

(4) Every commissioner shall, before taking office, take the oath of qualification before some Justice of the Peace, and shall file such oath with the clerk of the municipality.

(5) The place of a commissioner shall become vacant from the same causes as the seat of a member of the council of the corporation. R. S. O. 1887, c. 192, s. 39.

Salary of commissioners.

42. The salary, if any, of the commissioners, both during the progress of the works and after their completion, shall from time to time be fixed by the council, but no member of the council, except the head thereof, shall at the same time, be a member of the board of commissioners. R. S. O. 1887, c. 192, s. 40.

No commissioner to be interested in any contract.

43. No commissioner appointed as aforesaid shall personally have or hold any contract in connection with the said works, or be directly or indirectly interested in the same, or any of them. R. S. O. 1887, c. 192, s. 41.

Where work entrusted to commissioners council may assume same.

44. The council of the municipality, in case the construction of the works be entrusted to commissioners, may, by by-law assented to by the electors of the municipality, at any time assume the work, remove the commissioners, apportion their current year's salary, and proceed with and manage the works and, in such case, all the rights, powers, authorities, immunities, duties and liabilities then belonging to the commissioners, shall be transferred to and vested in the council, but any officer or employee appointed or employed by the commissioners in or about the construction or management of the works, shall be continued until removed by the council, unless his engagement sooner terminates. R. S. O. 1887, c. 192, s. 42.

Accounts to be kept by commissioners.

45.—(1) The commissioners shall keep, or cause to be kept separate books and accounts of the receipts and disbursements for and on account of the water rates, distinct from the

books and accounts relating to the other property, funds, or assets, belonging to the water-works; and all such books shall be open to the examination of any person appointed for that purpose by the council.

(2) The commissioners, on or before the fifteenth day of January, in each year, or upon such other day as the council may name, shall cause a return to be made to the council containing a statement of the affairs of the water-works, which shall shew the amount of the rents, issues, and profits, arising from the water-works, and the number of persons supplied with water, during the previous year; the extent and value of the movable and immovable property belonging to the water-works; the amount of debentures then issued and remaining unredeemed, and uncancelled, and the interest paid thereon, or yet due and unpaid, and the state of the sinking fund; the expenses of collection and management, and all other contingencies; the salaries of officers and servants; the costs of repairs, improvements and alterations; the prices paid for the acquisition of any real estate that may have been acquired for the use of the water-works; and generally, such a statement of the revenue and expenditure of the water-works, as will at all times afford to the ratepayers a full and complete knowledge of the state of affairs of the water-works.

(3) The commissioners shall also, from time to time, furnish such information as may be required by the council.

(4) All the accounts relating to the water-works shall be audited by the auditors of the corporation in regular course, and the commissioners and their officers shall furnish to the auditors such information and assistance as may be in their power, to enable the auditors to properly audit such accounts. R. S. O. 1887, c. 192, s. 43; 60 V. c. 15, *Sched.* B (15).

Oaths of office and records of proceedings.

46. The commissioners, and the clerks employed in their revenue service, shall be sworn before a Justice of the Peace, for the faithful performance of their duties; the commissioners shall keep a book for the purpose of recording the whole of their official proceedings; and such book shall be open for inspection in the same manner as the books mentioned in the next preceding section. R. S. O. 1887, c. 192, s. 44.

Rates to be paid to municipal treasurer.

47. All water rents and water rates, when collected, less disbursements by the commissioners, shall, quarterly, or so much oftener as the council may direct, be paid over by the commissioners to the municipal treasurer, and shall be by him placed to the credit of the water-works account. R. S. O. 1887, c. 192, s. 45.

Construction of mains, etc., for benefit of individuals.

48. In case any person being a property owner within a municipality in which water-works have been constructed under the provisions of this Act, petitions the council of

such municipality, asking for the construction of water-mains and other works necessary to connect their properties with the water-works system of said municipality, the council may by by-law provide for the extension of the mains and pipes, and for all other work necessary to make such connection, and for permitting the petitioners to receive the benefit of such water-works upon such terms as the council may deem just; and the by-law may further provide that the cost of the work so undertaken, shall be charged as an annual special rate upon the lands of the petitioners designated in the petition, and such rate shall be payable, whether the petitioners, or the owner or owners of the lands for the time being, continue the use of the water supplied or not. 53 V. c. 53, s. 2.

Construction of minor water-works.

49.—(1) Where water-works, for the benefit of a portion only of the municipality, are desired by the owners of any real property in any township, city, town, or incorporated village, the council, on the petition of the owners of the real property to be served, may pass by-laws for the construction of such water-works, and for assessing and levying upon such real property a special rate, sufficient to include a sinking fund for the repayment of debentures, which such council is hereby authorized to issue on the security of such rate, to provide funds for the construction of such water-works, and shall pass by-laws for so assessing and levying the same by an annual rate in the dollar on the said real property according to the frontage thereof, or according to the value thereof, exclusive of improvements, as may be desired by the petitioners.

(2) The council may also pass by-laws for the management of such works, and may appoint such officers as are required therefor.

(3) The water shall be supplied to the said owners and their tenants at such rates as the council may consider requisite to cover the cost of keeping up the works and managing the same; and a separate account shall be kept of all moneys received or expended on account of the works, so that the owners of the real property and their tenants shall be charged with all expenses and shall obtain the benefit of all receipts on account of the works, and such charges shall, from time to time, be increased or decreased, so that such owners and tenants may obtain the benefit of any excess of receipts from this source for the previous year, or may be charged with any deficiency.

(4) In case any person, subsequent to their construction desires to receive the benefit of the works, the council may permit him to do so upon such terms as the council may deem just, and may either direct that such person shall be charged for water at a higher rate, which rate the council shall fix, or may pass such by-laws as may be required to charge the pro-

perty to be served of such person with its proper share of the cost of such works, and for giving the other proprietors the benefit thereof.

(5) In case a person is dissatisfied with any action of the council under the last preceding subsection, he may at any time within one month from the passing of the by-law complained of, appeal to the Judge of the County Court of the County in which the municipality is situated, who, upon notice to the parties, or such of them as he may consider necessary to represent the various interests, shall confirm such by-law, or direct the same to be varied, and the council, in the event of the Judge deciding that the by-law should be varied, shall vary the same accordingly. R. S. O. 1887, c. 192, s. 46.

Provisions for renting or erecting and renting hydrants.

50.—(1) In case there are in any township, city, town or incorporated village, water-works under the control of any person or company, the municipal council, upon the petition of at least two-thirds of the freeholders and householders resident in any street, square, alley or lane, or part of a street, square, alley or lane representing in value one-half of the assessed property therein, may pass by-laws for raising such sums as may be necessary for renting or erecting and renting hydrants to be used for the protection of such property, and whatever may be thereon, from fire, and for the use of the owners and their tenants for such other purposes as may be desired, or agreed upon, by means of a special rate on the said real property, according to the assessed value thereof.

(2) If only part of the street, square, alley or lane is to be included in the assessment, the council may exclude from the assessment, property the owners whereof object to being assessed, if such property is situated at a greater distance from the hydrant nearest thereto, than is the property of every person signing the petition, and the council considers it unfair that such property should be assessed.

(3) If hydrants erected under this section are used for the general purposes of the municipality the corporation shall contribute for such use a fair amount out of the general funds, in relief of the said special rate, or make some other equitable allowance to the persons liable to such rate, in lieu of such contribution. R. S. O. 1887, c. 192, s. 47.

Petition for construction of water-works.

51. In case a petition signed by two hundred qualified electors in incorporated towns, or by one hundred qualified electors in incorporated villages or in townships, is presented to the council of such town, incorporated village or township, asking for the construction of water-works under the powers conferred on municipal corporations by this Act:

1. It shall be the duty of such council to submit a by-law for the construction of such water-works, to the vote of the ratepayers of the said town, incorporated village or town-

ship, and such council shall, forthwith, prepare a by-law directing the submission of the question, in accordance with the prayer of the petitioners, or in such form as may be approved by the vote of two-thirds of the members of such council, and shall submit the same to the electors for approval, or otherwise, within six weeks after the receipt of the petition by the council;

2. The council before submitting the by-law may require the petitioners to deposit with the treasurer of the municipality an amount sufficient to cover the probable cost of submitting the by-law to the electors, but not exceeding the sum of $150;

3. In the event of the by-law receiving the sanction and consent of a majority of the electors of the municipality, then the money so deposited shall be forthwith refunded to the petitioners;

4. Should the by-law be rejected by a majority of the electors of the municipality, then the money so deposited shall be forfeited to the municipality, or so much thereof as may be necessary to cover the costs of submitting the by-law;

5. The power of municipal councils shall not be deemed to be abridged by this Act, except as expressly stated herein;

6. The proceedings in taking the vote and the persons having a right to vote, shall be the same as nearly as may be, as are required by *The Municipal Act*, in case of by-laws creating debts. R. S. O. 1887, c. 192, s. 48. Rev. Stat. c. 223.

52. If the by-law is approved of by the majority of the electors, it shall be the duty of the council to pass the by-law; and forthwith to proceed with the construction of the works, provided always that the council may for any good cause, if deemed expedient by a vote of two-thirds of its members, hold the works in abeyance until after the next general municipal election. R. S. O. 1887, c. 192, s. 49. If by-law approved council to construct works.

53. All provisions of *The Municipal Act*, in so far as they apply to elections, and to the prevention of corrupt practices at elections shall apply to the preceding two sections, except so far as such Act would be inconsistent therewith. R. S. O. 1887, c. 192, s. 50. Rev. Stat. c. 223. Provisions respecting elections to apply.

54. This Act shall be read and construed as part of *The Municipal Act*. R. S. O. 1887, c. 192, s. 51. Act to be read as part of Rev. Stat. c. 223.

3. *HIGHWAYS.*

CHAPTER 236.

An Act to regulate Travelling on Public Highways and Bridges.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

HIGHWAYS.

Carriages meeting to drive to the right, giving half the road.

1.—(1) In case a person travelling or being upon a highway in charge of a vehicle drawn by one or more horses, or one or more other animals, meets another vehicle drawn as aforesaid, he shall turn out to the right from the centre of the road, allowing to the vehicle so met one-half of the road. R. S. O. 1887, c. 195, s. 1.

Bicycles and tricycles.

(2) In case a person travelling or being upon a highway in charge of a vehicle as aforesaid meets a person travelling upon a bicycle or tricycle he shall where practicable allow the person travelling upon the bicycle or tricycle sufficient room on the travelled portion of the highway to pass to the right. 60 V. c. 56, s. 1 (1*a*).

Carriages overtaken to turn to the right.

2.—(1) In case a person travelling or being upon a highway in charge of a vehicle as aforesaid, or on horseback, is overtaken by any vehicle or horseman travelling at greater speed, the person so overtaken shall quietly turn out to the right and allow the said vehicle or horseman to pass. R. S. O. 1887, c. 195, s. 2.

Carriages overtaking to pass on left.

(2) Any person so overtaking another vehicle or horseman shall turn out to the left so far as may be necessary to avoid a collision with the vehicle or horseman so overtaken, and the person so overtaken shall not be required to leave more than one-half of the road free. 53 V. c. 57, s. 1.

Bicycles and tricycles.

(3) In case a person travelling or being upon a street or highway on a bicycle or tricycle is overtaken by any vehicle as aforesaid or horseman travelling at a greater speed, the person so overtaken shall quietly turn out to the right and allow the said vehicle or horseman to pass and the person so overtaking the bicycle or tricycle shall turn out to the left so far as may be necessary to avoid a collision. 60 V. c. 56, s. 1 (1*c*).

(4) In case a person travelling upon a highway on a bicycle or tricycle overtakes any vehicle as aforesaid or horseman travelling at less speed, or a person travelling on foot, the person travelling on the bicycle or tricycle shall give to the other person audible warning of his approach before attempting to pass. 60 V. c. 56, s. 1 (*1b*).

Driver unable to turn out is to stop.

3. In the case of one vehicle being met or overtaken by another, if by reason of the extreme weight of the load on either of the vehicles so meeting or on the vehicle so overtaken the driver finds it impracticable to turn out as aforesaid, he shall immediately stop, and, if necessary for the safety of the other vehicle, and if required so to do, he shall assist the person in charge thereof to pass without damage. R. S. O. 1887, c. 195, s. 3.

Penalty on drivers, etc., too drunk to manage their horses.

4. In case a person in charge of a vehicle, or of a horse or other animal used as the means of conveyance, travelling or being on a highway as aforesaid, is, through drunkenness unable to drive or ride the same with safety to other persons travelling on or being upon the highway, he shall incur the penalties imposed by this Act. R. S. O. 1887, c. 195, s. 4.

Racing, swearing, etc., on highways, forbidden.

5. No person shall race with or drive furiously any horse or other animal, or shout, or use any blasphemous or indecent language upon any highway. R. S. O. 1887, c. 195, s. 5.

Sleigh horses to have bells.

6. Every person travelling upon a highway with a sleigh, sled, or cariole, drawn by horse or mule, shall have at least two bells attached to the harness. R. S. O. 1887, c. 195, s. 6.

Bicycles, etc., in cities of over 100,000.

7. In case a person travelling upon a bicycle or tricycle in cities of over one hundred thousand inhabitants in a northerly or westerly direction upon the central strip between the double tracks of a surface railway meets another person on a bicycle or tricycle travelling in an opposite direction he shall turn out to the right, allowing to the person on the bicycle or tricycle so travelling south or east the whole of such central strip. 60 V. c. 56, s. 1 (*1d*).

BRIDGES.

Notice to be posted at bridges.

8. Every person who has the superintendence and management of any bridge exceeding thirty feet in length may cause to be put up at each end thereof, conspicuously placed, a notice legibly printed, in the following form:

Form of.

"Any person or persons riding or driving on or over this bridge at a faster rate than a walk will, on conviction thereof, be subject to a fine, as provided by law."

R. S. O. 1887, c. 195, s. 7; 54 V. c. 47, s. 1.

Penalty on persons defacing such notice.

9. In case a person injures or in any way interferes with such notice he shall incur a fine of not less than $1 nor more than $8, to be recovered in the same manner as other penalties imposed by this Act. R. S. O. 1887, c. 195, s. 8.

Fast driving over bridges forbidden.

10. If, while such notice continues up, a person rides or drives a horse or other beast of burden over such bridge at a pace faster than a walk, he shall incur the penalties imposed by this Act. R. S. O. 1887, c. 195, s. 9.

RECOVERY AND APPLICATION OF PENALTIES.

Penalty for contravening this Act.

11. In cases not otherwise specially provided for, if any person contravenes this Act, and such contravention is duly proved by the oath of one credible witness, before any Justice of the Peace having jurisdiction within the locality where the offence has been committed, the offender shall incur a penalty of not less than $1 nor more than $20, in the discretion of the Justice, with costs. R. S. O. 1887, c. 195, s. 10.

To be enforced by distress.

12. If not paid forthwith, the penalty and costs shall be levied by distress and sale of the goods and chattels of the offender, under a warrant signed and sealed by the convicting Justice, and the overplus, if any, after deducting the penalty and costs and charges of sale shall be returned, on demand, to the owner of the goods and chattels. R. S. O. 1887, c. 195, s. 11.

Or by imprisonment.

13. In default of payment of distress the offender shall, by warrant signed and sealed as aforesaid, be imprisoned in the common gaol for a period of not less than one day nor more than twenty days, at the discretion of the Justice, unless the fine, costs and charges are sooner paid. R. S. O. 1887, c. 195, s. 12.

Not to bar action for damages.

14. No such fine or imprisonment shall be a bar to the recovery of damages by the injured party before any Court of competent jurisdiction. R. S. O. 1887, c. 195, s. 13.

Application of penalties.

15. Every fine collected under this Act shall be paid to the treasurer of the local municipality or place in which the offence was committed, and shall be applied to the general purposes thereof, unless the offence has been committed on a road or bridge, owned by a company, firm or person, and such company, firm or person, or the officer or servant of such company, firm or person is the complainant, in which case the fine collected shall be paid over to such company, firm or person. R. S. O. 1887, c. 195, s. 14; 57 V. c. 52, s. 1.

CHAPTER 237.

An Act respecting Double Tracks in Snow Roads.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation—"team."

1. In this Act, the word "Team" shall be taken to mean a vehicle drawn by one horse or other animal, or a greater number of horses or other animals, as the case may be. R. S. O. 1887, c. 197, s. 1.

County Council may pass by-laws for making double tracks on roads during sleighing season.

2. The county council of each county may provide, by by-law, for the making of a double track, during the season of sleighing in each and every year, upon such public or leading roads within the county, whether county roads or not, as such council deems advisable. R. S. O. 1887, c. 197, s. 2.

Nature of tracks.

3. Wherever a county council has passed such a by-law, the double track to be made shall be so made that teams shall be able to pass without being obliged to turn out when meeting each other. R. S. O. 1887, c. 197, s. 3.

Right of road.

4. The right hand track shall always be that in which a team shall be required to travel, and if any person is driving his team in the wrong track, it shall be his duty to leave the same whenever he meets another team rightfully entitled to use such track. R. S. O. 1887, c. 197, s. 4.

Duties and powers of path-masters or road-masters.

5. A county council may also provide, by by-law, that path-masters appointed by township councils shall cause the roads on which double tracks are to be made to be kept open for travel within their respective municipalities, or in the event of there being no such path-masters available, may appoint road-masters to perform that duty; and such path-masters or road-masters shall have full power to call out persons liable to perform statute labour, to assist in keeping open such roads within their respective municipalities, and may give to such persons as may be employed in so doing, certificates of having performed statute labour to the amount of the days' work done, and such work shall be allowed for to such persons in their next season's statute labour; and such county council may also provide for the application by such township council of so much of the commutation of statute labour fund as may

be necessary for the keeping open such roads as aforesaid within their respective municipalities. R. S. O. 1887, c. 197, s. 5.

If township refuses to make tracks, county may do so and impose a rate.

Rev. Stat. c. 224.

6. In the event of a township council neglecting or refusing to keep such roads open for travel as mentioned in the next preceding section of this Act, the county council shall be entitled to do so, and to impose upon the township so in default a rate sufficient for that purpose, and such rate shall be levied and collected in the manner provided by *The Assessment Act* as to the collection of county rates. R. S. O. 1887, c. 197, s. 6.

Penalty for persons refusing to work under path-masters.

7. Any person who is liable to perform statute labour, and refuses or neglects to turn out and work under any path-master or road-master who warns him out for that purpose under the authority of this Act, shall be liable to a fine not exceeding $20, nor less than $1, over and above costs, and in case of non-payment, to imprisonment for a term not exceeding twenty-one days. R. S. O. 1887, c. 197, s. 7.

Penalty for travelling on left hand track and refusing to turn out.

8. Any person travelling in the wrong or left hand track, and refusing or neglecting to leave the same when met by a person who is travelling therein with his team as of right, shall be liable to a penalty of not less than $1, nor more than $20, over and above the costs of prosecution, and in case of non-payment, to imprisonment for a term not exceeding twenty-one days. R. S. O. 1887, c. 197, s. 8.

CHAPTER 238.

An Act exempting certain Vehicles, Horses and Cattle from Tolls on Turnpike Roads.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Exemption from tolls in certain cases.

1. Officers, non-commissioned officers and men of the Volunteers, being in proper staff or regimental uniform, dress or undress, and their horses (but not when passing in any hired or private vehicle, unless when on duty or proceeding to or from the same), shall be exempt from the payment of any duty or toll on passing any turnpike or toll-gate, or any road, wharf or landing-place or bridge in this Province. R. S. O. 1887, c. 196, s. 1.

Persons going to or returning from divine service exempted from toll.

2. All persons going to or returning from divine service on any Sunday or statutory holiday, in or upon and with their own carriages, horses or other beasts of draught, and also their families, and servants being in or upon and with such carriages, horses or other beasts of draught, shall pass toll-free through every turnpike or toll-gate on any turnpike road through which they may have occasion to pass, whether such turnpike road and the tolls thereon belong to the Province, or to any local or municipal authority, or body of trustees or commissioners for local purposes, or to any incorporated or unincorporated company, or to any other body or person. R. S. O. 1887, c. 196, s. 2.

Vehicles, cattle, etc., using road when a farm divided by the road, exempt from toll—when.

3. No vehicle, laden or unladen, and no horses or cattle belonging to the proprietor or occupier of any lands divided by any turnpike road, shall be liable to toll on passing through any toll-gate on such road (at whatever distance the same may be from any city or town) for the sole purpose of going from one part of the lands of such proprietor or occupier to another part of the same, provided such vehicle, horses or cattle do not proceed more than half a mile along such turnpike road, either in going or in returning, and are using such road for farming or domestic purposes only. R. S. O. 1887, c. 196, s. 3.

Vehicles, etc., laden with manure passing from cities and towns exempt from toll.

4. Every vehicle laden solely with manure, brought from any city, town or incorporated village in this Province, and employed to carry manure into the country parts for the purposes of agriculture, and the horse or horses, or other beast of draught, drawing such vehicle, shall pass toll free through every turnpike-gate or toll-gate on any turnpike or macadamized road within twenty miles of such city, town or incorporated village as well in going from such city, town or incorporated village, as in returning thereto, if the vehicle is then empty. R. S. O. 1887, c. 196, s. 4.

Application of Act.

5. This Act shall not extend to any toll bridge, the tolls on which are vested in any person other than the Crown. R. S. O. 1887, c. 196, s. 5.

CHAPTER 239.

An Act to facilitate the purchase of Toll Roads by Municipalities.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Act may be cited as "*The Toll Roads Municipal Expropriation Act.*" 52 V. c. 28, s. 1.

Interpretation.

2. Where the words following occur in this Act they shall be construed in the manner hereinafter mentioned unless a contrary intention appears :—

"Owner" or "Owners."

1. "Owner" or "owners" besides including any person or persons, in whom the legal and equitable estates are vested, shall also include any joint stock company as well as any municipality.

"Road" or "Roads."

2. "Road" or "roads" shall include any parcel of land or franchise respecting or any easement in any land, and also any toll houses or other buildings erected thereon or used therewith.

"Town."

3. "Town" shall mean a town separated from the county for municipal purposes. 52 V. c. 28, s. 2.

Board of commissioners.

3. The council of any county, city or separated town may by by-law appoint three persons, who are not municipal councillors or road owners, who shall constitute a board of commissioners for the purposes hereinafter mentioned, and may likewise from time to time fill any vacancy that may occur in such board. 52 V. c. 28, s. 3.

Tenure of office.

4. The said commissioners shall respectively hold office during the pleasure of the council. 52 V. c. 28, s. 4.

Selection of roads.

5. The board of commissioners shall examine the toll roads held or owned by any person, company or minor municipality within the county, city or town for which they are appointed (and such road or roads shall always be held to terminate at the boundary of any such city, town or county) and for that purpose shall have power to travel over, measure, dig into and otherwise examine, such roads as they may deem necessary for the use of the city, town or county. 52 V. c. 28 s. 5.

Examination of books and records.

6. The said board of commissioners shall also have power to examine all books and records connected with the management of any such road or roads and may require any owner or owners to produce the same for the purpose of being examined, and shall also have power to examine any person or persons under oath relative to the value, cost, income or expenditure, or net profit of any such road or roads, and in case any person refuses to testify or refuses to produce such books or records, he or they shall be punished for contempt of court in the manner provided for such cases in the courts of law. 52 V. c. 28, s. 6.

Maps to be laid before council.

7. The commissioners shall cause to be made a map or maps of the road or roads or such as they may think necessary; and the same shall be certified by a majority of the said commissioners and laid before the county, city or town council for their consideration. 52 V. c. 28, s. 7.

Maps to be registered if selection approved.

8. In case the council of any such city, town or county approves of the road or roads, copies of the map or maps shall be filed in the office of the county or city Registrar for such county or city. 52 V. c. 28, s. 8.

Value to be ascertained.

9. The commissioners shall thereupon proceed as valuators to place a value upon the road or roads aforesaid, with a view to the same being purchased under the authority of this Act for the objects and purposes aforesaid. 52 V. c. 28, s. 9.

Mode of ascertaining value.

10. For the purpose of ascertaining and determining the prices to be paid for the said road or roads the commissioners may agree with the respective owners as to the prices and terms of payment, subject to the provisions of this Act and to the approval of the council of the city, town or county; if the commissioners and owners are unable to agree, the prices to be paid shall be determined by the Provincial Arbitrators in the manner provided for by *The Act respecting the Public Works of Ontario* and all the provisions of the said Act in regard to the mode of determining the compensation to be paid for lands or other property or rights to be acquired by the Commissioner of Public Works shall apply as nearly as may be in determining the compensation to be paid for roads or rights to be acquired for the purposes of this Act, but in lieu of making any tender the commissioners may name a price which they are willing to fix as the price to be paid, and notice thereof to the owners shall stand in lieu of a tender. The compensation agreed to or awarded as aforesaid shall be the price to be paid for the roads or rights described in the agreement or award in case the same are taken under this Act, or by the authority of the council of such county, city or town within one year after such valuation or award has been made or after such price has been agreed upon. 52 V. c. 28, s. 10.

Rev. Stat. c. 37.

Matters to be considered by commissioners or arbitrators in determining value of roads belonging to minor municipalities.

11. Where a minor municipality is the owner in whole or in part of a toll road wholly or partly within its own limits which is to be acquired or made a free road under the provisions of this Act, the commissioners in arranging with such municipality and determining the amount to be paid thereto in respect of such road or portion thereof situate within its own limits, or the arbitrators as the case may be, may have regard to any particular or special benefit or advantage to such municipality or the inhabitants thereof by reason of such road or that portion thereof lying within the limits of such municipality being made or becoming a free road. 52 V. c. 28 s. 11.

Report of commissioners.

12. After the proceedings hereinbefore provided for determining the value of the road or roads have been completed, the said commissioner shall report to the council of such county, city or town their proceedings therein with a statement of the road or roads proposed to be taken and the value thereof as determined by arbitration or agreement. 52 V. c. 28, s. 12.

Payment of compensation into court.

13. If the person or company conveying roads selected under this Act could not without this Act have conveyed the same or agreed for the compensation to be paid therefor, or if any owner or party to whom the compensation money, or any part thereof, is payable refuses to execute the proper conveyance or other requisite instrument of transfer of the roads, or if the person entitled to claim the compensation cannot be found, or is unknown, or if there is reason to fear any claim or incumbrance the compensation money agreed upon or awarded may be paid into the High Court of Justice and a copy of the conveyance or of the agreement or award, if there be no conveyance, verified by affidavit, shall be delivered to the Accountant or other proper officer of the Court. 52 V. c. 28, s. 13.

Compensation to stand in place of the land.

14. The compensation money for any roads acquired or taken under this Act without the consent of the proprietor shall stand in the stead of such roads, and any claim to or incumbrance upon such roads shall be converted into a claim to the compensation money or to a proportionate amount thereof, and shall be unavailing as respects the roads themselves. 52 V. c. 28, s. 14.

When possession may be taken.

15. Possession shall not be taken of any part of any road within the limits of any city, town or county valued as aforesaid until the amount agreed on or awarded for the same has been paid to the company or owner, or to the persons appearing to be entitled to receive it, or has been paid into court under the provisions of this Act. 52 V. c. 28, s. 15.

Notice to incumbrancers.

16. Where a road is selected and taken under this Act and is subject to a mortgage or other incumbrance, secured or not, it shall not be necessary to notify the mortgagee or other incumbrancers of any proceedings taken to determine the value of the road—unless the commissioners intend to urge a price to be named which would be insufficient to pay off the incumbrance. 52 V. c. 28, s. 16.

Costs where road not taken.

17. If the road is not taken and paid for within one year as aforesaid the owner or owners shall be entitled to receive the costs to which he or they have been put in any proceedings taken for determining by arbitration the value of his or their road; the amount of such costs shall be stated in the award of the arbitrators, whether the arbitrators direct that the party or parties shall be entitled to such costs in the event of the road being purchased, or direct otherwise. 52 V. c. 28, s. 17.

Costs to be in discretion of arbitrators.

18. Subject to the provisions of the preceding section the arbitrators shall have full authority to determine by and to whom any costs incurred in connection with any arbitration shall be paid, but any costs which should be paid by an owner or owners to the commissioners shall be directed by the award to be paid to the treasurer of such county, town or city: the award as to costs shall not take effect until the road is purchased, and if any costs are directed to be paid to the said treasurer by any owner the same shall be deducted from the price of the road. 52 V. c. 28, s. 18.

Certain sections of Rev. Stat. c. 37 incorporated.

19. For greater certainty it is hereby declared that the following sections of *The Act respecting the Public Works of Ontario* shall as nearly as may be, and unless where inconsistent with this Act, apply to proceedings to acquire the said roads under this Act—that is to say, sections 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 40, 42, 43, 44, and the powers or rights which by the said sections or any of them are vested in the Commissioner of Public Works or the Crown are hereby vested in the said board of commissioners until the said roads are either purchased by such county, city or town or until the expiration of one year as aforesaid after the valuation has been made of, or price agreed upon for the said roads: and in the event of the same being purchased by the county, city or town council thereafter the same powers or rights are hereby vested in the said county, city or town council from time to time subject to the provisions of this Act: and in applying the provisions of the said Act while the commissioners are acting "the Board of Commissioners" shall be substituted for the "Crown," or the "Commissioner" where either of the said words is used in the said Act: and in case of a purchase by the council of such county, city or town where the council of such county, city or town are acting, the purchasers by their corporate or proper names shall be substituted for the said expressions. 52 V. c. 28, s. 19.

When award to become final.

20. The award of the arbitrators shall become final and absolute at the expiration of thirty days from the filing thereof with the clerk of the county council of said county, and notice to the warden and to the clerk of the municipality interested by registered letter or personal delivery. unless appealed from, but the Court or a Judge may, under special circumstances, allow an appeal after fourteen days. 52 V. c. 28 s. 20.

Appeal from award.

21. The appeal from the award referred to in the next preceding section shall be to the High Court of Justice, and may be heard before and decided by a Judge sitting in Court, and the practice to be observed upon any such appeal shall be the practice observed in appeals from a Master, and the Judge may, upon the appeal, either amend the said award in any way and to any extent that he may deem proper, or refer the same back to the board of arbitrators for amendment, in whole or in part, with such directions as to law or fact as he may deem proper, or he may confirm the same. 52 V. c. 28, s. 21.

Power to borrow money for purchase of roads.

Rev. Stat. c. 223.

22.—(1) After the commissioners have reported their proceedings as provided under section 12 of this Act, the county, city or town council may, in the manner provided for in *The Municipal Act*, pass a by-law for borrowing the amount required to purchase the said roads, in accordance with the said report, by the issue of debentures of the municipality, payable in not more than twenty years, and bearing interest at a rate not exceeding six per cent. per annum, and provide for the payment in each year during the term of such by-law of an amount sufficient to meet the annual payments of principal and interest as the same may fall due

(2) If the county council deem it expedient they may provide by such by-law for raising any amount required to pay and may pay to any municipality or municipalities which are not materially or are only slightly benefited by the purchase of the road or roads, such a sum, by way of bonus, as may be deemed a fair or partial equivalent for the amount which such municipalities will be required to pay towards the said purchase or any part thereof.

(3) Such by-law shall be submitted to the ratepayers of the city, town or county affected by the same. 52 V. c. 28, s. 22.

Alternative by-law may be adopted.

23. In the alternative, where the roads to be purchased or taken are situate in but one or in a small number of the municipalities of the county, or where some of the municipalities are not, in the opinion of the county council, interested in the roads, or in the abolition of the tolls, the commissioners, if required by resolution or by-law of the county council, may, in addition to all other matters herein-

before mentioned, report whether, in their opinion, the by-law of the county council should be a sectional by-law, and applied to such of the municipalities as, in the opinion of the commissioners, should pay for the roads. In such case the by-law of the council for raising or providing money for the purchase next hereinafter mentioned, may, if the council think proper, name the municipalities which shall be liable to repay to the county the amount paid for the purchase of the roads or abolition of tolls as aforesaid, and may also fix the amount for which each such municipality shall be liable. In adopting a by-law under this section the council may have regard to sub-section 2 of section 22 and may, if they think proper, apply its provisions thereto. 52 V. c. 28, s. 23.

Power to borrow amount required for purchase of road.

24.—(1) the county council may thereafter, under the provisions of *The Municipal Act*, pass a by-law for borrowing the amount required in accordance with the said report, by the issue of debentures of the county, payable in not more than twenty years, and bearing interest at a rate not exceeding six per cent. per annum, and providing for the payment each year during the term of such by-law, by the municipalities interested and in the proportions named in the by-law, an amount sufficient to meet the annual payments of principal and interest as the same may fall due.

(2) Such by-law shall be submitted for the vote of the ratepayers of the said interested municipalities. 52 V. c. 28, s. 24.

Statement to be furnished to municipalities by county clerk.

25. The County Clerk shall, on or before the 31st day of December in each year, send to the clerk of each municipality interested, a written statement of the amount to be levied during the ensuing year by such municipality for the purpose of providing the amount necessary to meet the said annual payments of principal and interest, and the council of said municipality shall levy such amount accordingly. 52 V. c. 28, s. 25.

Abandonment of roads.

26. Where a road extends from one county into an adjoining county, and the owner of such road desires to abandon the same, but the municipality or municipalities in which the road is situated refuse to consent to such abandonment, then the terms of abandonment shall be determined by arbitration in the manner provided in section 10 of this Act. 52 V. c. 28, s. 26.

Fee of commissioners.

27. The said commissioners shall respectively be entitled to be paid by the corporation of such county, city or town a reasonable amount for their services and expenses. The arbitrators shall be entitled to be paid in accordance with the scale and schedules of fees appended to *The Arbitration Act*. Rev. Stat. c. 62. 52 V. c. 28, s. 27.

Tolls on roads belonging to cities and towns to be abolished on removal of tolls from roads purchased by counties.

28. On the completion of the purchase of the roads by any county, in all municipalities other than cities and towns, and upon the removal of tolls therefrom, all tolls shall be removed from the roads owned by any city or town within such county within the limits of such city or town. Upon the removal of the tolls from any road under this Act, the responsibility of thereafter maintaining and keeping the same in repair shall rest upon the local or minor municipalities through which the same pass as in the case of ordinary highways. 52 V. c. 28, s. 28.

Mode of determining tolls on part of road not taken.

29. Where the road lies partly within two municipalities, and that portion only which lies within one of the municipalities is purchased, leaving less than five miles in the adjoining municipality, the said arbitrators may fix a rate of toll that may be taken for such unsold portion, and in determining such rate of toll they shall have and exercise the powers granted to county councils under section 57 of *The General Road Companies Act*. 52 V. c. 28, s. 29.

Rev. Stat. c. 193.

Allowance by county council for maintenance of roads.

30. If the county council deem it expedient, they may provide by the by-law for the purchase of the roads or by any other by-law that the county shall annually, during a term of years to be named in the said by-law, contribute such sum as they may determine for the purpose of assisting in keeping up and maintaining any road or roads. 52 V. c. 28, s. 30.

CHAPTER 240.

An Act respecting Snow Fences.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Councils may require owners or occupants of land to remove fences;

Making compensation therefor.

Rev. Stat. c. 223.

1. The council of every township, city, town, and incorporated village shall have power to require owners or occupiers of lands bordering upon any public highway, to take down, alter, or remove any fence found to cause an accumulation of snow or drift so as to impede or obstruct the travel on the public highway, or any part thereof, and where such power is exercised they shall make such compensation to the owners or occupants for the taking down, alteration or removal of such fence and for the construction of some other description of fence approved of by the council, in lieu of the one so required to be taken down, altered, or removed as may be mutually agreed upon; and if the council and the owners or occupants cannot agree, in respect to the compensation to be paid by the council, then the same shall be settled by arbitration in the manner provided by *The Municipal Act*, and the award so made shall be binding upon all parties. R. S. O. 1887, c. 198, s. 1 (1).

Power in case of neglect or refusal by owner or occupant to construct fence as directed.

2. In case the owner or occupant refuses or neglects to take down, alter, or remove the fence and to construct such other fence as required by the council, the council may, after the expiration of two months from the time the compensation to be paid by the council has been agreed upon or settled by arbitration, proceed to take down, alter, or remove the old fence and construct the other description of fence which has been approved of by the council, and the amount of all costs and charges thereby incurred by the council over and above the amount of compensation agreed upon or settled by arbitration, may immediately be recovered from such owner or occupier, by action in any Division Court having jurisdiction in the locality, and the amount of the judgment in favour of the municipality obtained in such Court, shall, if not sooner paid, be, by the clerk of the municipality, placed upon the next collector's roll as taxes against the lands upon or along the boundaries of which the fence is situate, and after being placed upon the collector's roll, shall be collected and treated in all respects as other taxes imposed by by-laws

of the municipality; when a tenant or occupant, other than the owner, is required to pay the aforesaid sum, or any part thereof, the tenant or occupant may deduct the same, and any costs paid by him, from the rent payable by him, or may otherwise recover the same, unless the tenant or occupant has agreed with the landlord to pay the same. R. S. O. 1887, c. 198, s. 2.

Power to enter on lands.

3. The council of every township, city, town or incorporated village, shall have power, on and after the 15th day of November in each year, to enter into and upon any lands of Her Majesty, or into and upon any lands of any corporation or person whatsoever, situate within said township, city, town or village, and lying along any road or public highway, in or adjoining any such municipality; and to erect and to maintain snow fences thereon, subject to the payment of such damages (if any) as may be actually suffered by the owner or occupant of the lands entered upon, the amount thereof to be ascertained, if not mutually agreed upon, by arbitration, under *The Municipal Act*: but such snow fences so erected shall be removed on or before the first day of April following. R. S. O. 1887, c. 198, s. 3; 60 V. c. 45, s. 79.

Rev. Stat. c. 223.

CHAPTER 241.

An Act to provide for the crossing of Railways by Streets, Drains and Water Mains.

SHORT TITLE, s. 1.
APPLICATION OF ACT, ss. 2, 29, 30.
INTERPRETATION, s. 3.
POWERS AS TO ROADS, DRAINS, AND WATER MAINS ON RAILWAY LANDS, ss. 4, 5, 23.
Plans and notices, ss. 6-8.
EXECUTION OF WORKS, ss. 9-19.
Reference to Commissioner of Public Works, ss. 11-16.
COMPENSATION TO COMPANY, ss. 20-22.
REPAIRS OF STREET CROSSINGS, s. 24.
Drains and water pipes, s. 24.
MAINTAINING LEVEL OF HIGHWAY, s. 25.
MAINTAINING LEVEL OF RAILWAY, s. 25.
RAILWAY NOT TO BE INJURED, s. 26.
HIGHWAYS TO BE SUBJECT TO RAILWAY ACT, s. 27.
RIGHTS OF RAILWAYS PRESERVED, s. 28.
SERVICE OF NOTICES, s. 31.
PROVISIONS OF MUNICIPAL ACT AS TO HIGHWAYS TO APPLY, s. 32.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may for all purposes be cited as "*The Railway Streets and Drains Act.*" R. S. O. 1887, c. 199, s. 1.

Application of Act.

2. This Act and the respective provisions thereof shall apply to every railway and railway company in respect of which the Legislature of Ontario has authority to enact such provisions. R. S. O. 1887, c. 199, s. 2.

Interpretation.

3. Where the following words occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:

1. "Railway Company" shall include the owner or lessee of any railway, and the contractor, persons or company working or operating the same;

2. "Council" and "Municipality" shall respectively have the meaning assigned thereto by *The Municipal Act*; Rev. Stat. c. 223.

3. "The Railway" shall have the meaning assigned thereto by *The Railway Act of Ontario*; Rev. Stat. c. 207.

4. "Highway" shall mean and include any public highway, road, street, lane, or way;

5. "Notice" shall mean a notice either wholly written or printed, or partly written and partly printed. R. S. O. 1887, c. 199, s. 3; 60 V. c. 45, s. 81.

Power to pass by-laws for making, etc., roads, etc.

4. The council of any municipality may pass by-laws for establishing, opening, making, preserving, improving, maintaining, widening, enlarging, altering, diverting or stopping up within the limits of the municipality, any highway or public drain through, over, across, under, along or upon the railway and lands of any railway company, and for entering upon, breaking up, taking or using such land in any way necessary or convenient for the said purposes; but subject to such terms and restrictions as are in this Act contained; and provided always that such highway or drain is, under the provisions of *The Municipal Act*, within the jurisdiction of such council. R. S. O 1887, c. 199, s. 4.

Rev. Stat. c. 223.

And for laying down water mains on railway lands.

5. The council of any municipality may also pass by-laws for laying down in, through, across, under, or along the railway and lands of any railway company, any main pipe belonging or necessary to any water works which the corporation of the municipality is authorized to construct, and for entering upon, breaking up, taking or using any such land in any way necessary or convenient for the said purpose, but subject to the terms and restrictions in this Act contained. R. S. O. 1887, c. 199, s. 5.

Plan to be prepared, and notice given to company.

6. Before the final passing of any such by-law, the council shall procure plans and estimates in detail, with proper specifications of the work intended to be carried out under such proposed by-law, copies whereof, with notice of the proposed by-law, shall be given to and served upon the railway company whose railway or lands are to be affected or entered upon. R. S. O. 1887, c. 199, s. 6.

Requisites of plans, etc., in case of opening, etc., a highway which is not to be carried over or under railway.

7. Where it is intended by such by-law to authorize the opening, widening, altering, enlarging or diverting, of a highway without the same being carried over the railway by a bridge, or under, by a subway or tunnel, such plans, specifications and estimates shall, amongst other things, provide for such of the following matters as in the opinion of the council are necessary in connection with such opening, widening, altering, enlarging or diverting of such highway, that is to say:

1. Planking to be laid on either side and between the rails of the track of the railway, so as to permit of the same being easily crossed at any place within the travelled width of such highway, and so as that the upper level of the said planking shall be, as nearly as practicable, level with the top of the said rails;

2. The construction of a cattle guard at each side of the highway where it crosses the railway, suitable and sufficient to prevent cattle and animals from getting on the railway;

3. The erection of fences upon the sides of such highway from the line of the fences on each side of the railway up to the cattle guards, and of the height and strength of an ordinary division fence;

4. The erection of such sign boards as will be a compliance with sub-section 4 of section 29 of *The Railway Act of Ontario*. R. S. O. 1887, c. 199, s. 7. Rev. Stat. c. 207.

Plans, etc., for drains or water pipes.

8. Where the work intended to be carried out under any such by-law is in respect of a drain or water pipe, the plans and specifications shall, amongst other things, shew the location of the drain or water pipe relatively to the railway, and shall also, where such work is in respect of a drain, shew where an outlet is to be obtained, and the estimated maximum discharge and flow of water and sewage. R. S. O. 1887, c. 199, s. 8.

Where no objection made within thirty days from service of notice council may proceed with work.

9. If the railway company within thirty days after the day of the service of the copies and notice required to be served upon such railway company by section 6 of this Act, does not give to the council notice stating that the work intended to be carried out under the proposed by-law is objected to by the railway company, and further stating the grounds of objection, the council may proceed with the work agreeably to the said plans and specifications, but subject to the provisions of *The Municipal Act*. R. S. O. 1887, c. 199, s. 9. Rev. Stat. c. 223.

Where work is in respect of a highway, company may do work.

10. Where the work intended to be carried out under such by-law is in respect of a highway, and the railway company, within the said thirty days, gives notice to the council that the railway company will itself execute the proposed work at and for the amount estimated therefor as aforesaid, the railway company shall forthwith proceed with and execute the proposed work in accordance with the said plans and specifications, and shall be entitled to receive payment therefor from the municipality, according to the said estimate. R. S. O. 1887, c. 199, s. 10.

Council and company may agree as to the mode of work etc.

11. The council and the railway company may mutually agree as to the point, mode and manner at or by which any such highway or public drain shall be [illegible] established opened made, improved, maintained, widened, enlarged, altered, diverted, or stopped up, or such water pipe laid down, as the case may be, in, through, over, across, under, along or upon the railway or lands of the railway company, or as to how far or to what extent the council, in the exercise of the powers by this Act conferred, shall be at liberty to enter upon, take, or use said

If no agreement, approval of Commissioner of Public Works to be obtained.

railway or lands; but in case they do not so mutually agree, then no council shall avail itself of, or exercise, any of the powers by sections 4 or 5 of this Act conferred, unless and until and only so far as the approval of the Commissioner of Public Works is first had and obtained in that behalf, upon application made to the Commissioner by or on behalf of the said council; of which application notice shall, before the same is so made, be given by the council to the railway company. R. S. O. 1887, c. 199, s. 11.

Application by council to Commissioner in case of disagreement.

12. In case the railway company gives notice as aforesaid, that the proposed work, or the intended mode and manner of its construction or carrying out is objected, to, and the council and the railway company have not mutually agreed as in the last preceding section provided, the council may make application to the Commissioner of Public Works as provided in the last preceding section, and shall thereupon transmit to the Commissioner verified copies of all papers served by the council upon the railway company, or by the latter upon the council. R. S. O. 1887, c. 199, s. 12.

Execution of work if approved.

13. If the Commissioner of Public Works approves of and concurs in the propriety of the proposed work being executed according to said plans and specifications, or according to some modification thereof, the same may be executed accordingly. R. S. O. 1887, c. 199, s. 13.

Commissioner may require examination and report.

14. The Commissioner of Public Works, before disposing of the matter, may, if he thinks fit, direct the Inspector of railways, or some other competent person, to examine the locality and make his report in regard to any matters which the Commissioner may direct. R. S. O. 1887, c. 199, s. 14.

Payment of expenses of application.

15. All expenses of and incidental to such application to the Commissioner of Public Works, whether of the inspection, or of the parties, or otherwise, shall be paid by the municipality or the railway company, as the Commissioner may direct, and the Commissioner may assess and determine the amount to be so paid, and to whom, or may direct that the same shall be, in whole or in part, ascertained by one of the taxing officers of the Supreme Court of Judicature, subject to such directions (if any) as the Commissioner may give. R.S.O. 1887, c. 199, s. 15.

Certificate of Commissioner to be final.

16. The decision or certificate of the Commissioner of Public Works shall be final, according to the tenor and effect thereof; and it shall not be open to either or any party, after such decision or certificate is made, to raise any question as to the regularity or sufficiency of any of the prior proceedings directed by this Act or otherwise. R. S. O. 1887, c. 199, s. 16.

Where work is in respect of a highway, and plans, etc., are approved, company may execute work.

17. Where the proposed work is in respect of a highway, and, upon being applied to as aforesaid, the Commissioner of Public Works approves of plans and specifications therefor as aforesaid, the railway company may, within ten days after being served with notice of his decision, serve a notice upon the council that the railway company will perform the work for the price named in the estimate therefor, and the railway company shall thereupon proceed with and execute the said proposed work. R. S. O. 1887, c. 199, s. 17.

Where plans modified company may do work at price fixed.

18. Where the proposed work is in respect of a highway, and the Commissioner of Public Works upon being applied to as aforesaid, modifies the plans or specifications therefor, he may, with the consent of the council of the municipality, fix a price to be paid for such work, or if he does not, then the council shall cause an estimate of the cost thereof to be served upon the railway company with a notice that the council is willing to pay such estimated cost for the work, and the railway company may, within ten days after being notified of the amount so fixed, or of such last mentioned estimate of cost, serve a notice upon the council that the railway company will perform the work for the price or cost so fixed or estimated as aforesaid (as the case may be) and the railway company shall thereupon proceed with and execute the work. R. S. O. 1887, c. 199, s. 18.

If company does not use reasonable diligence municipality may proceed with work, or may obtain mandamus to compel company to proceed.

19. Where any railway company elects as aforesaid to proceed with the execution of any work under the provisions of this Act, and does not proceed therewith with reasonable diligence, the council of the municipality may take the same out of the hands of the railway company and itself do what is necessary to perform or complete the required work, or may apply for a *mandamus* to compel the railway company to proceed therewith and complete the same; and when the railway company does not elect in manner hereinbefore provided to do the work, the council of the municipality may proceed with the work and execute the same. R. S. O. 1887, c. 199, s. 19.

Compensation to company for lands taken or injuriously affected.

20. Where, in the exercise of the powers by this Act conferred, the lands of any railway company are either entered upon, taken or used by any council, or are injuriously affected, the council shall make to the railway company due compensation for any damages (including cost of fencing when required) necessarily resulting from such exercise of such powers, beyond any advantage which the railway company may derive therefrom; but where the damages result from the exercise of any power by this Act conferred in respect of a highway, the compensation shall not exceed one-half the value of the lands taken or affected under or by the exercise of the power; and where the damages result from the exercise of any such power in respect of a pub-

lic drain, the compensation shall only be required to be so made where the drain is not a covered drain carried under the railway and below the level thereof to at least a depth of five feet, and the compensation to be made in such case shall not exceed the value of the lands taken or affected under or by the exercise of any such power. R. S. O. 1887, c. 199, s. 20.

Compensation to be determined by arbitration in case of disagreement. Rev. Stat. c. 223.

21. The council and the railway company may mutually agree upon the amount of compensation to be made as aforesaid; but in case the amount of the compensation is not so mutually agreed upon, then the same shall be determined by arbitration, under the provisions of *The Municipal Act*. R. S. O. 1887, c. 199, s. 21.

Claim by company for extra compensation.

22. If the railway company claims that the proposed work will injure the railway company beyond the amount of the compensation so to be made as aforesaid, the railway company shall, in the notice given under section 12 of this Act, state its claim, or if the railway company does not object to the work, but claims that injury will be done it as aforesaid, the railway company shall give, in like manner, a notice of such claim; and in case the Commissioner of Public Works is of opinion that the railway company is entitled to additional compensation in that behalf, he may direct that the same shall be determined by arbitration under *The Municipal Act*; and the amount of such additional compensation (if any), when so determined, shall be paid by the municipality to the railway company. R. S. O. 1887, c. 199, s. 22.

Rev. Stat. c. 223.

When council may finally pass by-law.

23. No council shall finally pass any such by-law unless, and until, and only so far as the work to be carried out thereunder has not been objected to by the railway company within the time fixed therefor by sections 9 and 12 of this Act, or being so objected to, has either been approved of and concurred in by the Commissioner of Public Works, or has been mutually agreed upon between the council and the railway company under the provisions of this Act. R. S. O. 1887, c. 199, s. 23.

Company to repair street crossings and municipality to repair drains and water pipes.

24. All street crossings constructed under this Act shall thereafter be kept in proper repair by the railway company, and all drains constructed and water pipes laid down under this Act shall thereafter be kept in proper repair and condition by the municipality, or in case of default then by the railway company, and the railway company shall have the right to recover from the municipality the cost of all reasonable and necessary repairs made by the railway company as aforesaid. R. S. O. 1887, c. 199, s. 24.

Council to maintain highways at a proper level where they

25. Where such highway crosses or is intended to cross the railway of a railway company, without being carried over by a bridge or under by a tunnel, it shall be the exclusive

duty of the council having jurisdiction over the same, to at all times establish, keep and maintain such street and highway so that the level of the same, where it approaches and adjoins the railway, shall, for a safe and reasonable distance, not rise above or sink below the railway more than one inch : and, subject to the provisions of the preceding section, it shall be the exclusive duty of the company so to keep and maintain that part of its railway so crossed by said street or highway, that it shall not rise above or sink below the level of the street or highway more than one inch. R. S. O. 1887, c. 199, s. 25.

approach or adjoin railway.

Company to maintain railway at a proper level at street crossings.

26. No council in the carrying out of any work by this Act authorized shall commit any unnecessary damage or injury to or upon the railway or lands of any railway company, or unnecessarily or unreasonably impede or interfere with the traffic on or over such railway. R. S. O. 1887, c. 199, s. 26.

Council not to do any unnecessary damage to railway.

27. Whenever and so long as any highway is established and opened for public use under the provisions of this Act, it shall be subject to the provisions of *The Railway Act of Ontario*, except in so far as may be otherwise provided by this Act. R. S. O. 1887, c. 199, s. 27.

Highways opened under this Act to be subject to Rev. Stat. c. 207.

28. Subject to and except so far as may be necessary to carry out the provisions of this Act, and to allow of the full and free exercise of the powers hereby conferred, the rights of any railway company in the soil of any lands entered upon, taken or used under the powers contained in this Act shall not be disturbed or affected. R. S. O. 1887, c. 199, s. 28.

Rights of railway not affected more than necessary.

29. Any commissioners authorized to construct any water-works may, in respect of such water-works, exercise and have all the power, liberties and privileges by this Act given to or conferred upon any council in respect of the laying down of any water pipe as aforesaid, but always subject to and under and with the terms, restrictions, conditions, liabilities, duties, and obligations in that behalf imposed by this Act upon such council. R. S. O. 1887, c. 199, s. 29.

Act to apply to Commissioners for construction of water-works.

30. Where by any private or special Act heretofore passed, power is given to any council or municipal corporation, or to any water-works commissioners to carry water pipes belonging to or forming part of any water-works, in, upon, over, under, through or along the lands or railway of any railway company, such power shall only be hereafter exercised subject to the terms, restrictions and conditions in this Act contained. R. S. O. 1887, c. 199, s. 30.

Powers as to water-works in special Acts to be subject to this Act.

31. Service of any notice or paper required to be given or served, either by this Act or with respect to any arbitration as aforesaid under *The Municipal Act*, or of any proceedings therein or thereunder, may be made as follows :

Service of notice how made. Rev. Stat. c. 223.

1. In the case of a company, either by delivering the notice or paper to the president, vice-president, managing director, general manager, secretary or superintendent of the company, or by mailing the same, prepaid and registered, addressed to any such officer at the principal office or station of the company in Ontario;

2. In the case of a lessee of, or a contractor, working or operating a railway, either by delivering the notice or paper to the lessee or contractor, or by mailing the same, prepaid and registered, addressed to him at the principal office or station on said railway within Ontario;

3. In the case of a council, either by delivering the notice or paper to the head or clerk of the council, or by mailing the same, prepaid and registered, addressed to the said clerk at his proper post-office address;

4. In the case of commissioners, either by delivering the notice or paper to the chairman or secretary of the commissioners, or by mailing the same, prepaid and registered, addressed to said chairman or secretary, at his proper post-office address. R. S. O. 1887, c. 199, s. 31.

Provisions of Rev. Stat. c. 223 relating to powers of council as to highways to apply.

32. Where not inconsistent with this Act, all the provisions of *The Municipal Act* relating to the powers, liabilities and duties of a council as to public highways, shall apply to any highway established or opened, or intended to be established or opened, under the powers conferred by this Act. R. S. O. 1887, c. 199, s. 32.

CHAPTER 242.

An Act to authorize and regulate the Use of Traction Engines on Highways.

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Speed, s. 3.
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In cities and towns, s. 8.
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BRIDGES ON NON-TOLL ROADS TO BE STRENGTHENED, s. 10.
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Notice to gate-keepers, s. 11.
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PENALTIES, ss. 16-19.
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REV. STAT. c. 193, s. 2, MADE APPLICABLE TO TRACTION ENGINE COS., s. 21.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Traction engines on highways.

1. It shall be lawful for any person to employ traction engines for the conveyance of freight and passengers, or both, over any public highway in this Province, subject to the provisions hereinafter contained. R. S. O. 1887, c. 200, s. 1.

GENERAL CONDITIONS.

Weight.

2. No traction engine, so employed, shall exceed in weight twenty tons. R. S. O. 1887, c. 200, s. 2.

Speed.

3. The speed of any traction engine shall at no time exceed the rate of six miles per hour, and in cities, towns, and incorporated villages, the rate of three miles per hour. R. S. O. 1887, c. 200, s. 3.

Width of wheels.

4. The width of the driving wheels of all such engines shall be at least twelve inches, and the wheels of the trucks or waggons drawn thereby shall be four inches in width for the first two tons capacity, load and weight of truck included, and an additional half inch for each further ton. R. S. O. 1887, c. 200, s. 4.

Rev. Stat. c. 236 applicable.

5. The provisions of *The Act to regulate Travelling on Public Highways and Bridges* shall be applicable to the running of any traction engine upon the highway. R. S. O. 1887, c. 200, s. 5.

Horsemen or vehicles meeting or passing engine to stop.

6. In case of any difficulty, or the prospect of any difficulty in the meeting or passing of an engine upon the highway by any mounted horseman or vehicle, it shall be the duty of the engine driver to stop the engine, and in every reasonable way to assist such mounted horseman, or the person in charge of such vehicle, to pass the engine. R. S. O. 1887, c. 200, s. 6.

Lights to be carried after dark.

7. Every engine run after dark shall carry a bright red light in a conspicuous place in front, and a green light on the rear of the train. R. S. O. 1887, c. 200, s. 7.

IN CITIES AND TOWNS.

Running through a city, town, etc.

8. No engine shall be run through a city, town or village unless a messenger is sent at least fifteen and not more than thirty rods in advance, carrying a red flag by day and a bright red light by night. R. S. O. 1887, c. 200, s. 8.

Traction engines may be excluded from certain streets, but not entirely from passing through a municipality.

9. In case the municipal corporation of any city or town deems it necessary to exclude traction engines from the right to pass through any particular street or streets within the municipality, it shall be lawful for such corporation to apply to the Judge of the County Court of the county within which the municipality is situated, and such Judge shall direct notice to be given to the owner of the engine, and upon the return of such notice may, in his discretion, make or refuse an order to prevent or regulate the running of engines upon certain streets: but it shall not be lawful under this section so to exclude the engines from any streets as entirely to prevent their passage through the municipality by the then existing opened streets. R. S. O. 1887, c. 200, s. 9.

BRIDGES TO BE STRENGTHENED.

Persons running engines to strengthen bridges, etc.

10.—(1) Before it shall be lawful to run such engines over any highway whereon no tolls are levied, it shall be the duty of the person or persons proposing to run the same to strengthen, at his or their own expense, all bridges and culverts to be crossed by such engines, and to keep the same in repair so long as the highway is so used.

Owners of different engines to contribute.

(2) The costs of such repairs shall be borne by the owners of different engines in proportion to the number of engines run over such bridges or culverts. R. S. O. 1887, c. 200, s. 10.

SPECIAL PROVISIONS AS TO TOLL ROADS.

Notice before use of roads

11. Before it shall be lawful to run a traction engine over any highway upon which a toll is established, it shall be the duty of the person proposing to run the same, to leave a notice in writing to that effect with the keeper of any toll-gate on such road, at least two months previous to the running of such engine, and the notice shall also contain a correct statement of the weight of the heaviest engine proposed to be used. R. S. O. 1887, c. 200, s. 11.

Owners of toll roads to strengthen bridges, etc.

12. The owner of such toll roads, within two months after the delivery of such notice as aforesaid, and upon receiving security to the amount of the cost of required improvements may cause all bridges and culverts upon the road to be so strengthened as, in the opinion of the county engineer of the county in which such bridge or culvert is situated, to render the same safe for the constant passing of the engines. R. S. O. 1887, c. 200, s. 12.

If they do not, owners of engines may do the work, to be reimbursed out of tolls.

13.—(1) In the event of the owners of such toll roads neglecting or refusing to comply with the requirements of the last preceding section, it shall be lawful for the parties about to run such engines themselves to do the necessary work at their own expense; such outlay to be repaid to them by the remission of tolls upon the passage of engines and trains through the gates upon such road, until the whole of such outlay is repaid.

Work to be done to satisfaction of County Engineer.

(2) The works shall be performed to the satisfaction of the county engineer or other officer appointed for that purpose by the municipality within which the highway or the greater part thereof is situated. R. S. O. 1887, c. 200, s. 13.

Tolls.

Provision for arbitration.

14. The owners of such toll roads may levy such tolls as may be imposed by them upon the passage of any engine or truck through every lawful gate; and if the owner of the engine is dissatisfied with the rate of toll, the same may be referred to the decision of three arbitrators, one of whom shall be nominated by the owner of the engine, and one by the proprietors of the road, and the two so appointed shall choose a third, and the decision of the said arbitrators or the majority of them shall be binding; and in the event of the two arbitrators first appointed as aforesaid failing or neglecting within one month to appoint a third arbitrator as herein provided, then the appointment of such third arbitrator may be made by the County Judge of the county within which the said tolls are to be collected. R. S. O. 1887, c. 200, s. 14.

Collection of tolls.

15. It shall be lawful for the owners of any such road to enforce the payment of the aforesaid tolls in the manner provided by law for the collection of the ordinary tolls upon such roads. R. S. O. 1887, c. 200, s. 15.

PENALTIES.

Penalty for contravening Act.

16. If any person contravenes this Act, and such contravention is duly proved by the oath of one credible witness before any Justice of the Peace having jurisdiction within the locality where the offence has been committed, the offender shall incur a penalty of not less than $5, nor more than $25, in the discretion of such Justice, with costs. R. S. O. 1887, c. 200, s. 16.

To be enforced by distress.

17. If not paid forthwith, the penalty and costs shall be levied by distress and sale of the goods and chattels of the offender, under a warrant signed and sealed by the convicting Justice, and the overplus, if any, after deducting the penalty and costs and charges of sale, shall be returned, on demand, to the owner of the goods and chattels. R. S. O. 1887, c. 200, s. 17.

Or by imprisonment.

18. In default of payment or distress, the offender shall, by warrant signed and sealed as aforesaid, be imprisoned in the common gaol for a period of not less than one day nor more than twenty days, at the discretion of the Justice, unless such fine, costs and charges are sooner paid. R. S. O. 1887, c. 200, s. 18.

Application of fines.

19. Every fine collected under this Act shall be paid to the treasurer of the local municipality in which the offence was committed, and shall be applied to the general purposes thereof. R. S. O. 1887, c. 200, s. 19.

Recovery of damages.

20. No fine or imprisonment under this Act shall be a bar to the recovery of damages by the injured party before any Court of competent jurisdiction. R. S. O. 1887, c. 200, s. 20.

Rev. Stat. c. 193, s. 2, to apply.

21. Section 2 of *The General Road Companies Act* shall apply to companies established for manufacturing or purchasing traction engines, and working the same. R. S. O. 1887, c. 200, s. 21.

CHAPTER 243.

An Act to Encourage the Planting and Growing of Trees.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Ontario Tree Planting Act*. 59 V. c. 60, s. 1.

Planting trees on highways, etc.

2.—(1) A person owning land adjacent to any highway, public street, lane, alley, place or square in this Province, may plant trees on the portion thereof contiguous to his land; but no tree shall be so planted that the same is or may become a nuisance in the highway or other public thoroughfare, or obstruct the fair and reasonable use of the same.

Trees on boundary lines.

(2) Any owner of a farm or lot may, with the consent of the owner or owners of adjoining lands, plant trees on the boundaries of the adjoining lot.

Property in trees planted by owners.

(3) Every tree so planted on such highway, street, lane, alley, place or square, shall be deemed to be the property of the owner of the lands adjacent to such highway, street, lane, alley, place or square, and nearest to such tree; and every such tree so planted on a boundary line aforesaid shall be deemed to be the common property of the owners of the adjoining farms or lots.

Property in shade and ornamental trees.

(4) Every growing tree, shrub or sapling whatsoever planted or left standing on either side of any highway for the purposes of shade or ornament shall be deemed to be the property of the owner of the land adjacent to the highway and nearest to such tree, shrub or sapling. 59 V. c. 60, s. 2.

Municipal by-laws for granting tree bonuses.

3.—(1) The council of any municipality may pass a by-law for paying out of municipal funds a bonus or premium not exceeding twenty-five cents for each and every ash, basswood, beech, birch, butternut, cedar, cherry, chestnut, elm, hickory, maple, oak, pine, sassafras, spruce, walnut, or whitewood tree, planted, under the provisions of this Act, within such municipality on any highway, or on any boundary line of farms as aforesaid, or within six feet of such boundary.

Inspector of trees.

(2) Such by-law shall further provide for the appointment of an Inspector of trees so planted; for their due protection against injury and against removal by any person or persons, including the owner, excepting as authority may be given

therefor by special resolution of the council; for the conditions on which bonuses may be paid, and generally for such regulations as are authorized by clauses 2 and 3 of section 574 of *The Municipal Act*. 59 V. c. 60, s. 3.

Rev. Stat. c. 224.

Report of Inspector on state of trees.

4. The Inspector shall make to the council one report for each year, if required so to do, giving the names of all persons entitled to any bonus or premium under the by-law, the number of trees of each species planted, and the amount of bonus or premium to which each person is entitled, and certifying that the trees have been planted for a period of three years, and that they are alive, healthy, and of good form; and upon the adoption of such report the bonuses or premiums shall be paid; provided that in no case shall the council be liable to pay a larger sum in respect of trees planted under this Act than would be payable if the same had been planted at a distance of thirty feet apart, and in no case shall a bonus be granted where the trees are less than fifteen feet apart. 59 V. c. 60, s. 4.

Right of refund from Province for bonuses paid under former Act.

5. Where a municipality has prior to the 7th day of April, 1896, passed a by-law under the authority of section 4 of chapter 201 of the Revised Statute, 1887, for granting bonuses for tree planting and has paid or has become liable under such by-law for the payment of any premium or bonus with respect to trees planted prior to the said date, the Treasurer of the Province, out of any sum which may be voted by the Legislature for that purpose, upon receiving a copy of the Inspector's report, certified by the reeve and clerk, may recoup to the treasurer of the municipality one-half of the sum paid by the municipality under the said by-law, the said report to be forwarded to the Treasurer on or before the 1st day of November in any year. 59 V. c. 60, s. 5.

Penalties for injuring trees on highways.

6.—(1) Any person who ties or fastens any animal to or injures or destroys a tree planted and growing upon any road or highway, or upon any public street, lane, alley, place or square in this Province (or upon any boundary line of farms, if any such bonus or premium as aforesaid has been paid therefor), or suffers or permits any animal in his charge to injure or destroy or who cuts down or removes any such tree without having first obtained permission so to do by special resolution of the council of the municipality, shall, upon conviction thereof before a Justice of the Peace, forfeit and pay such sum of money, not exceeding $25 besides costs, as such Justice may award, and in default of payment the same may be levied of the goods and chattels of the person offending, or such person may be imprisoned in the common gaol of the county within which the municipality is situate for a period not exceeding thirty days.

(2) One half of such fine shall go to the person laying the information, and the other half to the municipality within which such tree was growing. 59 V. c. 60, s. 6.

7. Any person who ties or fastens any animal to, or injures or destroys any tree growing for the purposes of shade or ornament upon any boundary line between farms or lots or, who suffers or permits any animal in his charge to injure or destroy or who cuts down or removes any such tree, without the consent of the owner or owners of such tree, shall be subject to the like penalties and liable to be proceeded against and dealt with as provided in the preceding section. 59 V. c. 60, s. 7. Injuring trees on boundary lines.

8. The council of every municipality may pass by-laws: Municipal by-laws.

1. To regulate the planting of trees upon the public highway;

2. To prohibit the planting upon the public highways of any species of trees which they may deem unsuited for that purpose;

3. To provide for the removal of trees which may be planted on the public highway contrary to the provisions of any such by-law. 59 V. c. 60, s. 8.

4. *LICENSING OF SHOWS, CIRCUSES, ETC.*

CHAPTER 244.

An Act respecting Travelling Shows, Circuses and other Exhibitions.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Circuses not to be exhibited without a license.

1. No travelling menagerie, circus, wild west show, or other travelling show of a similar nature, except where the same is shown as part of any industrial exhibition, shall be exhibited at any place in this Province unless the owner, proprietor, manager, agent, or person in charge of the show, first obtains a license for that purpose from the Provincial Treasurer. 59 V. c. 59, s. 1.

License fee.

2. Every applicant for a license under section 1 of this Act shall make and file in the office of the Provincial Treasurer a statutory declaration setting forth the number of days upon which the show is to be exhibited in this Province, and the localities in which the performances or exhibitions are to be held, and shall for such license pay to the Provincial Treasurer for the use of the Province, the sum of $50 for every day upon which the show is licensed to be so exhibited, in addition to any fee made payable under municipal by-laws. 59 V. c. 59, s. 3.

Small shows.

3. In the case of a small show the Lieutenant-Governor may at his discretion authorize the issue of a license for a smaller license fee, or may exempt the same from more than a nominal fee. 59 V. c. 59, s. 2.

Power to issue and revoke license.

4.—(1) Upon receiving such statutory declaration, and upon payment of the said license fee, the Provincial Treasurer may, in his discretion, issue a license to the applicant, and after the issue of any such license the Provincial Treasurer may at any time revoke the same upon being satisfied that the shows given are made the occasion for violations of the law on the part of the licensee, or on the part of persons connected with or taking part in such shows;

(2) In case of any revocation of license, the amount paid for the same shall be returned to the licensee by the Provincial Treasurer, less the sum of $50 per day, for every day during which exhibitions have been previously given under such license 59 V. c, 59, s. 4. Proviso.

5. Any person being the owner, proprietor, manager, or any other person in charge of any such show, as mentioned in the first section, who exhibits the same or any part thereof, without having first obtained a license so to do as required by this Act, shall be guilty of an offence against this Act, and shall, on conviction thereof, forfeit and pay, a penalty of not less than $100, besides costs and not more than $200, besides costs, for every day upon which such show or any part thereof has been exhibited at any place in this Province, and in default of payment thereof, he shall be imprisoned in the county gaol of the county in which the offence is committed, for a period not exceeding thirty days. 59 V. c. 59, s. 5. Penalty for unlicensed exhibitions.

6. It shall be the duty of any inspector of criminal investigation who may be detailed for that purpose, to be present at every place at which any show, horse race, or exhibition to which any of the provisions of this Act apply is to be so exhibited, and it shall further be his duty to institute prosecutions in case of any violation of the law at such exhibitions, and in every way to protect the public attending the same from fraud and imposture, and he shall report thereon from time to time as the Attorney-General may direct. 59 V. c. 59, s. 6. Inspectors of criminal investigation to be present at exhibitions.

7.—(1) The inspectors of criminal investigation of the Dominion of Canada and of the Province of Ontario and every Dominion and Provincial constable receiving a salary from the Government shall have access free of charge to every menagerie, circus or other like show usually exhibited by showmen, and to every horse race, agricultural, horticultural or industrial exhibition, and to the grounds, tents, and buildings in which such shows, races or exhibitions are held, and every part thereof during the hours in which the public are admitted to such grounds and buildings, and any person obstructing, hindering or neglecting to give free access to any such inspector or constable in the exercise of the rights conferred by this section, after such inspector or constable has demanded admission and displayed his badge of office, shall be liable, on summary conviction thereof, to a fine not exceeding $50 and not less than $20, and to imprisonment for any term not exceeding six months. Provincial and Dominion detectives and constables to have free access to all shows.

(2) Upon application made by the Department of Justice for the Dominion of Canada or by the Attorney General of Ontario, free passes, admitting to the said shows, races and exhibitions, and every part thereof, shall be furnished by the

manager or secretary for the use of constables other than those of the classes above mentioned.

(3) This section shall apply to the shows, races and exhibitions which require a license, as well as to those that do not require a license. 59 V. c. 59, s. 7.

Prosecutions.

8. All prosecutions under this Act may be brought and heard before any two of Her Majesty's Justices of the Peace in and for the county where the offence was committed, and in cities and towns where there is a Police Magistrate, before such Police Magistrate, and save where otherwise provided by this Act, proceedings shall be governed by *The Ontario Summary Convictions Act.* All penalties recovered under this Act, and all fees paid for licenses under the provisions of this Act, shall be paid over to the Treasurer of the Province of Ontario, and shall form a fund for defraying the expenses incurred in carrying out the provisions of this Act. 59 V. c. 59, s. 8.

Rev. Stat. c. 90.

5. SALE OF INTOXICATING LIQUORS.

CHAPTER 245.

An Act respecting the Sale of Fermented or Spirituous Liquors.

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Act may be cited as "*The Liquor License Act.*" R. S. O. 1887, c. 194, s. 1.

INTERPRETATION.

Interpretation.

2. Where the following words occur in this Act, or in the Schedules thereto, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears :

"Liquors" and "Liquor."

1. "Liquors" or "Liquor" shall include all spirituous and malt liquors, and all combinations of liquors and drinks and drinkable liquids which are intoxicating.

"Tavern license."

2. "Tavern license" shall mean a license for selling, bartering or trafficking by retail in fermented, spirituous or other liquors, in quantities of less than one quart, which may be drunk in the inn, ale or beer-house, or other house of public entertainment in which the same liquor is sold. R. S. O. 1887, c. 194, s. 2 (1, 2).

"Shop license."

3. "Shop license" shall mean a license for selling, bartering or trafficking by retail in such liquors in shops, stores, or places other than inns, ale or beer-houses, or other

houses of public entertainment, in quantities of not less than three half-pints, or, if sold in unbroken packages, not less than one half-pint, at any one time, to any one person, and at the time of sale to be wholly removed and taken away, in quantities of not less than three half-pints or one half-pint at a time, as the case may be. 60 V. c. 50, s. 4.

"License by wholesale."

4. "License by wholesale" or "Wholesale license" shall mean a license for selling, bartering or trafficking, by wholesale only, in such liquors in warehouses, stores, shops, or places other than inns, ale or beer-houses, or other houses of public entertainment, in quantities not less than five gallons in each cask or vessel at any one time; and in any case where such selling by wholesale is in respect of bottled ale, porter, beer, wine or other fermented or spirituous liquor, each such sale shall be in quantities not less than one dozen bottles of at least three half-pints each, or two dozen bottles of at least three-fourths of one pint each, at any one time.

"Three half pints."

5. "Three half-pints" shall, where bottled liquor is sold, be held to be equivalent to five quarter pints Imperial measure.

"License District."

6. "License District" shall mean the city, county, union of counties, or electoral district or districts, or any part of an electoral district, or a union of parts of two or more electoral districts, as the Lieutenant-Governor in Council may by order direct. R. S. O. 1887, c. 194, s. 2 (4-6).

"Polling sub-division," meaning of.

7. "Polling subdivision" shall mean the polling subdivision as shewn by the last revised voters' list for the municipality in which the licensed premises or the premises for which a license is sought are situated. 56 V. c. 40, s. 5.

"Minister."

8. "Minister" shall mean the member of the Executive Council, to whom, for the time being, is assigned the supervision of the administration of this Act. R. S. O. 1887, c. 194, *passim.*

"License Inspector."

9. "Inspector" shall mean an Inspector of Licenses appointed for a license district under this Act.

"Canada Temperance Act."

10. "*The Canada Temperance Act*" shall extend to and include *The Canada Temperance Act, 1878*. R. S. O. 1887, c. 194, s. 2 (8-9).

Board of License Commissioners.

3. There shall be a board of license commissioners to be composed of three persons, to be appointed by the Lieutenant-Governor, for each city, county, union of counties, electoral district, or license district, as the Lieutenant-Governor may think fit; and any two of the said commissioners shall be a quorum, and each of them shall cease to hold office on the 31st day of December in each year, or until a new Board or a majority thereof has been appointed, but he may be re-appointed; and the said office shall be honorary and without any remuneration. R. S. O. 1887, c. 194, s. 3; 60 V. c. 50, s. 16.

Powers of the commissioners.

4. The board of license commissioners may at any time before the 1st day of May in each year, pass resolutions for regulating and determining the matters following, that is to say:

Defining requisites for granting tavern and shop licenses

1. For defining the conditions and qualifications requisite to obtain tavern licenses for the retail within the municipality, of spirituous, fermented or other manufactured liquors, and also shop licenses for the sale by retail within the municipality, of such liquors in shops or places other than taverns, inns, alehouses, beer-houses or places of public entertainment;

Limiting number of licenses, etc.

2. For limiting the number of tavern and shop licenses respectively, and for defining the respective times and localities within which and the persons to whom such limited number may be issued within the year, from the 1st day of May of one year till the 30th day of April inclusive of the next year.

Exemption from having accommodation.

3. For declaring that in cities having a population according to the then last Dominion census of less than fifteen thousand, a number not exceeding three persons; a population of between fifteen thousand and thirty thousand, a number not exceeding five persons; a population of over thirty thousand, a number not exceeding ten persons; and in towns having a population of over six thousand, a number not exceeding two persons qualified to have a tavern license, may be exempted from the necessity of having all the tavern accommodation required by law. R. S. O. 1887, c. 194, s. 4 (1-3).

Clause 3 repealed after 30th April, 1899.

(*a*) From and after the 30th day of April, 1899, the preceding clause numbered 3 shall be repealed. 60 V. c. 50, s. 12 (3).

Regulating taverns.

4. For regulating the taverns and shops to be licensed;

Defining duties of inspectors.

5. For fixing and defining the duties, powers and privileges of the inspector of their district. R. S. O. 1887, c. 194, s. 4 (4, 5).

Duration of regulations.

6. To remove doubts it is hereby declared to be and always to have been the true intent and meaning of this section that regulations duly passed by the board of license commissioners in accordance with the provisions thereof shall remain in force until amended or repealed by the same or any subsequent board of commissioners. 53 V. c. 56, s. 3.

Penalties may be imposed by regulations.

5. In and by any such resolution of a board of license commissioners the said board may impose penalties for the infraction thereof. R. S. O. 1887, c. 194, s. 5.

INSPECTORS OF LICENSES

Inspectors of Licenses, appointment, powers and duty and security.

6. An inspector shall be appointed by the Lieutenant-Governor from time to time for each city, county, union of counties, electoral district, or license district, as the Lieutenant-Governor may think fit; and each inspector shall, before entering upon his duties, give such security as the Minister may require for the due performance of his said duties, and for the payment over of all sums of

money received by him according to the provisions of this Act; and the salary of every inspector shall be fixed by the Lieutenant-Governor in Council. R. S. O. 1887, c. 194, s. 6.

Chief inspector may be appointed in Toronto.

7. A chief inspector may be appointed for the City of Toronto, and he shall have jurisdiction throughout the said city. He shall perform all the duties of an inspector and shall have all the rights, powers and authority thereof, and shall be charged with the duty of seeing that this Act is enforced in the districts into which the said city is divided. He shall unless the Lieutenant-Governor otherwise directs, act as the secretary of the board of license commissioners, and shall, in company with the inspector, visit and inspect all premises for which a license is sought, and shall perform such other duties as may be assigned to him by the board or by the Lieutenant-Governor in Council. R. S. O. 1887, c. 194, s. 7.

ISSUE OF LICENSES.

Issue of licenses.

8.—(1) The Lieutenant-Governor in Council may direct the issue of licenses on stamped paper, written or printed, or partly written and partly printed, of the several kinds hereinbefore mentioned; and the licenses shall be signed by the Minister and dated as of the 1st day of May in each year, and shall thence continue in force for one year, and shall expire on the 30th day of April in the next ensuing year.

After the 1st of May.

(2) After the 1st day of May tavern and shop licenses may be issued between the 1st and 15th days of May in each year; and all such licenses shall be deemed to have been issued on the said 1st day of May.

In special cases.

(3) Where special grounds are shewn, the license commissioners may direct one or more licenses to issue at any time after the said 1st day of May, if within the limit authorized by this Act; provided that the petition or application therefor has been filed with the inspector on or before the 1st day of April next preceding; but this proviso shall not apply to petitions or applications made in counties or cities in which the second part of *The Canada Temperance Act* having been in force has been repealed, such repeal taking effect after the said first day of May in any year. R. S. O. 1887, c. 194, s. 8; 52 V. c. 41, s. 1; 60 V. c. 50, s. 17.

R. S. C. c. 106.

Licenses, how issued.

9. Every license shall be issued, under the direction of the respective boards of license commissioners, by the inspector for the license district in which the tavern, shop, warehouse or other place to which the license is to apply is situate. R. S. O. 1887, c. 194, s. 9; 53 V. c. 56, s. 2 (1)

Vessel licenses not to be issued.

10. No license shall be issued for the sale of liquor on any ferry boat or on any vessel navigating any of the great lakes or the rivers St. Lawrence or Ottawa or any of the inland

waters of the Province of Ontario, nor shall any liquor be sold or kept for sale in any room or place on any such vessel. R. S. O. 1887, c. 194, s. 14; 53 V. c. 56, s. 2 (2).

No tavern or shop license to be granted except upon petition and report thereon.

11.—(1) A license to sell spirituous, fermented or other manufactured liquors, by retail, in any tavern, alehouse, beer-house, place of public entertainment, or shop, shall not be granted except upon petition, to the license commissioners of the district in which the license is to have effect, praying for the same; nor until the inspector, to be appointed as hereinbefore provided, has reported in writing to the license commissioners, that the applicant is a fit and proper person to have a license and (in the case of a tavern license) has all the accommodation required by law, and that the applicant is known to the inspector to be of good character and repute; and every such report shall be duly filed by the license commissioners and shall remain open to the inspection of any ratepayer of the municipality or any provincial officer. R. S. O. 1887, c. 194, s. 11 (1); 60 V. c. 50, s. 18.

Report to be filed.

When petition for license to be presented.

(2) Every petition for a tavern license, which is to take effect on the 1st day of May in any year, shall be filed with the inspector for the license district wherein it is to have effect on or before the 1st day of April next preceding.

Report not to be conclusive.

(3) The inspector shall not report in favour of any applicant other than the true owner of the business of the tavern or shop proposed to be licensed, and his report shall be for the information of the license commissioners only, who shall nevertheless exercise their own discretion on each application.

Report may be dispensed with.

(4) Where the applicant for a tavern or shop license resides in a remote part of the license district, or where for any other reason the license commissioners see fit, they may dispense with the report of the inspector, and act upon such information as may satisfy them in the premises.

Board to fix a day for considering applications

(5) The board of license commissioners shall, on or before the 1st day of April, fix a day for considering applications for licenses, being not less than one week prior to the 1st day of May in each year, and the inspector shall publish, in at least two issues of a newspaper published in the district, if there be one published therein, the date and place of such meeting at least fourteen days before the day of such meeting. The inspector shall cause a notice containing similar information to be fixed to or near the outer door of the building in which his office is situated.

Notice by inspector as to applications.

(6) The inspector shall, at least fourteen days before the first meeting of the board to consider applications, cause to be published in at least two issues of some newspaper published in the district, if there be one published therein, the name of each applicant for a license, who is not at the time of the making of such application a licensee under this Act, or who applies for

the licensing of premises not then under license, the description of license applied for, and the place (described with sufficient certainty) where such applicant proposes to sell, and also the total number of tavern and shop licenses issued during the current license year, and the total number of applications for the ensuing year. He shall also keep a list of all applications, to be entered in a book to be kept by him for the purpose, containing similar information, and the same shall be open to the public for inspection without charge.

Objections to applications.

(7) It shall be the right and privilege of any ten or more electors of any polling subdivision to object by petition, or in any similar manner, to the granting of any license within such subdivision.

(8) The objections which may be taken to the granting of a license may be one or more of the following:

As to character of applicant.

(*a*) That the applicant is of bad fame and character, or of drunken habits, or has previously forfeited a license, or that the applicant has been convicted of selling liquor without a license within a period of one year; or that he has kept, within a period of two years, a place in which the illicit sale of liquors was frequent and notorious; or—

As to his premises.

(*b*) That the premises in question are out of repair, or have not the accommodation required by law, or reasonable accommodation if the premises be not subject to the said requirements; or

As to the neighbourhood.

(*c*) That the licensing thereof is not required in the neighbourhood, or that the premises are in the immediate vicinity of a place of public worship, hospital, or school, or that the quiet of the place in which such premises are situate will be disturbed if a license is granted.

Hearing objectors.

(9) Any person who has signed a memorial against the granting of a license may be heard in opposition thereto by himself or his agent.

And those authorized by municipalities.

(10) The council of any city, town, incorporated village, or township, may authorize any person to appear in a similar manner on behalf of the ratepayers of such city, town, incorporated village, or township, as to the granting of a license, and the person so authorized shall have a right to be heard before the board against the granting of such license.

As to objections as to character.

(11) Except at the instance of the board, no objection in respect of the character of any applicant shall be entertained until three days' notice has been given to the applicant. The notice may be served personally or left at the usual place of residence or business of the applicant. The service may be proved orally or by affidavit sworn before a Justice of the Peace or a Commissioner for taking affidavits.

Board may notice matters not mentioned by objectors.

Notice to applicant in such cases.

(12) Notwithstanding anything in this Act contained, the board may, of their own motion, take notice of any matter or thing which in their opinion would be an objection to the granting of a license, although no notice or objection has been given or made as by this Act provided: in any such case the board shall notify the applicant, and shall adjourn their hearing of the application, if requested by him, for any period not exceeding fourteen days in order that any person affected by the objection may have an opportunity of answering the same.

Decision of Board final.

(13) The decision of the board, in regard to any such petition, when once announced by the chairman, shall not be questioned or reconsidered; provided, nevertheless, that in cases in which the decision of the board has not been unanimous, or in cases in which the person or persons affected by such decision, petition the board and allege facts or grounds for their consideration not formerly before them, the board may by resolution, in which all of the commissioners concur, decide to rehear the case. Where a rehearing is allowed, notice thereof shall be given by the Inspector to at least one of the petitioners or his agent. R. S. O. 1887, c. 194, s 11 (2-13); 60 V. c. 50, s. 19.

Certificate required with application in case applicant is not a licensee.

(14) In the case of an application for a tavern or shop license by a person who is not, at the time of making such application, a licensee under this Act, or in the case of an application for such license for or transfer thereof to premises which are not then licensed, the petition must be accompanied by a certificate signed by a majority of the electors entitled to vote at elections for the Legislative Assembly in the polling subdivision in which the premises sought to be licensed are situated, and the said majority must include at least, one-third of the said electors who are at the time of such application residents within the said polling subdivision. The foregoing shall not apply to the transfer of a license from the holder thereof to some other person for the same premises with the consent of the commissioners, nor to a licensee applying for a license for or permission of the commissioners to remove with his license to other premises in the same polling subdivision; provided that such license or permission shall not increase the number of licensed premises in such polling subdivision, and shall not be allowed if a majority of the electors duly qualified as aforesaid petition against the same on the grounds hereinbefore set forth or any of such grounds.

Clerk of municipality to certify in case of dispute.

(*a*) In case of any dispute as to whether the number of electors who have signed the certificate or petition hereinbefore mentioned compose a majority of the duly qualified electors of the subdivision, or include one-third of the resident electors, or, in case of a dispute as to whether any one or more persons who have signed the certificate or petition are duly qualified voters, or are residents of the subdivision, the clerk of the municipality in which the subdivision is situate, shall take evidence upon

oath, or otherwise, and determine the question in dispute, and he shall in such case, certify to the board, the number of duly qualified electors and of resident electors respectively for the subdivision and the number of duly qualified electors who have signed the certificate or petition as the case may be, and in the case of a certificate, the number of such last mentioned electors who are resident as aforesaid, and his certificate shall be final and conclusive. For such certificate the said clerk shall be entitled to a fee of $2, payable out of the License Fund.

As to unorganized districts.

(*b*) In localities not under municipal organization, the said certificate shall be signed by at least eleven out of the twenty householders residing nearest to the premises in which the applicant proposes to carry on the business for which the license is required.

Form and requisites of certificate.

(*c*) Such certificate shall be according to the form given in Schedule A hereto, or to the like effect, in respect of the fitness of the applicant to have such license, and the premises in which it is proposed to carry on the business, and the desirability, on the ground of public convenience of having a license granted therefor. 53 V. c. 56, s. 1; 60 V. c. 50, s. 20, s. 21.

Time for filing.

(15) Every petition against the granting of a license shall be lodged with the inspector at least four days before the said first meeting of the board to consider the application; and the inspector shall present the same to the board at the first meeting thereof.

Posting list of petitions, etc.

(16) The inspector shall keep a list posted in his office for three days previous to the meeting of the board of all certificates and petitions lodged with him as aforesaid, and every such petition or certificate shall be open for public inspection without fee.

Hearing and determining objections.

(17) Every application for a license, and all objections to every such application, shall be heard and determined at a meeting of the board.

Proceedings at hearings.

(18) Every such hearing shall be open to the public, and the board may summon and examine on oath such witnesses as they may think necessary, and as nearly as may be in the manner directed by any Act now or hereafter to be in force relating to the duties of Justices in relation to summary convictions and orders; and any member of the board may administer the oath; but nevertheless nothing herein contained shall prevent the board from retiring or sitting with closed doors while considering or preparing their decision or judgment in respect of any application or applications.

Adjourning meetings.

(19) Any meeting of the board for the consideration of applications may, at the discretion of the board, be adjourned

from time to time to the same or any other place or building within the district.

Office of inspector.

(20) Where the inspector has not taken or set apart premises especially for the purposes of an office, the room or rooms in which he usually conducts his official business, whether at his residence or place of business, shall be deemed to be his office for the purposes of this Act.

Binding effect of foregoing subsections.

(21) The foregoing sub-sections of this section are declared to be obligatory on the board and inspector, but non-compliance therewith shall not invalidate the action of the board or inspector. Nothing in this subsection contained shall authorize the granting of a license contrary to the provisions of sub-section 14. R. S. O. 1887, c. 194, s. 11 (15-21).

Mode of procedure in obtaining tavern or shop licenses.

12.—(1) If upon application of any person requiring a tavern or shop license, it appears that such applicant is the true owner of the business of such tavern or shop, and has complied with the requirements of the law, and of any municipal by-laws in force in that behalf, and also with the regulations and requirements of the license commissioners, and is one of the persons designated or otherwise approved of by the license commissioners, the said license commissioners may grant such applicant a certificate under the hands of any two of them, stating that he is entitled to a license for a certain time, and for a certain tavern, inn, house or place of public entertainment or shop within the municipality, to be mentioned in such certificate.

(2) The license duty shall then be paid by the applicant into such bank as may be designated by the Minister to the credit of the "License Fund Account," for the license district; and upon production by the applicant to the inspector of the certificate of the license commissioners, together with a receipt shewing payment in full of the duty to the credit of the license fund account, the inspector may issue the license authorized by the license commissioners. R. S. O. 1887, c. 194, s. 12, *and see sec. 68.*

PETITION AGAINST RENEWAL OF LICENSE IN RESIDENTIAL LOCALITY.

Petition against renewal of license in residential locality.

13. A petition signed by not less than seventy-five persons, being at least a majority in number of the electors in any polling subdivision, may be presented to the board of license commissioners for any city, praying that any tavern license issued for premises situate in the said polling subdivision be not renewed, on the ground that the locality in which the same are situate is a residential and not a business locality,

Requisition to board to decide as to nature of locality.

(2) Before such petition is circulated or signed, any ten persons, being electors resident in the polling subdivision may apply in writing signed by them to the board of license commissioners, requiring the board to decide whether or not such premises are situate in a residential and not a business locality.

(3) Notice of such application shall be personally served upon the owner (and if the owner is not the occupant, also upon the occupant) of such licensed premises at least two weeks before the application is delivered to the board. Service of notice.

(4) The Board of License Commissioners, upon proof by statutory declaration of the service of the notice of application, shall, by resolution to be passed within one week after receiving the application, determine whether or not such licensed premises are situate in a residential and not in a business locality, and if the board decide in the affirmative, the petition may be presented as hereinbefore provided. Decision of board.

(5) At least one month before any petition is presented under this section, a notice in writing setting forth the substance of the petition, signed by at least ten electors resident in the polling subdivision shall be personally served upon the owner of such licensed premises, and, if the owner is not also the occupant, then upon the occupant also of such licensed premises, and such notice shall, before the petition is presented, be published at least once a week for two successive weeks in some daily newspaper published in the city. Notice of petition.

(6) Service and publication of the notice shall be proved by statutory declaration attached to the petition. Proof of service.

(7) The petition shall be presented within two months after the service of notice of the intention to present the same and before the 1st day of April in the year in which such notice was served, and there shall be annexed thereto a certificate under the hand of the clerk and seal of the corporation, setting forth that he has examined the petition and that there are subscribed thereto the names of at least a majority of the whole number of the electors in the polling subdivision. When petition to be presented.

(8) The signatures to the petition shall also be verified by the statutory declaration of at least one attesting witness. Proof of service.

(9) The Board of License Commissioners shall meet within one week after the receipt of the petition, and upon being satisfied that the provisions of the preceding subsections have been complied with, shall by resolution declare that the license for such premises shall not be renewed after the expiration of the next ensuing license year, and such license shall not be renewed, nor any other license in lieu thereof be granted to premises in the same locality, so long as the same is a residential locality. Consideration of petition—resolution of board.

(10) Nothing in this section contained shall affect any powers which the Board of License Commissioners may have under the said Act to cancel any license or refuse the renewal thereof, nor shall affect any right of petition given by the said Act in respect of a license. Other powers of board not affected.

(11) The word "electors" where it occurs in this section, shall mean and include all persons whose names are entered in "Electors"

the last revised voters list of the municipality, as entitled to vote at municipal elections. 60 V. c. 50, s. 14.

No license to be granted for certain times and places.

14.—(1) The license commissioners shall not grant any certificate for a license, or any certificate whatsoever, whereby any person can obtain or procure any license for the sale of spirituous, fermented or intoxicating liquors, on the days of the Exhibition of the Industrial Exhibition of Toronto, or of any district, or township agricultural society exhibition, either on the grounds of such society, or within the distance of three hundred yards from such grounds. R. S. O. 1887, c. 194, s. 13, *and see sec. 68.*

Licenses not to be granted to premises within 300 feet of church or school.

(2) No license shall hereafter be granted under the provisions of this Act for the sale of liquor upon any premises, for which a license has not heretofore been granted within 300 feet of a building occupied exclusively as a church, or as a high school, public school, separate school, university, college or other public educational institution, to be measured from and to the main entrances, along the street or streets, or across the same at right angles, as the case may be. 60 V. c. 50, s. 13.

No license to be granted to commissioner or inspector.

15.—(1) A tavern or shop license shall not be granted to or for the benefit of any person who is a license commissioner or inspector, and every license so issued shall be void. R. S. O. 1887, c. 194, s. 15.

License not to be issued for any premises owned by such person in his district.

(2) A tavern or shop license shall not be issued for premises within any license district of which any of the license commissioners or of the inspectors for such district is the owner, and every license commissioner who knowingly grants a certificate for a license, and every inspector who knowingly issues a license for any such premises, contrary to the provisions of this subsection, shall incur a penalty of $500.

Where commissioner, etc., is a shareholder in a company to be licensed.

(3) The preceding subsection shall not extend or apply to premises owned or occupied by a joint stock company in which a license commissioner is a shareholder, but in every such case, and in every case where a license commissioner is the mortgagee of any premises or agent for the collection of rents in respect of any such premises, such license commissioner shall not, under a penalty of $500, vote upon any question affecting the granting of a license to the company or for premises owned or occupied by it, or for premises in respect of which he is such mortgagee or agent. R. S. O. 1887, c. 194, s. 16.

License limited to person and place for which it was granted, subject to ss. 37, 38.

16. Subject to the provisions of this Act as to removals and the transfer of licenses, every license for the sale of liquor shall be held to be a license only to the person therein named and for the premises therein described, and shall remain valid only so long as such person continues to be the occupant of the said

premises and the true owner of the business there carried on. R. S. O. 1887, c. 194, s. 17.

Security to be given.

Security to be given by tavern licensee.

17.—(1) Before any tavern or shop license is granted the person applying for the same shall enter into a bond to Her Majesty in the sum of $200, with two good and sufficient sureties, (to be approved of by the inspector) in the sum of $100 each, with the condition and in other respects according to the form or to the effect of such one of the forms given in Schedules B and C to this Act as is applicable to the case ; and when executed the bond shall be filed in the office of the inspector, to be by him transmitted to the office of the Provincial Secretary. R. S. O. 1887, c. 194, s. 30, s. 31, *part.*

(2) Members of municipal councils and constables shall be ineligible as sureties in the bond to be given under this section. 55 V. c. 51, s. 2.

TAVERN LICENSES.

Number.

When only number may be increased.

18.—(1) The number of tavern licenses to be granted in the respective municipalities shall not in each year be in excess of the following limitations :—

In cities, towns and incorporated villages respectively—

(*a*) For the first 250 of the population one tavern license.

(*b*) For each full 250 of the population above the first 250 one tavern license, but not more than three such licenses shall be granted for the first 1,000 of the population.

(*c*) For each full 600 over the first 1,000 of the population one tavern license.

(*d*) But the preceding parts of this section shall not apply to county towns having a population of 2,500 or less, as to which the limit shall be one for each full 250 for the first 1,000 of the population, and one for each full 400 over 1,000 of the population.

Number of tavern licenses to be issued in municipalities.

In no case however shall this limit authorize any increase in any municipality in excess of the number of licenses issued therein for the year ending 1st day of May, 1897, until it appears from any census of Canada, hereafter made or any census subsequently taken, as provided by this Act that the population of the municipality has increased since the taking of the general census of 1891, so that in the opinion of the license commissioners a larger number has become necessary,

and in no case shall a number of tavern licenses be granted in excess of the number limited by clauses (*a*) (*b*) (*c*) and (*d*) this subsection.

(2) Provided that in any municipality where the limit imposed by the preceding subsection will cut off four or more of the number of tavern licenses at present in force, such reduction shall take effect for the license year commencing on the first day of May, 1898, as to one half (or in case the whole number cut off is an odd number, then as to the even number next higher than one-half) of the number of tavern licenses so to be cut off, but for every license year thereafter the number of tavern licenses to be issued in such municipality shall not exceed the limit fixed by the said subsection. 60 V. c. 50, s. 1.

Issue of licenses after repeal of local option by-law.

(3) Where a by-law passed under section 141 of this Act or under the Acts consolidated in said section or referred to in section 142, has been in force in any municipality and is subsequently repealed, the number of tavern licenses which may in the year following such repeal be issued in the municipality, until a by-law is passed reducing such number, shall be limited as provided by sub-section 1 of this section. 60 V. c. 50, s. 11.

Exceptions.

(4) In incorporated villages, being county towns, the limit may be five in number, and in the town of Niagara Falls three hotels, near the Falls of Niagara, and in the town of Port Arthur three hotels, which may be licensed, may be excluded from the number which would otherwise be the maximum limit under this Act. R. S. O. 1887, c. 194, s. 18 (2).

Manner of determining the population with a view to the number of licenses.

19.—(1) The number of the population which is to determine the number of licenses at any time under this Act shall be according to the then last preceding census taken under the authority of the Dominion of Canada, except where the license commissioners are at any time of opinion that, owing to a large increase of population since such census, an increased number of licensed taverns is needed for the convenience and accommodation of travellers; and in that case, if the license commissioners so certify, and the council of the municipality memorialize the Lieutenant-Governor for an increase of the number of licensed taverns, the Lieutenant-Governor in Council may authorize a new census to be taken under the authority of a by-law of the municipality and at the expense of the municipality. R. S. O. 1887, c. 194, s. 19 (1); 60 V. c. 50, s. 2.

Case of alteration or formation of municipality,

(2) In case of the alteration or formation of any municipality subsequent to such census of the Dominion of Canada, the population of such municipality, for the purposes of this Act, may be ascertained by the said license commissioners by reference to the enumeration on which such census took place, or to the enumeration or census on which the municipality was so altered or formed, or by a new census taken under the provisions of this section. R. S. O. 1887, c. 194, s. 19 (2); 60 V. c. 50, s. 22.

(3) Where, since the said Dominion census, a census has been taken in any municipality under the authority of the council having jurisdiction, the limit may be the same as in the case of a census taken under this section for the purposes of this Act. R. S. O. 1887, c. 194, s. 19 (3). or municipal census.

20.—(1) The council of every city, town, village or township may, by by-law to be passed before the 1st day of March in any year, limit the number of tavern licenses to be issued therein for the then ensuing license year, beginning on the 1st day of May, or for any future license year until such by-law is altered or repealed, provided such limit is within the limit imposed by this Act. Council may limit number of licenses.

(2) The council shall cause a certified copy of such by-law to be sent immediately after the passing thereof to the license commissioners of the district in which the municipality is situate. R. S. O. 1887, c. 194, s. 20. Copy of by-law limiting to be sent to commissioners.

21. In any case where the license commissioners of any license district do not think fit, or are unable to grant a new license to any applicant who has been licensed during the preceding twelve months, or any part thereof, they may, nevertheless, by resolution, provide for extending the duration of the existing license for any specified period of the year, not exceeding three months at their discretion, upon payment by the applicant, of a sum not exceeding the proportionate part of the duty payable for such license for the then next ensuing license year; and such license, when a certificate of the extension aforesaid has been indorsed thereon, under the hand of the inspector for the license district, shall remain valid for the period specified in the resolution of the license commissioners, and no longer; but this provision shall not be construed to confer on the license commissioners any authority to exceed the limit prescribed by this Act as to the number of tavern licenses to be granted in any year, except in cities, where the license commissioners may in their discretion, having regard to the particular circumstances of the city, and of each application, grant further tavern licenses, but within the number of such licenses granted for the year ending on the 30th day of April, 1877, and except in a locality largely resorted to in summer by visitors, where the license commissioners may, if they think fit, grant one additional tavern license, but not to extend beyond six months, commencing on the 1st day of May in each year. R. S. O. 1887, c. 194, s. 21. Extended licenses.

22. Upon application to any board of license commissioners, by any one or more persons within any municipality within the jurisdiction of such board for a beer and wine license, the board may, before the 1st day of May in any year, by resolution declare that any one or more of the tavern licenses which may be lawfully issued, and which are to be issued for the Beer and wine licenses may be issued.

license year beginning on the 1st day of May of such year, not exceeding the number so applied for, may be beer and wine licenses, and the board may thereafter cause beer and wine licenses to be issued in any such municipality, not exceeding the number mentioned in their aforesaid resolution: but nothing in any such resolution contained, shall so limit the number of tavern or shop licenses, as to prohibit within any municipality the sale of spirituous liquors: and, nothing in such beer and wine license contained, or by reason of the granting thereof, shall authorize the holder thereof, his servants or agents, to sell, barter or otherwise dispose of any kind of intoxicating liquors other than those mentioned in the said beer and wine license. R. S. O. 1887, c. 194, s. 22. 60 V. c. 50, s. 23.

Liquors not to be sold by holder of beer and wine license.

Beer and wine licenses.

23. A beer and wine license shall be construed to mean a tavern license for selling, bartering or trafficking by retail, in lager beer, ale, beer and porter and also in native wines, manufactured in Ontario, containing not more than fifteen per cent. of alcohol, and in light foreign wines containing not more than fifteen per cent. of alcohol, (but not including port, sherry or madeira wine,) in quantities of less than one quart, which may be drunk in the inn, ale or beer-house, or other house of public entertainment in which the same is sold. R. S. O. 1887, c. 194, s. 23.

Holder of beer and wine license subject to conditions of tavern license.

24. The holder of any such beer and wine license shall hold the same upon the terms and subject to all the conditions and penalties that apply to the holder of a tavern license; but, nevertheless, such holder of a beer and wine license shall not sell, barter or give, or keep in the house, or upon the premises for which such last mentioned license has been granted, any spirituous or intoxicating liquors for sale other than those thereby authorized; and as to such other liquors, the holder of such beer and wine license shall be deemed to be unlicensed, and section 132 of this Act shall apply. R. S. O. 1887, c. 194, s. 24.

Holder of beer and wine license not to sell or keep spirits on premises licensed.

25.—(1) If any holder of a beer and wine license, his servant or agent, sells or barters, gives or keeps in the house, or upon the premises, for which a license has been granted, intoxicating liquors other than those mentioned in his license, for sale, or, knowingly sells, or barters, gives or keeps in the house, or upon the premises for which a beer and wine license has been granted, native wine containing a greater quantity of alcohol than fifteen per cent. thereof, or light foreign wines containing a greater quantity of alcohol than fifteen per cent. thereof, or port, sherry or madeira wine, he shall be subject to the penalties provided by section 72 of this Act; and in addition thereto upon a conviction for a second offence the board of license commissioners may, by resolution, revoke and cancel his beer and wine license; and in the event of failure on their part so

to do, application may be made by any resident of the municipality to the Judge of the County Court, in the manner prescribed in section 92 of this Act, which shall apply to such application for an order to revoke and cancel said license; and if it appears to such Judge that the holder of any such beer and wine license has been twice convicted of having sold or given intoxicating liquors other than those mentioned in the license, or of having kept the same upon or in the licensed premises, for sale, or of having knowingly sold or given native wine containing a greater percentage of alcohol than fifteen per cent. thereof, or light foreign wines containing a greater percentage of alcohol than fifteen per cent. thereof, or port, sherry or madeira wine, as hereinbefore mentioned, or of having knowingly kept the same upon or in the licensed premises, then the said Judge shall make an order revoking and cancelling the said license, and it shall be revoked and cancelled from the date of such order, or from the passing of the aforesaid resolution by the commissioners.

(2) The percentage mentioned in the preceding subsection, shall be determined by weight. R. S. O. 1887, c. 194, s. 25.

Inspector may test liquors kept by licensee.

26. The inspector may from time to time take from the liquors kept by a person holding a beer and wine license upon the premises sufficient thereof to determine whether they are of a different kind from those mentioned in the license, or contain more alcohol than is by law allowed. R. S. O. 1887, c. 194, s. 26.

Accommodation.

Accommodation required.

27.—(1) Every tavern or inn authorized to be licensed under the provisions of this Act shall contain, and during the continuance of the license shall continue to contain, in addition to what may be needed for the use of the family of the tavern or innkeeper, not less than four bed-rooms, and in cities six bedrooms, together with, in every case, a suitable complement of bedding and furniture, and (except in cities and incorporated towns) there shall also be attached to the said tavern or inn, proper stabling for at least six horses; but subject to section 30 the foregoing requirements shall not apply to such taverns as come within subsection 3 of section 4 of this Act.

Not to communicate with grocery.

(2) Such tavern or inn shall form no part of, and shall not communicate by any entrance with any shop or store wherein goods or merchandise known as groceries or provisions are kept for sale; but this subsection shall not apply to taverns in townships, unless so provided by by-law of the township council. R. S. O. 1887, c. 194, s. 27.

Every tavern to be an eating house.

28. In addition to the accommodation required by the last preceding section, each tavern or house of entertainment shall

be shewn, to the satisfaction of the license commissioners, to be a well-appointed and sufficient eating-house, with the appliances requisite for daily serving meals to travellers; and the requirements of this section shall apply to all taverns or houses of entertainment, without any exception whatever, and continuously for the whole period of the license. R. S. O. 1887, c. 194, s. 28.

City or town council may prescribe further requirements as to tavern.

29. The council of any city or town may, by by-law to be passed before the 1st day of March in any year, prescribe for the then ensuing license year beginning on the 1st day of May, any requirements in addition to those in the last preceding two sections mentioned, as to accommodation to be possessed by taverns or houses of entertainment, as the council may see fit; and the license commissioners upon receiving a copy of such by-law shall be bound to observe the provisions thereof; and such by-law shall continue in full force for such year and any future year until repealed. R. S. O. 1887, c. 194, s. 29.

SALOONS.

Saloon licenses not to be granted after 1899.

30.—(1) After the 30th day of April, 1899, no tavern license shall be issued to any saloon, tavern, or other premises not having all the tavern accommodation required by law, except as hereinafter provided.

Reduction of number of saloons licensed in 1898.

(2) For the license year commencing on the 1st day of May, 1898, in every municipality in which there are premises exempt by resolution of the Board of License Commissioners from having all the tavern accommodation required by law, the Board may, by resolution, designate one-half in number (or if the number of such premises is an odd number then the even number next lower than one-half) of such premises to which tavern licenses may be issued for the said year, and no such license shall be issued to any premises not so designated, and not having all the tavern accommodation required by law: Provided that nothing in this subsection contained shall apply to any municipality in which there is but one applicant for a license to premises of the class hereinbefore described.

Proviso.

(3) Provided, nevertheless, that the provisions of this section shall not apply to an eating house at or in a railway station for or to which any license has before the 13th day of April, 1897, been granted and which was at the said date duly licensed, and such license may hereafter, in the discretion of the Commissioners, be issued without there being the hotel accommodation required by law. 60 V. c. 50, s. 12 (1, 2, 4).

SHOP LICENSES.

Shop licenses, to whom given.

31. A shop license shall not be granted to any person unless he has filed his application with the inspector on or before the 1st day of April in that year, and has given the

security required by section 17, and unless the inspector has reported to the license commissioners that he is a person of good character, and that his shop and premises are suitable for carrying on a reputable business. R. S. O. 1887, c. 194, s. 31, *part*.

Number of shop licenses limited, and licenses may be subjected to certain restrictions.

32.—(1) The council of every city, town, village or township may, by by-law to be passed before the 1st day of April in any year, limit the number of shop licenses to be granted therein for the then ensuing license year, beginning on the 1st day of May, and by such by-law or any other by-law passed before the 1st day of April, may impose any restrictions upon the mode of carrying on such traffic as the council may think fit; and such last-mentioned by-law may be made to come into force on the 1st day of May then next ensuing, or on the 1st day of May of the succeeding year, and any such by-law so passed shall not be repealed during the three years next after the year in which the same comes into force.

Certified copy to be sent to license commissioners.

(2) It shall be the duty of the clerk, immediately after the passing of such by-law, to send a certified copy thereof to the license commissioners within whose license district the municipality is situate, and such by-law shall be binding upon the license commissioners, and any shop license to be issued shall conform to the provisions thereof; and such by-law shall remain in force for any future year until repealed. Any clerk who neglects, omits or refuses to send such certified copy shall incur a penalty of not less than $40 nor more than $100. R. S. O. 1887, c. 194, s. 32.

(3) All the provisions regarding the closing of licensed taverns and regarding sales and evidences of sales therein during prohibited hours shall apply to shops licensed in any municipality after the by-law secondly provided for in subsection 1 has come into force. R. S. O. 1887, c. 194, s. 33 (2 *part*).

Limitation on issue of shop licenses.

33.—(1) No shop license shall be granted to any person to sell liquors in any store, shop, place or premises where groceries or other merchandise are sold, or exposed for sale, other than mineral or aerated waters (not containing spirits,) ginger ale, liquor cases, bottles, or liquor baskets, or packages, taps or faucets, or in any store, place or premises connected by any internal communication with such first-mentioned store, shop, place or premises. R. S. O. c. 194, s. 33 (4).

Sale of cigars, cigarettes and tobacco in shops.

(*a*) Nothing in this subsection shall prevent the holder of a shop license from keeping and selling cigars, in unbroken packages of not less than fifty cigars or fifty cigarettes, or five pounds of tobacco, to be taken away, and not to be used or consumed upon the premises. 60 V. c. 50, s. 3.

License void if other goods sold.

(2) If any other commodity or goods save as aforesaid, are sold or exposed for sale in any licensed shop in the preceding subsection provided for, the license shall be void, and such

licensed person may be convicted of selling liquor without license, upon proof that any other commodity or goods, save as aforesaid, is or are exposed for sale or sold at such shop, and such conviction shall be conclusive evidence that such person has ceased to be the holder of a license. R. S. O. 1887, c. 194, s. 33 (2 *part*).

Mineral waters not to be consumed upon licensed premises.

(3) The aforesaid mineral or aerated waters or ginger ale shall not be sold in less quantities than one half dozen bottles and shall not be allowed to be consumed upon the licensed premises under the same penalty as is provided for a breach of section 62 of this Act. R. S. O. 1887, c. 194, s. 33 (3).

WHOLESALE LICENSES.

Issue of licenses by wholesale.

34.—(1) Wholesale licenses may be issued in any municipality, at any time during the year, by the inspector of the license district after the license commissioners of the district have directed the same to be granted to the applicant, upon a requisition therefor signed by him, and after payment to the inspector of the proper duty thereon.

(2) Such license shall be for selling fermented, spirituous or other liquors, by wholesale only, in the warehouse, store, shop, or place of the applicant (to be defined in the said license), situate within the said municipality; and such license shall be deemed a license by wholesale within the meaning and subject to the provisions of the clause numbered 4 of section 2 of this Act. R. S. O. 1887, c. 194, s. 34, s. 35 *part*.

Regulations as to issue of wholesale licenses.

35. A wholesale license shall be granted only to a person who carries on the business of selling by wholesale or in unbroken packages, and shall be and become void in case the holder thereof, at any time during the currency of the said license, directly or indirectly, or by or with any partner, clerk, agent or other person, carries on, upon the premises to which such license applies, the business of a retail dealer in any other goods, wares or merchandise. R. S. O. 1887, c 194, s. 35 *part*.

Manufacturers of native wine.

36. Manufacturers of native wines, from grapes grown and produced in Ontario, and who sell such wines in quantities of not less than one gallon, or two bottles of not less than three half-pints each at one time, to be wholly removed and not drunk upon the premises, shall be exempt from any duty under this Act, and shall not be required to obtain any license for so selling wines so manufactured. R. S. O. 1887, c. 194, s. 36; 52 V. c. 41, s. 2.

TRANSFER OF LICENSES.

Transfers of licenses.

37.—(1) In case any person having lawfully obtained a license under this Act before the expiration of his license dies, or sells,

or by operation of law or otherwise assigns his business, or removes from the house or place in respect of which the said license applies, his license shall, *ipso facto*, become forfeited, and be absolutely null and void to all intents and purposes whatsoever, unless such person, his assigns or legal representatives, within one month after the death, assignment, or removal of the original holder of such license, or other period, in the discretion of the license commissioners of the district in which the license has effect, obtains their written consent either to the continuance of the said business or to the transfer of such license to any other person, and thereupon forthwith transfers the same to such other person, who, under such transfer, may exercise the rights granted by such license, subject to all the duties and obligations of the original holder thereof, until the expiration thereof, in the house or place for which such license was issued and to which it applies, but in no other house or place.

On transfer of tavern license new report necessary.

(2) In every such case of a transfer of a tavern license, the person in whose favour any such transfer is to be made shall first produce to the license commissioners a report of the inspector similar to that mentioned in section 11 of this Act.

Provisional consent to a transfer of license.

(3) Upon receipt by the inspector of an application for a transfer of a license, and pending the consideration and consent thereto by the board of license commissioners, the inspector may within one month thereafter issue to the proposed transferee a written provisional consent according to the form given in Schedule D to this Act annexed, under which the proposed transferee may exercise the rights granted by the license issued to the premises until the written consent of the board of license commissioners is obtained: provided always that such written consent shall not operate or extend beyond one month from the time of the death of the original licensee or from the sale or transfer by the licensee or by operation of law; and provided further that such provisional consent shall not have any force or effect, unless the same is countersigned by one member of the board.

Report of Inspector may be dispensed with.

(4) Where an application is made for a transfer of a license issued to a tavern or shop situate in a remote part of the license district, or where for any other reason the license commissioners see fit, they may dispense with the report of the inspector, and act upon such information as may satisfy them in the premises. R. S. O. 1887, c. 194, s. 37.

REMOVAL OF LICENSEE.

Inspector may consent to removal of tavern keeper to another house.

38.—(1) Any inspector may, after resolution of the license commissioners allowing the same, and subject to the provisions of subsection 14 of section 11 of this Act issue to the holder of any license, or his assigns or legal representatives, in the form provided by the Minister, a permit to remove from

the licensed premises to other premises, to be described in an indorsement to be made by the inspector on the license, and situate within the same municipality, and possessing all the accommodation required by law. 60 V. c. 50, s. 24.

Effect of such consent.

(2) Such permit, shall authorize the holder of the license to sell the same liquors in the premises mentioned in the indorsement during the unexpired portion of the term for which the license was granted, in the same manner, and upon the same terms and conditions; but no such permission shall be granted unless and until the person applying therefor has filed with the license commissioners a report of the inspector containing the information required by law in case of application for a license.

Bond to apply

(3) Any bond or security which such holder of a license may have given for any purpose relative to such license shall apply to the premises to which such removal is authorized, but such permission shall not entitle him to sell at any other than such premises. R. S. O. 1887, c. 194, s. 38 (2); 60 V. c. 50, s. 25; c. 3, s. 3.

Mileage to be paid inspector in certain cases.

39. Where the inspector is required, in the case of an application for leave to transfer or remove a license, to make an inspection, under the next preceding two sections and to travel, in order to make such inspection, a distance of more than three miles from his office or residence, the person making such application for a transfer or removal, shall pay to the inspector, in addition to all other fees, the sum of ten cents per mile, one way, for his travelling expenses, and the same shall be deposited by the inspector to the credit of the license fund; but the inspector may be allowed the same, or so much thereof as is necessary to pay the actual cost of his travelling expenses in order to make such inspection, upon his accounts being rendered and approved in the ordinary manner; but this section shall not apply to city license districts. R. S. O. 1887, c. 194, s. 39.

WHERE LICENSE LAPSES.

How licenses may be granted for premises where for any cause the license becomes void, etc.

40. In case for any cause the license becomes void, or in case the term or interest of the holder of a license in the premises licensed ceases before the expiry of the license, or if the licensee absconds or abandons the premises, or becomes insolvent, the license commissioners may grant a new license for the same premises, subject to the provisions of this Act, upon such terms as to the payment or refund by the new licensee of the duty for the unexpired period to the person entitled thereto under the original license, or to his legal representatives, as to the license commissioners may seem just. R. S. O. 1887, c. 194, s. 40; 60 V. c. 50, s. 26.

DUTIES PAYABLE.

41. The following license duties shall hereafter be payable and shall, subject to the provisions of the next following three sections, be in lieu of all others, provincial or municipal, that is to say: Duties payable for licenses

For each wholesale license	$150 00
For each tavern license in cities	100 00
" " towns	80 00
" " other municipalities	60 00
For each shop license in cities	100 00
" " towns	80 00
" " other municipalities	60 00
For each beer and wine license in cities	50 00
" " " towns	40 00
" " " other municipalities	30 00
For every transfer or removal of a license in cities having a population of 100,000 and upwards	50 00
For every transfer or removal of a license in other cities	25 00
For every transfer or removal of a license in other municipalities	10 00

For transfers and removals.

R. S. O. 1877, c. 194, s. 41 (1); 53 V. c. 56, s. 2 (3); 55 V. c. 51, s. 3.

42.—(1) The council of any municipality may by by-law to be passed before the 1st day of March in any year, require a larger duty to be paid for tavern or shop licenses therein, but not in excess of $200 in the whole, unless the by-law has been approved by the electors in the manner provided by *The Municipal Act*, with respect to by-laws which before their final passing require the assent of the electors of the municipality. Council may impose larger duty up to $200, but not more without consent of electors. Rev. Stat. c. 223.

(2) Such by-law shall take effect from the passing thereof unless passed later than the first day of March in any year, in which case it shall come into force on the first day of May of the next succeeding year, and every such by-law shall remain in force until repealed.

(3) Any by-law so approved shall not be varied or repealed unless the varying or repealing by-law has been in like manner submitted to and approved of by the electors of the municipality. R. S. O. 1887, c. 194, s. 42

43. In any municipality where, by virtue of any by-law in that behalf, passed under the provisions of any former Act, a larger sum or duty in the whole than that mentioned in section 41 was on the 10th day of February, 1876, payable for any shop or tavern license, such sum or duty shall be the lowest duty payable under this Act for any such license, until altered When duties now exceed the statutory figure they are not affected.

by by-law of the municipality to be passed for the purpose, but in no case shall the duty be under the amount in the said section specially prescribed. R. S. O. 1887, c. 194, s. 43.

Additional license duties.

44.—(1) Over and above the duties for licenses hereinbefore imposed, and any duties which have been or may be imposed by any municipal by-law, unless the municipality by by-law otherwise provides, there shall be paid, in order to the raising of a revenue for provincial purposes, for the exclusive use of this Province, the following additional duties thereon, the whole of which shall form part of the Consolidated Revenue of the Province:

For each wholesale license	$100 00
For each tavern or shop license in cities of over 20,000 inhabitants	150 00
For each tavern or shop license in cities of less than 20,000 inhabitants	100 00
For each tavern or shop license in towns	$ 70 00
" " in incorporated villages	60 00
" " in townships	30 00
For each tavern license in cities granted to premises exempted from the necessity of having all the tavern accommodation provided by law	200 00
do. do. in towns	170 00
For each beer and wine license, a fee in addition to that provided by section 41, of one-fourth that hereby added to tavern licenses	

R. S. O. 1887, c. 194, s. 44 (1); 53 V. c. 56, s. 2 (4).

Population how determined.

(2). The population of a city for the purpose of this section shall be determined by the enumeration taken by the municipal assessors at the last preceding assessment. R. S. O. 1887, c. 194, s. 44 (2).

License duties imposed by municipalities.

(3). Nothing herein contained shall limit the right of the council of any municipality, without submitting the same to the ratepayers, by their by-law to fix the duties or fees upon tavern or shop licenses, wholly for the use of the municipality, to the extent provided by section 42, and the sum so fixed, or to be fixed, by any municipal council, may be, in addition to the sum imposed by this section, in and for the respective municipalities above mentioned. R. S. O. 1887, c. 194, s. 44 (3); 55 V. c. 51, s. 4.

LICENSE FUND.

The duties, fines and penalties to form a License Fund.

45.—(1) All sums received from duties on tavern, shop and wholesale licenses, and for transfers and removals thereof, and received by the inspector for fines and penalties, shall form the license fund of the license district, for which the board of license commissioners has been appointed. R. S. O. 1887, c. 194, s. 45 (1).

(2) So much of the license fund as is not specially appropriated otherwise, shall be applied, under regulations of the Lieutenant-Governor in Council, for the payment of the salary and expenses of the inspector, and for the expenses of the office of the board and of officers, and otherwise in carrying the provisions of the law into effect, and the residue, on the 30th day of June in each year, and at such other times as may be prescribed by the regulations of the Lieutenant-Governor in Council, shall be paid over,—one-third to the Treasurer of the Province, to and for the use of the Province, and the other two-thirds to the treasurer of the city, town, village, or township municipality in which the licensed premises are respectively situate; but in cases where any municipality by by-law requires a larger duty in the case of tavern or shop licenses to be paid than the specific sums mentioned in sections 41 and 44 for any license, the whole of such excess shall be paid over to the treasurer of such municipality. But all sums imposed by the municipality in excess of the sum of $200 mentioned in section 42 of this Act shall be divided equally between the Province and such municipality. R. S. O. 1887, c. 194, s. 45 (2); 52 V. c. 41, s. 3. Application of the Fund.

(3) Cheques upon the license fund account shall be drawn by the inspector, and countersigned by the chairman of the board, or any two of the license commissioners, subject to the regulations of the Lieutenant-Governor in Council. R. S. O. 1887, c. 194, s. 45 (3). Cheques upon the License Fund Account.

46.—(1) Any penalty in money recovered under this Act, in cases in which an inspector is the prosecutor or complainant, shall be paid by the convicting Justice, Justices or Police Magistrate to the inspector, and paid in by him to the credit of the "License Fund Account." Application of penalties where Inspector is prosecutor.

(2) In any case where the inspector has prosecuted and obtained a conviction, and has been unable to recover the amount of costs, the same shall be made good out of the said license fund. Where costs are not recovered.

(3) In any case where the inspector has prosecuted and failed to obtain a conviction, he shall be indemnified against all costs out of the license fund, should the Justice, Justices or Police Magistrate before whom the complaint is made certify that such officer had reasonable and probable cause for preferring such prosecution or complaint. R. S. O. 1887, c. 194, s. 46; 60 V. c. 50, s. 27. Indemnity of Inspector where he fails to obtain a conviction.

REGULATIONS AND PROHIBITIONS.

47. All licenses shall be constantly and conspicuously exposed in the warehouses, shops or in the bar-room of taverns, inns, alehouses, beerhouses or other places of public entertainment, under a penalty of $5 for every day's wilful or negligent Licenses to be kept exposed.

Penalty.

omission so to do, to be recovered with costs from the merchant, shopkeeper or tavern, inn, alehouse or beerhouse-keeper or keeper of any other place of public entertainment, so making default. R. S. O. 1887, c. 194, s. 47. *See* 53 V. c. 56, s. 2 (2).

Tavern keepers to exhibit notice of being licensed.

48. Every person who keeps a tavern, or other place of public entertainment, in respect of which a tavern license has duly issued and is in force, shall exhibit over the door of such tavern, inn, alehouse, beerhouse, or other place of public entertainment, in large letters, the words, "*Licensed to sell wine, beer, and other spirituous or fermented liquors*" and in default thereof, shall be liable to a penalty of $5, besides costs. R. S. O. 1887, c. 194, s. 48.

Penalty.

No person shall sell liquors without license.

49.—(1) No person shall sell by wholesale or retail any spirituous, fermented, or other manufactured liquors without having first obtained a license under this Act authorizing him so to do: but this section shall not apply to sales under legal process or for distress, or sales by assignees in insolvency.

Nor hold himself out as licensed.

(2) No person unless duly licensed shall by any sign or notice hold himself out to the public as so licensed; and the use of any sign or notice for this purpose is hereby prohibited. R. S. O. 1887, c. 194, s. 49.

(3) Subject to the provisions of section 37 of this Act and pending the proceedings therein mentioned, no penalty shall be incurred under this section by the heirs, executors, administrators or assigns of any licensed person who dies before the expiration of his license, or by the trustee of any licensed person who is insolvent or whose affairs are in process of liquidation during the currency of his license, in respect of the sale or exposure for sale of any intoxicating liquors covered by his license, provided that such sale or exposure for sale is made on the premises specified in such license and in the quantities therein authorized. 60 V. c. 50, s. 28.

Persons not to keep spirituous, etc., liquors for sale unless licensed.

50. No person shall keep or have in any house, building, shop, eating-house, saloon, or house of public entertainment, or in any room or place whatsoever, any spirituous, fermented or other manufactured liquors for the purpose of selling, bartering or trading therein, unless duly licensed thereto under the provisions of this Act; nor shall the occupant of any such shop, eating-house, saloon, or house of public entertainment, unless duly licensed, permit any liquors, whether sold by him or not, to be consumed upon the premises, by any person other than members of his family or employees, or guests not being customers. R. S. O. 1887, c. 194, s. 50.

Sections 49 and 50 not to apply to brewers, etc.

51.—(1) Sections 49 and 50 shall not prevent any brewer, distiller, or other person duly licensed by the Government of Canada for the manufacture of spirituous, fermented, or other liquors, from keeping, having or selling any liquor manufac-

tured by him in any building wherein such manufacture is carried on, provided such building forms no part of and does not communicate by any entrance with any shop or premises wherein any article authorized to be manufactured under such license is sold by retail, or wherein is kept any broken package of such articles. R. S. O. 1887, c. 194, s. 51 (1).

(2) Every such brewer, distiller, or other person, shall also first obtain a license to sell by wholesale under this Act the liquor so manufactured by him, when sold for consumption within this Province, under which license the said liquor may be sold by sample, or in original packages, in any municipality;

Sale of beer in original casks.

Provided that ale or beer, or lager beer may also be sold by sample, or in original packages, in any municipality of the Province by licensed brewers, to persons being holders of a license to sell under this Act in any part of the Province, but ale or beer other than lager beer shall not be sold, bartered or trafficked in by such licensed brewers in quantities less than ten gallons, wine measure, in each cask at any one time, or lager beer in quantities less than four gallons in each cask, wine measure, at any one time, or except in bottles as limited by the clause numbered 4 of section 2 of this Act. R. S. O. 1887, c. 194, s. 51,(2); 55 V. c. 51, s. 5.

(3) Nothing in this section shall prevent a brewer from selling to others than licensees in wholesale quantities in any district in which he obtains a wholesale license. 55 V. c. 51, s. 6.

Sale of liquor by chemists or druggists. Rev. Stat. c. 179.

52.—(1) Nothing in sections 49 and 50 of this Act contained shall prevent chemists and druggists duly registered as such under and by virtue of *The Pharmacy Act* from keeping liquors for sale for strictly medicinal purposes or from selling liquors for strictly medicinal purposes in packages of not more than six ounces at any one time, or from selling for strictly medicinal purposes any mixture containing liquors mixed with any other drug or medicine in packages of not more than one pint at any one time, but in either case only under a *bona fide* prescription of such liquor or mixture duly signed by a legally qualified medical practitioner.

Record of sales.

(2) It shall be the duty of such chemist or druggist to record in a book to be kept for that purpose every sale or other disposal by him of liquor sold under and forming an ingredient in such prescription; and such record shall show as to every such sale or disposal the time when, and the person to whom the same was made, the quantity sold and the prescription of such medical practitioner: and in default of such sale or disposal being so placed on record, every such sale shall be held to be in contravention of the provisions contained in said sections 49 and 50 of this Act. 60 V. c. 50, s. 5.

Book open to inspection by commissioners and inspector.

(3) The said book shall be kept open to the inspection of the license commissioners and inspector, and may be in the following form:

Date.	Name.	Residence.	Kind and quantity.	Purpose or use.	Price.	Name of medical practitioner.

60 V. c. 50, s. 5; 60 V. c. 3, s. 3. *See* 55 V. c. 51, s. 7.

Exceptions.

(4) Nothing in this section shall restrict the sale of methylated alcohol, or oil of whiskey or other medicines for cattle or horses. R. S. O. 1887, c. 194, s. 52 (3).

Where chemist may himself give medical certificate.

(5) A chemist or druggist who is also a duly qualified medical practitioner may in a township himself give the certificate provided for in this section, and may also give such certificate in any village or police village where there is no other medical practitioner resident and practising therein, but not otherwise. 60 V. c. 50 s. 7.

(6) The provisions of subsection 1 of section 54 of this Act shall apply to chemists and druggists. 56 V. c. 40, s. 2.

Selling liquor with other beverages.

(7) Any chemist or druggist who sells or otherwise disposes of any liquor to be consumed on the premises as a beverage, or with soda water, seltzer, apollinaris, ginger ale, ginger beer, sarsaparilla, or any aerated, mineral or effervescent drink, shall be liable to the penalties imposed by section 72 of this Act. 60 V. c. 50 s. 8.

CLUBS.

Certain clubs or societies not to sell liquors.

Rev. Stat., c. 211.

53.—(1) Any society, association or club heretofore or hereafter formed or incorporated under *The Act respecting Benevolent, Provident, and other Societies*, and any unincorporated society, association or club and any member, officer or servant thereof, or person resorting thereto, that sells or barters liquor to any member thereof or to any other person without the license therefor by this Act required, shall be held to have violated section 49 of this Act and shall incur the penalties provided for the sale of liquor without license. R. S. O. 1887, c. 194, s. 53 (1) *part*; 53 V. c. 56, s. 4.

Keeping of liquor by clubs or societies a violation of sec. 50.

(2) The keeping or having in any house or building, or in any room or place occupied or controlled by such club, association or society, or any member or members thereof, or by any person resorting thereto, of any liquor for sale or barter, shall be a violation of section 50 of this Act.

Consumption of liquor, evidence of sale.

(3) Proof of consumption or intended consumption of liquor in such premises by any member of such club, association or

society, or person who resorts thereto, shall be conclusive evidence of sale of such liquor, and the occupants of the premises or any member of the club, association or society, or person who resorts thereto shall be taken conclusively to be the person who has or keeps therein such liquor for sale or barter; and any liquor found upon such premises shall be liable to seizure in the manner provided by this Act. R. S. O. 1887, c. 194, s. 53 (2-3).

PROHIBITED SALES.

54.—(1) In every place where intoxicating liquors are authorized to be sold by wholesale or retail, no sale or other disposal of such liquors shall take place therein, or on the premises thereof, or out of or from the same, to any person or persons whomsoever from or after the hour of seven of the clock on Saturday night till six of the clock on Monday morning thereafter, and during any further time on the said days, and any hours or other days during which, by any statute in force in this Province, or by any by-law, or any resolution of the board of license commissioners of the license district in force in the municipality wherein such place is situated, the same, or the bar-room or bar-rooms thereof, ought to be kept closed, save and except in cases where a requisition for medical purposes, signed by a licensed medical practitioner, or by a Justice of the Peace, is produced by the vendee or his agent; nor shall any such liquor, whether sold or not, be permitted or allowed to be drunk in any such place during the time prohibited for the sale of the same, except by the occupant or some member of his family, or lodger in his house.

All places where intoxicating liquors sold to be closed from seven o'clock on Saturday night till six o'clock on Monday morning.

Exception.

(2) Where a prior conviction or convictions have been had, it shall be the duty of the inspector when aware of the same, or when the same have been brought to his knowledge, to prosecute as for a second or subsequent offence, as the case may be, but an omission by the inspector to do this shall not invalidate any conviction that may have been obtained. This subsection shall only apply to convictions for violations of that portion of the next preceding subsection which prohibits the sale or other disposal of liquors in every place where intoxicating liquors are authorized to be sold, from and after the hour of seven of the clock on Saturday night till six of the clock on Monday morning thereafter; but where any prior conviction is for a violation of the said next preceding subsection the onus of establishing that it was not for a violation during the said hours from Saturday night until Monday morning, shall lie upon the defendant.

Inspector to prosecute for second offence where sale on Saturday night and Sunday.

(3) Any inspector who knowingly or wilfully violates the provisions of this section shall incur a penalty of not less than $10 and not more than $20 besides costs. R. S. O. 1887, c. 194, s. 54; 60 V. c. 50, s. 29.

Hours in which liquor not to be sold on other days.

55.—(1) No sale or other disposal of intoxicating liquors shall take place in any place where such liquors are authorized to be sold by wholesale or retail or on the premises thereof or out of or from the same to any person whomsoever between the hour in townships, villages and unorganized territory, of ten of the clock, and in cities and towns of eleven of the clock in the evening of any day of the week, and the hour of six of the clock in the forenoon of the following day, save and except in cases where a requisition for medical purposes, signed by a licensed medical practitioner, or by a Justice of the Peace, is produced by the vendee or his agent; nor shall any such liquors, whether sold or not, be permitted or allowed to be drunk in any such place during the time prohibited by this section for the sale of the same, except by the occupant or some member of his family or lodger in his house.

Regulations heretofore made, how affected.

(2) This section shall not be construed to affect any resolution heretofore made by a Board of License Commissioners, under the powers conferred upon such Board by section 4 of this Act, save as mentioned in the following proviso; Provided that any such resolution, whether made before or after the enactment of this section, which permits the sale or other disposal of liquor after the hour in townships, villages and unorganized territory, of ten of the clock, and in cities and towns of eleven of the clock in the evening and before the hour of six of the clock in the forenoon of the following day shall be void, and of no effect.

Section not to apply to Saturday and Sunday closing.

(3) Nothing in this section shall apply to or affect section 54 of this Act. 60 V. c. 50, s. 9.

When keeper of house guilty of violation of provisions as to Sunday closing.

56.—(1) The keeper of any licensed tavern in a city or town shall keep the bar-room or room in which liquor is trafficked in, closed as against all persons, other than those permitted to enter the same, under clauses (*a*) and (*b*) of this section, between the hours of seven o'clock on Saturday night and six o'clock on Monday morning thereafter; and any keeper of such licensed tavern who allows or suffers any person or persons to frequent or to be present in such bar-room or room in which liquor is trafficked in during the time aforesaid, shall be guilty of an offence under this Act, unless it is established to the satisfaction of the Police Magistrate or other Justice or Justices before whom the prosecution is heard.

(*a*) That the person so found frequenting, or present in the bar-room where liquor is trafficked in, as aforesaid, was at the time he or she so frequented or was present in such bar-room, a member of the family or household, (other than a lodger, boarder, or guest) or a servant, or employee of such keeper actually engaged in necessary domestic occupation or service within the said bar-room,

(*b*) Or that such person was present therein lawfully engaged in receiving or supplying liquor which might lawfully be sold during said prohibited hours.

(2) The word "keeper" when used in this section shall include the person actually contravening the provisions of this section, whether acting on behalf of himself or of another or others, and the actual offender as well as the "keeper" of the licensed tavern shall be personally liable to the penalties and punishments which may be imposed for the infraction or violation of this section, and at the prosecutor's option the actual offender may be prosecuted jointly with or separately from the keeper, but both of them shall not be convicted of the same offence, and the conviction of one of them shall be a bar to the conviction of the other of them therefor. R. S. O. 1887, c. 194, s. 55.

When person other than keeper of house guilty.

57. Any person so found in such bar-room, or who has been present therein during the prohibited hours, in the preceding section mentioned, and who does not come within the exceptions and proviso in that section contained, shall be guilty of an offence under this Act, and upon conviction thereof shall be liable to a penalty for each offence of not more than $10 and not less than $2 with costs, and in default of payment thereof the defendant may be imprisoned for a period not exceeding thirty days. R. S. O. 1887, c. 194, s. 56; 60 V. c. 50, s. 30.

No sales on polling days.

58. No sale or other disposal of liquor shall take place in any licensed premises within the limits of a polling subdivision, on any polling day for or at any Parliamentary election or election of a member for the Legislative Assembly, or any municipal election, or on any day in which a vote in accordance with the provisions of *The Canada Temperance Act*, is being taken, from or after the time of six o'clock in the morning of the said day, until the following lawful day at six o'clock in the morning. R. S. O. 1887, c. 194, s. 57.

R. S. C. c. 106.

Obtaining liquor at prohibited time an offence.

59.—(1) Every person, not being the occupant or a member of his family or lodger in his house, who buys or obtains, or attempts to buy or obtain intoxicating liquor during the time prohibited by this Act for the sale thereof, in any place where the same is or may be sold by wholesale or retail, shall be guilty of an offence under this Act, and shall be liable to a penalty for each offence of not more than $10 and not less than $2 besides costs. R. S. O. c. 194, s. 58 (1); 53 V. c. 56, s. 6 (3).

Power to exempt witness from penalty.

(2) Notwithstanding anything in this Act contained, any Police Magistrate or Justice of the Peace before whom any information or complaint is laid or made for the prosecution of any offence against the provisions of subsection 1 of section 54 may, having regard to the demeanour of any witness and his mode of giving his evidence, by certificate in that behalf exempt such witness from the operation of subsection 1 of

this section and from all proceedings and penalties thereunder in respect of the subject matter of such information or complaint. R. S. O. 1887, c. 194, s. 58 (2).

Purchaser of liquor when guilty of an offence.

60. The purchaser of any intoxicating liquor from a person who is not licensed to sell the same, or any person who drinks upon the premises liquor so purchased, at the time of the purchase thereof, shall be guilty of an offence under this Act. 52 V. c. 41, s, 4.

Provision where alleged violation of ss. 59 or 60 is committed in detecting breach of law.

61. If it is made to appear to the Police Magistrate or Justices before whom any complaint under this Act is heard, that the person charged with the violation of section 59 or section 60 was acting as an officer whose duty it was to enforce the liquor license laws, or was acting under the instructions or authority in writing of any board of license commissioners, inspector or provincial officer, for the purpose of detecting a known or suspected offender against the liquor license laws, and of obtaining evidence upon which he might be brought to justice, the defendant shall not be convicted. R. S. O. 1887, c. 194, s. 58 (3); 52 V. c. 41, s. 5.

Shop license not to authorize liquor sold to be consumed in the house.

62. No person having a shop license to sell by retail, and no chemist or druggist shall allow any liquors sold by him or in his possession, to be consumed within his shop, or within the building of which such shop forms part, or which communicates by any entrance with such shop, either by the purchaser thereof, or by any other person not usually resident within such building, under the penalty, in money, and costs imposed by section 72 of this Act. R. S. O. 1887, c. 194, s. 60; 55 V. c. 51, s. 8; 56 V. c. 40, s. 3.

Penalty.

Liquor not to be consumed on premises of persons having license by wholesale.

63. No person having a license to sell by wholesale, shall allow any liquors sold by him or in his possession for sale, and for the sale or disposal of which such license is required, to be consumed within his warehouse or shop, or within any building which forms part of or is appurtenant to, or which communicates by any entrance with any warehouse, shop or other premises wherein any article to be sold or disposed of under such license is sold by retail, or wherein there are kept any broken packages of such articles. R. S. O. 1887, c. 194, s. 61.

Prohibition of sale to unlicensed persons.

64.—(1) No person shall by himself or his partner, servant, clerk, agent or otherwise, sell or deliver intoxicating liquors of any kind to any person not entitled to sell liquor, and who sells such liquor, or who buys for the purpose of re-selling, and any violation of the foregoing provision shall be an offence under this Act.

(2) But no person shall be convicted under this section who establishes to the satisfaction of the Police Magistrate or other Justice or Justices before whom the prosecution is heard that he had reason to believe and did believe that the person to

whom the liquor was sold or delivered was duly licensed to sell such liquor, or did not sell liquor unlawfully, or did not buy to re-sell.

(3) This section shall apply only to a sale or delivery of liquor in any city, town or village by a person residing or carrying on business therein to a person who sells liquor unlawfully in the same city, town or village. R. S. O. 1887 c. 194, s. 62.

65. Not more than one bar shall be kept in any house or premises licensed under this Act. R. S. O. 1887, c. 194, s. 63. One bar only

66. No tavern license shall be granted in respect of any house in any city, town or incorporated village not already licensed, unless such house has a separate front entrance, in addition to the entrance to the bar or place where liquors are sold. R. S. O. 1887, c. 194, s. 64. Entrance to hotel to be separate from bar.

67. If any person holding a license purchases from any person any wearing apparel, tools, implements of trade or husbandry, fishing gear, household goods, furniture, or provisions either by way of sale or barter, directly or indirectly, the consideration for which, in whole or in part, is any intoxicating liquor or the price thereof, or receives from any person any goods in pawn, any Stipendiary or Police Magistrate, or any two Justices of the Peace, on sufficient proof on oath being made before him or them of the facts, may issue his or their warrant for the restitution of all such property, and for the payment of costs ; and in default thereof the warrant shall contain directions for levying by sale of the offender's goods to the value of such property so pawned, sold, or bartered, and costs, and the offender shall also be liable to a penalty not exceeding $20. R. S. O. 1887, c. 194, s. 65. Licensee not to purchase certain articles, or receive them in pledge. Restitution may be ordered and enforced.

PENALTIES.

68. It shall not be lawful for the license commissioners of any license district, or any of them, nor for any inspector, either directly or indirectly, to receive, take, or have any money whatsoever, for any certificate, license, report, matter or thing connected with or relating to any grant of any license, other than the sum to be paid therefor as the duty under the provisions of this Act, or to receive, take or have any note, security or promise for the payment of any such money or any part thereof, from any person or persons whatsoever ; and any person or persons guilty of, or concerned in, or party to any act, matter or thing contrary to the provisions of this section, or of sections 12 and 14, shall forfeit and pay to and for the use of Her Majesty a penalty of not less than $50, nor more than $100, besides costs, for every such offence. R. S. O. 1887, c. 194, s. 66. Not lawful to take money for certificate etc. Penalty.

Penalty for issuing any license contrary to this Act.

69. Any member of a board of license commissioners or any inspector, officer or other person who, contrary to the provisions of this Act, knowingly issues, or causes or procures to be issued, a tavern or shop license, or a certificate therefor, shall, upon conviction thereof, for each offence pay a fine of not less than $40, nor more than $100, and in default of payment of such fine, the offender or offenders may be imprisoned in the county gaol of the county in which the conviction takes place for a period not exceeding three months. R. S. O. 1887, c. 194, s. 67.

Forfeiture of office by municipal officer if convicted.

70. If an officer of any municipal corporation is convicted of having knowingly committed any offence under this Act, he shall, in addition to any other penalty to which he may be liable under this Act, thereby forfeit and vacate his office and shall be disqualified from holding any office in any municipality in this Province for two years thereafter. R. S. O. 1887, c. 194, s. 68; 53 V. c. 56, s. 5.

Forfeiture of office by member of council if convicted.

71. If a member of any municipal council is convicted of having knowingly committed any offence under this Act, he shall, in addition to any other penalty to which he may be liable under this Act, thereby forfeit and vacate his seat, and shall be ineligible to be elected to or to sit or vote in any municipal council for two years thereafter; and if any such person, after the forfeiture aforesaid, sits or votes in any muncipal council, he shall incur a penalty of $40 for every day he so sits or votes. R. S. O. 1887, c. 194, s. 69; 53 V. c. 56, s. 5.

Penalty.

Penalty for selling without license.

72. Any person who sells or barters spirituous, fermented or manufactured liquors of any kind, or intoxicating liquors of any kind, without the license therefor by law required, shall for the first offence, on conviction thereof, forfeit and pay a penalty of not less than $50 besides costs, and not more than $100 besides costs; and in default of payment thereof he shall be imprisoned in the county gaol of the county in which the offence was committed, for a period of not less than three months, and be kept at hard labour, in the discretion of the convicting magistrate; and for the second offence, on conviction thereof, such person shall be imprisoned in such gaol for the period of four months, to be kept at hard labour in the discretion of the convicting magistrate; and for the third or subsequent offence, on conviction thereof, such person shall be imprisoned in such gaol for the period of six months, to be kept at hard labour in the discretion of the convicting magistrate; and in the event of the imprisonment of any person upon several warrants of commitment under different convictions in pursuance of this Act, whether issued in default of distress for a penalty or otherwise, the terms of imprisonment under such warrants shall be consecutive and not concurrent. R. S. O. 1887, c. 194, s. 70.

Punishments for second and third offences.

73.—(1) Offences against subsection 1 of section 54 of this Act shall be punishable on summary conviction as follows:— Penalties for contravention of s. 54, subs. 1.

(*a*) For the first offence, by the imposition of a penalty of not less than $20, and not more than $40 besides costs; First offence.

(*b*) For the second offence by the imposition of a penalty of not less than $40 and not more than $80, besides costs, or twenty days imprisonment with hard labour; Second offence.

(*c*) For the third offence, by the imposition of a penalty of not less than $80 and not more than $100, besides costs, or fifty days imprisonment with hard labour, and such conviction for a third offence shall in addition to any other punishment by law provided, *ipso facto*, operate as a forfeiture of the license held by the person so convicted, and disqualify him from obtaining a license for two years thereafter. Third offence.

(2) Where in any such conviction a penalty in money is imposed under the preceding subsection, the Justice shall order or adjudge that the same and any sums also awarded for costs may be recoverable by distress and sale of the goods and chattels of the defendant, and that in default of sufficient distress, the offender be imprisoned in the county gaol of the county in which the conviction is made, for a period not exceeding fifteen days in the case of a first offence, twenty days in the case of a second offence, and fifty days in the case of a third offence, in each such case with hard labour, unless in each such case the penalty and costs by the conviction adjudged to be paid, and all costs and charges of the distress and also the costs and the charges of the commitment and conveying of the defendant to prison, (the amount thereof being ascertained and stated in the warrant of commitment) are sooner paid. 53 V. c. 56, s. 6 (1,2). Recovery of penalties by distress.

74. Any medical practitioner or Justice of the Peace who colourably gives a certificate or requisition for medical purposes, without which liquor could not be lawfully obtained from a chemist or druggist to enable or for the purpose of enabling any person to obtain liquor to drink as a beverage, shall, for the first offence, be liable to a penalty of not less than $10 nor more than $20, and for a second or any subsequent offence, of not less than $20 nor more than $40. R. S. O. c. 194, s. 52 (2); 60 V. c. 50, s. 6. Medical practitioner or Justice of the Peace not to give a requisition for liquor colourably.

75. Every tavern keeper failing or refusing, either personally or through any one acting on his behalf, except for some valid reason, to supply lodging, meals, or accommodation to Penalty for refusing lodging, etc

travellers, shall for each offence, be liable, on conviction to forfeit and pay any sum not exceeding $20. R. S. O. 1887, c. 194, s. 72.

Penalty for permitting drunkenness, etc.

76. If any person licensed under this Act permits drunkenness, or any violent, quarrelsome, riotous or disorderly conduct to take place on his premises, or sells or delivers intoxicating liquor to any drunken person, or permits and suffers any drunken person to consume any intoxicating liquor on his premises, or permits and suffers persons of notoriously bad character to assemble or meet on his premises, or suffers any gambling or any unlawful game to be carried on on his premises, he shall be liable to a penalty of not less than $10 and not exceeding $50. R. S. O. 1887, c. 194, s. 73.

Penalty for internal communications with unlicensed premises used for public resort.

77.—(1) Every person who makes or uses, or allows to be made or used, any internal communication between any licensed premises and any unlicensed premises which are used for public entertainments or resort, or as a refreshment house, shall be liable to a penalty of not less than $10 and not more than $50 for every day during which such communication remains open. R. S. O. 1887, c. 194, s 74.

Penalty for allowing internal communication with premises in which other goods are sold.

(2) Any licensed shop-keeper who makes or uses or allows to be made or used, any internal communication between his licensed premises and any shop or premises in which other goods are sold, shall be liable to a penalty upon conviction for the first offence of not less than $20 and not exceeding $50 for every day, or part of a day, upon which such communication remains open, and in default of payment thereof, shall be imprisoned in the county gaol of the county in which the offence was committed, for a period of not less than one month, to be kept at hard labour in the discretion of the convicting Justice, and for a second offence upon conviction thereof his license shall, *ipso facto*, become forfeited and void. R. S. O. 1887, c. 194, s. 75; s. 33 (4); 52 V. c. 41, s. 6.

Liquor not to be supplied to minors.

78.—(1) Any licensed person who allows to be supplied in his premises, by purchase or otherwise, any description of liquor whatever, to any person of either sex, apparently or to the knowledge of the licensed person or of the person supplying such liquor, under the age of twenty-one years, shall, as well as the person who actually gives or supplies the liquor, be liable to a penalty of not less than $10 and not exceeding $50, besides costs, for every such offence. This subsection shall not apply where such liquor is supplied to a person under twenty-one years of age upon the written order of his parent, guardian or master.

Liquor not to be so supplied in clubs, etc.

(2) No liquor shall be sold by any society, association or club mentioned in section 53 of this Act, or by any other club, corporation or association which sells or supplies liquors solely to the members thereof, nor by any member officer or ser-

vant of any such society, club, corporation or association, nor by any person resorting thereto, to any person of either sex, apparently or to the knowledge of the person supplying such liquor, under the age of twenty-one years, and any person violating the provisions of this subsection shall be liable to a penalty of not less than $10 and not exceeding $50, besides costs, for every such offence.

No club or association to supply liquor to minors.

(3) The provisions of the preceding subsection shall apply to every such society, club, corporation or association, whether the same is authorized or entitled by its Act of incorporation or charter, or otherwise, to sell and dispense liquors or to traffic in the same solely with its own members or otherwise.

Minors loitering in bar-rooms, etc.

(4) Any licensed person who, without proper cause, suffers or permits any person of either sex, apparently or to the knowledge of such licensed person under the age of twenty-one years, unaccompanied by his or her parent or guardian, and not being a resident on the premises of such licensed person or a *bona fide* lodger or boarder, without good and sufficient reason, to linger or loiter in or about any bar-room or other room on such premises in which liquor is dispensed, shall for every such offence be liable to a penalty of not less than $2 and not exceeding $10, besides costs; and any such person so lingering or loitering as aforesaid without good and sufficient cause, and who is not a resident on the premises or a *bona fide* lodger or boarder, or who is not accompanied by his or her parent or guardian, shall also be liable to a penalty of not less than $2 and not more than $10, besides costs. 60 V. c. 50, s 10.

Punishment for allowing liquor to be unlawfully consumed on premises.

79. —(1) If any person having a license to sell liquors not to be drunk on the premises, himself takes or carries, or employs or suffers any other person to take or carry, any liquor out of or from the premises of such licensed person for the purpose of being sold on his account or for his benefit or profit, and of being drunk or consumed in any other house, tent, shed or other building of any kind whatever, belonging to such licensed person, or hired, used or occupied by him, or on or in any place whether enclosed or not, and whether or not a public thoroughfare, such liquor shall be deemed to have been consumed by the purchaser thereof, on the premises of such licensed person, with his privity and consent, and such licensed person shall be punished accordingly, in manner provided by this Act.

What proof of offence sufficient.

(2) In any proceeding under this section it shall not be necessary to prove that the premises, or place, or places to which such liquor is taken to be drunk belonged to or were hired, used or occupied by the seller, if proof be given to the satisfaction of the Court hearing the case, that such liquor was taken to be consumed thereon or therein with intent to evade the conditions of his license. R. S. O. 1887, c. 194, s. 77.

Case of purchaser drinking liquor on premises where bought, etc.

80.—(1) If any purchaser of any liquor from a person who is not licensed to sell the same to be drunk on the premises, drinks, or causes or permits any other person to drink such liquor on the premises where the same is sold, the seller of such liquor shall, if it appears that such drinking was with his privity or consent, be subject to the following penalties, that is to say:

First offence.

For the first offence he shall be liable to a penalty not exceeding $20;

Second or subsequent offence.

For a second and any subsequent offence he shall be liable to a penalty of not less than $10 and not exceeding $50;

Penalty on purchaser in certain cases.

(2) Any purchaser of liquors in a house or premises to which a shop or wholesale license applies, who drinks or causes any one to drink, or allows liquor to be drunk in the shop or premises where the same has been purchased, shall be liable to a penalty of not less than $10 and not exceeding $20.

Interpretation.

(3) For the purposes of this section the expression "premises where the same is sold" shall include any premises adjoining or near the premises where the liquor is sold, if belonging to the seller of the liquor, or under his control, or used by his permission. R. S. O. 1887, c. 194, s. 78.

Keepers of disorderly inn subject to certain penalties.

81. The mayor or Police Magistrate of a town or city, or the reeve of a township or village, with any one Justice of the Peace, or any two Justices of the Peace having jurisdiction in the township or village, upon information to them, or one of them respectively, that any keeper of any inn, tavern, alehouse, beer-house or other house of public entertainment, situate within their jurisdiction, sanctions or allows gambling or riotous or disorderly conduct in his tavern or house, may summon the keeper of such inn, tavern, ale or beer-house to answer the complaint, and may investigate the same summarily, and either dismiss the complaint with costs to be paid by the complainant, or without costs, or convict the keeper of having an improper or a riotous or a disorderly house, at the case may be, and annul his license, or suspend the same for not more than sixty days, with or without costs, as in his or their discretion may seem just; and in case the keeper of any such inn, tavern, alehouse, beer-house or place of public entertainment, is convicted under this section, and his license annulled, he shall not be eligible to obtain a license for the period of two years thereafter and shall also be liable to the penalties by section 86 prescribed. R. S. O. 1887, c. 194, s. 79; 53 V. c. 56, s. 9.

Provisions as to harbouring constables on duty.

82. Any person licensed to sell wine, beer or spirituous liquors, or any keeper of the house, shop, room, or other place for the sale of liquors, who knowingly harbours or entertains any constable belonging to any police force, or suffers such person to abide or remain in his shop, room or other place during any part of the time appointed for his being on duty,

unless for the purpose of quelling any disturbance, or restoring order, or otherwise in the execution of his duty, shall, for any of the offences aforesaid, be deprived of his license. R. S. O. 1887, c. 194, s. 80.

Penalty in case any person compromises, compounds, or settles a case.

83.—(1) Any person who, having violated any of the provisions of this Act, compromises, compounds or settles, or offers or attempts to compromise, compound or settle the offence with any person or persons, with the view of preventing any complaint being made in respect thereof, or if a complaint has been made with the view of getting rid of such complaint, or of stopping or having the same dismissed for want of prosecution or otherwise, shall be guilty of an offence under this Act, and on conviction thereof shall be imprisoned at hard labour in the common gaol of the county in which the offence was committed for the period of three months. R. S. O. 1887, c. 194, s. 81.

Penalty for being concerned in any such compromise, etc.

(2). Every person who is concerned in, or is a party to, the compromise, composition or settlement mentioned in the next preceding subsection, shall be guilty of an offence under this Act, and on conviction thereof shall be imprisoned in the common gaol of the county in which the offence was committed for the period of three calendar months. R. S. O. 1887, c. 194, s. 82.

Person violating law may be disqualified from holding license.

84. Any holder of a beer and wine license who has been convicted of selling liquor without the license therefor required by law, or contrary to the terms of his license, or of this Act, shall, in addition to any other penalty provided, if the Police Magistrate or other Justice or Justices before whom the prosecution was heard, certify that the offence was in his or their opinion, a wilful one, be disqualified from having or holding a liquor license for, and during the then next succeeding license year, and any license granted to or obtained by any such person during such period shall be void. R. S. O. 1887, c. 194, s. 83.

Penalty for tampering with a witness.

85. Any person who, on any prosecution under this Act, tampers with a witness, either before or after he is summoned or appears as such witness on any trial or proceeding under this Act, or by the offer of money, or by threats, or in any other way, either directly or indirectly, induces or attempts to induce any such person to absent himself, or to swear falsely, shall be liable to a penalty of $50 for each offence. R. S. O. 1887, c. 194, s. 84.

Penalty for violations in cases not otherwise provided for.

86. Any person who violates any other provision of this Act, in respect of which violation no other punishment is prescribed, shall for the first offence on conviction thereof, forfeit and pay a penalty of not less than $20 besides costs, and not more than $50 besides costs; and in default of payment thereof he shall be imprisoned in the county gaol of the county

in which the offence was committed for a period not exceeding one month, and may be kept at hard labour in the discretion of the convicting magistrate; and for the second offence, on conviction thereof, such person shall forfeit and pay a penalty of not less than $40, besides costs, and not more than $60, besides costs, and in default of payment thereof he shall be imprisoned in the county gaol of the county in which the offence was committed, for a period not exceeding two months, and may be kept at hard labour, in the discretion of the convicting magistrate; and for the third or subsequent offence, on conviction thereof, such person shall be imprisoned in such gaol for the period of three months, and may be kept at hard labour, in the discretion of the convicting magistrate. R. S. O. 1887, c. 194, s. 85; 52 V. c. 41, s. 7.

Imprisonment under different convictions.

87. In the event of the imprisonment of any person upon several warrants of commitment under different convictions in pursuance of this Act, whether issued in default of distress for a penalty or otherwise, the terms of imprisonment under such warrants shall be consecutive and not concurrent. R. S. O. 1887, c. 194, s. 86.

Penalties not to be remitted.

Penalties or punishments not to be remitted.

88. No Police Magistrate or Justice or Justices of the Peace, license commissioner or inspector, or municipal council or municipal officer, shall have any power or authority to remit, suspend or compromise any penalty or punishment inflicted under this Act. R. S. O. 1887, c. 194, s. 87.

Costs of commitment and conveying to gaol.

89.—(1) In all cases of conviction under this Act, where the Justice or Justices are authorized to adjudge that a penalty in money, or a penalty in money and costs, be paid by the defendant, and that in default of payment thereof, the defendant be imprisoned for any period, with or without hard labour, the Justice or Justices may by the conviction adjudge that the defendant be imprisoned, unless the sum or sums adjudged to be paid, and also the costs and charges of the commitment and conveying of the defendant to prison are sooner paid.

(2) The amount of the costs and charges of the commitment and conveying of the defendant to prison shall be ascertained and stated in the warrant of commitment. 53 V. c. 56, s. 7.

Application of Penalties.

(*See also Section 45.*)

Application of penalties.

90.—(1) The penalties in money under this Act, or any portion of them which may be recovered, shall be paid to the convicting Justice, Justices, or Police Magistrate in the case, and shall by him, or them, in case the inspector or any officer appointed

by the Lieutenant-Governor or by the license commissioners, is the prosecutor or complainant, be paid to the inspector as provided in section 46, and in case such inspector or officer is not the prosecutor or complainant, then the same shall be paid to the treasurer of the municipality wherein the offence was committed. R. S. O. 1887, c. 194, s. 89.

Municipalities to set apart a third.

(2) The council of every municipality shall set apart not less than one-third part of such fines or penalties received by the said municipality for a fund to secure the prosecutions for infractions of this Act, and of any by-laws passed in pursuance thereof. R. S. O. 1887, c. 194, s. 90.

REVOCATION OF LICENCES BY COUNTY JUDGE.

Power of County Judge where license improperly obtained or licensee convicted of offence against Act.

91. Upon the complaint of the inspector or the board of license commissioners or the county attorney, that a license has been issued contrary to any of the provisions of this Act or of any by-law in force in the said municipality, or that the license has been obtained by any fraud, or that the person licensed has been convicted on more than one occasion of any violation of the provisions of section 81 of this Act, or has been convicted on three several occasions of any violation of any of the provisions of this Act, whether the offences in respect of which such convictions were made were the same or different in their character, so long as such convictions were for offences committed on different days, the Judge of the County Court of the county in which any municipality is situate in any part of which the license granted is intended to take effect, shall summon the person to whom such license issued to appear, and shall proceed to hear and determine the matter of the said complaint in a summary manner, and may upon such hearing, or in default of appearance of the person summoned, determine and adjudge that such license upon any of the causes aforesaid, ought to be revoked, and thereupon shall order and adjudge that the same be revoked and cancelled accordingly, and thereupon the license shall be and become inoperative and of none effect, and the person to whom such license issued shall thereafter, during the full period of two years, be disqualified from obtaining any further or other license under this Act. R. S. O. 1887, c. 194, s. 91.

Procedure under preceding section.

92. The complaint in the preceding section mentioned, may be by a short petition to the Judge entitled "In the County Court of the County of —— and "In the matter of the license granted to (*naming the defendant*)," praying for the revocation of the said license, and upon hearing the evidence adduced, or upon default of appearance of the prosecutor or defendant, the Judge may dismiss the matter of the complaint or make such order as he deems just, with or without costs to be paid by the prosecutor or defendant, and the order

on the adjudication of the Judge shall be final and conclusive, and shall not be the subject of appeal or revision by any Court whatever. R. S. O. 1887, c. 194, s. 92.

CANCELLATION OF LICENSE ON CERTIFICATE OF MAGISTRATE OR COURT.

Certificate that license-holder personally guilty or cognizant of offence.

93.—(1) In every case of a conviction for an offence against sections 54 or 55 of this Act, if upon the evidence the convicting magistrate, or in case an appeal is had, the Judge by whom the case is finally disposed of, finds that the holder of a license issued under the said Act was personally a party or privy to the offence, or connived thereat, the magistrate or court, as the case may be, shall certify such finding in writing to the Board of License Commissioners.

Cancellation of license after three certificates in two years.

(2) After three several convictions for an offence against either of said sections, within a period of two years, whether the offences in respect of which the said convictions were made, were the same or different in character, so long as the convictions were for informations laid and offences committed on different days, and certificates as aforesaid are given with respect to the same license holder, the Board of License Commissioners shall by resolution declare that the license held by him is cancelled and revoked, and thereupon such license shall become inoperative and void, and the licensee shall thereafter for the full period of three years be disqualified from obtaining or holding any further or other license under this Act. Provided that nothing in this section contained shall affect the liability to forfeiture of a license in any other case provided for by this Act, nor relieve the offender from any other penalty imposed by this Act. 60 V. c. 50, s. 15.

Proviso.

PROSECUTIONS.

Any person may be prosecutor, etc.

94. Any person may be prosecutor or complainant in prosecutions under this Act. R. S. O. 1887, c. 194, s. 93.

Information.

95. All informations or complaints for the prosecution of any offence against any of the provisions of this Act, shall be laid or made in writing (within thirty days after the commission of the offence, or after the cause of action arose, and not afterwards), before any Justice of the Peace for the county or district in which the offence is alleged to have been committed, and may be made without any oath or affirmation to the truth thereof, and the same may be according to the form of Schedule E to this Act or to the like effect. R. S. O. 1887, c. 194, s. 94.

When to be laid.

Form.

License Commissioners or Inspectors who are Jus-

96. No license commissioner or inspector who is a Justice of the Peace, shall try or adjudicate upon any complaint for an infraction of any of the provisions of this Act com-

mitted within the limits of the license district for which he is a license commissioner or inspector; but this section shall not be construed to apply to a Judge, or Junior Judge or Deputy Judge of a county. R. S. O. 1887, c. 194, s. 95. Justices prohibited from trying certain complaints.

97—1. All prosecutions for the punishment of any offence against any of the provisions of sections 49, 50, 54, 62, 68, 72 and 81 of this Act, or any section for the contravention of which a penalty or punishment is prescribed by section 86 whether the prosecution is for the recovery of a penalty or for punishment by imprisonment, may take place before any two or more of Her Majesty's Justices of the Peace having jurisdiction in the county or district in which the offence is committed. Certain prosecutions to be before two or more Justices.

Provided that in case an offence is committed in a township, or in an incorporated or police village, or in a territorial district, the prosecution may take place before and a conviction or order may be made by, one or more of such Justices of the Peace, instead of two or more of such Justices, wherever an appeal lies against such conviction or order to the County or District Judge. Where such prosecution takes place before or a conviction or order is made by one Justice instead of two or more, the forms in the Schedules to this Act may be altered and adapted so as to meet the exigencies of the case. R. S. O. 1887, c. 194, s. 96 (1); 53 V. c. 56, s. 11; R. S. O. 1887, c. 194, s. 99. One justice may hear case in rural municipalities.

(2) All prosecutions under this Act, other than those provided for in the preceding subsection whether for the recovery of a penalty or otherwise may be brought and heard before any one or more of Her Majesty's Justices of the Peace in and for the county where the forfeiture took place, or the penalty was incurred, or the offence was committed or wrong done. R. S. O. 1897, c. 194, s. 97. All other prosecutions may be before one or more Justices.

98. In all cases of convictions or orders made under this Act, section 4 of *The Ontario Summary Convictions Act* shall apply. R. S. O. 1887, c. 194, s. 100. Costs.

99. The Justices shall in all cases reduce to writing the evidence of the witnesses examined before them, and shall read the same over to such witnesses, who shall sign the same. R. S. O. 1887, c. 194, s. 96 (2). Evidence to be taken in writing.

100. In all cases where the board of license commissioners pass a resolution in pursuance of the powers conferred upon them by sections 4 and 5 of this Act and in and by any such resolution, penalties are imposed for the infraction thereof, such penalties may be recovered and enforced by summary proceedings before any Justice of the Peace having jurisdiction, in the manner and to the extent that by-laws of municipal councils may be enforced under the authority of *The Municipal Act*; and the convictions in such proceedings may be in the form set forth in section 707 of the said last mentioned Act. R. S. O. 1887, c. 194, s. 98. Prosecutions under resolutions of License Commissioners, imposing penalties. Rev. Stat. c. 223.

PROCEDURE IN CASES WHERE PREVIOUS CONVICTION CHARGED.

Proceedings in cases where a previous conviction charged.

101. The proceedings upon any information for committing an offence against any of the provisions of this Act, in case of a previous conviction or convictions being charged, shall be as follows:

1. The Justices or Police Magistrate shall in the first instance inquire concerning such subsequent offence only, and if the accused be found guilty thereof, he shall then, and not before, be asked whether he was so previously convicted, as alleged in the information, and if he answers that he was so previously convicted, he may be sentenced accordingly; but if he denies that he was so previously convicted, or stands mute of malice, or does not answer directly to such question, the Justice or Police Magistrate shall then inquire concerning such previous conviction or convictions.

Number of previous convictions, how proved.

2. The number of such previous convictions shall be proveable by the production of a certificate under the hand of the convicting Justices or Police Magistrate, or of the Clerk of the Peace, without proof of his signature or official character, or by other satisfactory evidence.

Previous convictions need not be charged.

3. A conviction may in any case be had as for a first offence notwithstanding that there may have been a prior conviction or convictions for the same or any other offence.

Offences on same day.

4. Convictions for several offences may be made under this Act, although such offences may have been committed on the same day; but the increased penalty or punishment hereinbefore imposed shall only be recoverable in the case of offences committed on different days, and after information laid for a first offence.

In case of a second or subsequent conviction becoming irregular by quashing of a first or previous conviction,

Justices or Police Magistrate may amend;

And amended conviction valid.

5. In the event of a conviction for any second or subsequent offence becoming void or defective, after the making thereof, by reason of any previous conviction being set aside, quashed, or otherwise rendered void, the Justices or Police Magistrate by whom such second or subsequent conviction was made, may by warrant under his or their hand summon the person convicted to appear at a time and place to be named in such warrant, and may thereupon, upon proof of the due service of such warrant, if such person fails to appear, or on his appearance, amend such second or subsequent conviction, and adjudge such penalty or punishment as might have been adjudged had such previous conviction never existed, and such amended conviction shall thereupon be held valid to all intents and purposes, as if it had been made in the first instance. R. S. O. 1887, c. 194, s. 101 (1-5).

Second offence; meaning of.

6. In case any person who has been convicted of a contravention of any provision of any of the sections of this Act,

numbered 49, 50, 51, 52, or any section for the contravention of which a penalty or punishment is prescribed by section 72 or section 86, is afterwards convicted of an offence against any provision of any of the said sections, such conviction shall be deemed a conviction for a second offence, within the meaning of section 72 or section 86, as the case may be, and may be dealt with and punished accordingly, although the two convictions may have been under different sections; and in case any such person is afterwards again convicted of a contravention of any provision of any of the said sections, whether similar or not to the previous offences, such conviction shall in like manner be deemed a conviction for a third offence, within the meaning of section 72 or section 86, as the case may be, and may be dealt with and punished accordingly. R. S. O. 1887, c. 194, s. 101 (6); 53 V. c. 56, s. 12. Third offence.

FORM OF INFORMATIONS AND OTHER PROCEEDINGS—AMENDMENTS.

102. In describing offences respecting the sale or other disposal of liquor, or the keeping, or the consumption of liquor in any information, summons, conviction, warrant, or proceeding under this Act, it shall be sufficient to state the sale, disposal, keeping, or consumption of liquor simply, without stating the name or kind of such liquor, or the price thereof, or any person to whom it was sold or disposed of, or by whom it was consumed; and it shall not be necessary to state the quantity of liquor so sold, disposed of, kept, or consumed, except in the case of offences where the quantity is essential, and then it shall be sufficient to allege the sale or disposal of more or less than such quantity. R. S. O. 1887, c. 194, s. 102. Description in informations.

103. The forms given in the Schedules to this Act, or any forms to the like effect, shall be sufficient in the cases thereby respectively provided for, and where no forms are prescribed by the Schedules new ones may be framed according to those authorized from time to time under *The Ontario Summary Convictions Act* or any Acts amending the same respectively — such forms being made short and concise in the mode indicated in the schedules to this Act which shall serve as guides so far as the particular case will allow. R. S. O. 1887, c. 194, s. 103. Forms. Rev. Stat. c. 90.

104. At any time before judgment, the Justice, Justices, or Police Magistrate may amend or alter any information, and may substitute for the offence charged therein any other offence against the provisions of this Act; but if it appears that the defendant has been prejudiced by such amendment, the said Justice, Justices or Police Magistrate shall thereupon adjourn the hearing of the case to some future day, unless the defendant waives such adjournment. R. S. O. 1887, c. 194, s. 104. Amending information.

Conviction not void for certain defects;

105.—(1) No conviction or warrant enforcing the same or other process or proceeding under this Act shall be held insufficient or invalid by reason of any variance between the information or conviction, or by reason of any other defect in form or substance, provided it can be understood from such conviction, warrant, process or proceeding that the same was made for an offence against some provision of this Act, within the jurisdiction of the Justice, Justices or Police Magistrate who made or signed the same, and provided there is evidence to prove such offence, and no greater penalty or punishment is imposed than is authorized by this Act.

May be amended.

(2) Upon any application to quash such conviction, or warrant enforcing the same, or other process or proceeding whether in appeal or upon *habeas corpus*, or by way of *certiorari* or otherwise, the Court or Judge to which such appeal is made or to which such application has been made upon *habeas corpus* or by way of *certiorari* or otherwise, shall dispose of such appeal or application upon the merits, notwithstanding any such variance or defect as aforesaid, and in all cases where it appears that the merits have been tried, and that the conviction, warrant, process or proceeding is sufficient and valid under this section or otherwise, such conviction, warrant, process or proceeding shall be affirmed, or shall not be quashed (as the case may be), and such Court or Judge may, in any case, amend the same if necessary, and any conviction, warrant, process or proceeding so affirmed or affirmed and amended, shall be enforced in the same manner as convictions affirmed on appeal, and the costs thereof shall be recoverable as if originally awarded. R. S. O. 1887, c. 194, s. 105.

EVIDENCE ETC.

License, how proved.

106. In any prosecution or proceeding under this Act, in which proof is required respecting any license, a certificate under the hand of the inspector of the license district shall be *prima facie* proof of the existence of a license, and of the person to whom the same was granted or transferred; and the production of such certificate shall be sufficient *prima facie* evidence of the facts therein stated and of the authority of the inspector, without any proof of his appointment or signature. R. S. O. 1887, c. 194, s. 106.

How regulations authenticated, etc.

107. Any resolution of the board of license commissioners passed under sections 4 and 5 of this Act, shall be sufficiently authenticated by being signed by the chairman of the board which passed the same; and a copy of any such resolution written or printed, and certified to be a true copy by any member of such board, shall be deemed authentic, and be received in evidence in any Court of Justice without proof of any such signature, unless it is specially pleaded or alleged that the sig-

nature to any such original resolution has been forged. R. S. O. 1887, c. 194, s. 107.

Places in which the sale of liquors is presumed.

108. Any house, shop, room or other place in which are proved to exist a bar, counter, beer pumps, kegs, jars, decanters, tumblers, glasses or any other appliances or preparations similar to those usually found in taverns and shops where spirituous or fermented liquors are accustomed to be sold or trafficked in shall be deemed to be a place in which spirituous, fermented or other manufactured liquors are kept or had for the purpose of being sold, bartered or traded in, within the meaning of section 50 of this Act, unless the contrary is proved by the defendant in any prosecution; and the occupant of such house, shop, room or other place shall be taken conclusively to be the person who has, or keeps therein, such liquors for sale, barter or traffic therein. R. S. O. 1887, c. 194, s. 108.

Presumption as to occupant.

Evidence as to sale, etc., of liquor.

109. In proving the sale or disposal, gratuitous or otherwise or consumption of liquor for the purpose of any proceeding relative to any offence under this Act, it shall not be necessary to shew that any money actually passed, or any liquor was actually consumed, if the Justices, Police Magistrate or Court hearing the case is or are satisfied that a transaction in the nature of a sale or other disposal actually took place, or that any consumption of liquor was about to take place; and proof of consumption or intended consumption of liquor on premises under license or in respect to which a license is required under this Act, by some person other than the occupier of said premises, shall be evidence that such liquor was sold to the person consuming or being about to consume or carrying away the same, as against the holder of the license or the occupant of the said premises. R. S. O. 1887, c. 194, s. 109.

Light in bar *prima facie* evidence of sale.

110. In cities, towns and incorporated villages in all cases where gas or other light is seen burning in the bar-room of such tavern or saloon where liquor is trafficked in, at any time during which the sale or other disposal of liquors is prohibited by any provision of this Act, any such fact when proved, shall be deemed and taken as *prima facie* evidence that a sale or other disposal of liquor by the keeper of such tavern or other place has taken place contrary to the provisions of this Act. R. S. O. 1887, c. 194, s. 110; 56O V. c. 3, s. 3.

What shall be deemed evidence of unlawful sale.

111. The fact of any person, not being a licensed person, keeping up any sign, writing, painting or other mark, in or near to his house or premises, or having such house fitted up with a bar or other place containing bottles or casks displayed so as to induce a reasonable belief that such house or premises is or are licensed for the sale of any liquor, or that liquor is sold or served therein, or that there is on such premises more liquor than is reasonably required for the persons residing therein, shall be deemed *prima facie* evidence of the unlawful sale of liquor by such person. R. S. O. 1887, c. 194, s. 111.

Liability of occupants.

112.—(1) The occupant of any house, shop, room or other place in which any sale, barter or traffic of spirituous, fermented or manufactured liquors, or any matter, act or thing in contravention of any of the provisions of this Act, has taken place, shall be personally liable to the penalty and punishments prescribed by this Act, notwithstanding such sale, barter or traffic be made by some other person, who cannot be proved to have so acted under or by the directions of such occupant, and proof of the fact of such sale, barter or traffic, or other act, matter or thing, by any person in the employ of such occupant, or who is suffered to be or remain in or upon the premises of such occupant, or to act in any way for such occupant, shall be conclusive evidence that such sale, barter or traffic, or other act, matter or thing, took place with the authority and by the direction of such occupant.

Person selling as well as "occupant" to be liable.

(2) The person actually selling, or otherwise contravening any of the provisions of this Act, as in this section mentioned, is for the purposes hereof styled "the actual offender," whether acting on behalf of himself or of another or others, and the actual offender, as well as the occupant, shall be personally liable to the penalties and punishments prescribed by this Act, and at the prosecutor's option the actual offender may be prosecuted jointly with, or separately from, the occupant, but both of them shall not be convicted of the same offence, and the conviction of one of them shall be a bar to the conviction of the other of them therefor. R. S. O. 1887, c. 194, s. 112; 56 V. c. 40, s. 4.

(3) For the purposes of this section, any person being an owner or lessee in actual occupation and possession of the premises, or anyone who, being in actual occupation and possession, leases or sub-lets any part thereof in which liquors are kept for sale, barter or trading therein, or in which they are sold or consumed, shall be deemed to be an occupant unless such leasing or sub-letting shall have received the consent in writing of the board of license commissioners. 53 V. c. 56, s. 13.

In prosecutions for sale without license certain presumptions sufficient to put defendant on his defence, and convict him in default of rebuttal.

113. In any prosecution under this Act for the sale or other disposal of liquor without the license required by law, it shall not be necessary that any witness depose directly to the precise description of the liquor sold or bartered or the precise consideration therefor, or to the fact of the sale or other disposal having taken place with his participation or to his own personal and certain knowledge, but the Justices or Police Magistrate trying the case, so soon as it appears to them or him that the circumstances in evidence sufficiently establish the infraction of law complained of, shall put the defendant on his defence, and in default of his rebuttal of such evidence, shall convict him accordingly. R. S. O. 1887, c. 194, s. 113.

114.—(1) In any prosecution under this Act, whenever it appears that the defendant has done any act or been guilty of any omission in respect of which, were he not duly licensed, he would be liable to some penalty under this Act, it shall be incumbent upon the defendant to prove that he is duly licensed, and that he did the said act lawfully. Proof of being licensed to rest on the defendant.

(2) The production of a license which on its face purports to be duly issued, and which, were it duly issued, would be a lawful authority to the defendant for such act or omission, shall be *prima facie* evidence that the defendant is so entitled, and in all cases the signature to and upon any instrument purporting to be a valid license shall *prima facie* be taken to be genuine. R. S. O. 1887, c. 194, s. 114. Evidence of license.

Witnesses.

115. In any prosecution under this Act the Justice, Justices, or Police Magistrate trying the case may summon any person represented to him or them as a material witness in relation thereto; and if such person refuses or neglects to attend pursuant to such summons, the Justice, Justices, or Police Magistrate may issue his or their warrant for the arrest of such person; and he shall thereupon be brought before the Justice, Justices, or Police Magistrate, and if he refuses to be sworn or to affirm, or to answer any question touching the case, he may be committed to the common gaol of the county, there to remain until he consents to be sworn or to affirm and to answer. R. S. O. 1887, c. 194, s. 115. Witnesses summoned and not appearing, may be brought up by warrant.

116. Any person summoned as a party to, or as a witness in any proceeding under this Act, may, by the summons, be required to produce, at the time and place appointed for his attendance, all books and papers, accounts, deeds and other documents in his possession, custody or control, relating to any matter connected with the said proceeding, saving all just exceptions to such production; and shall be liable to the same penalties for non-production of such books, papers or documents, as he would incur by refusal or neglect to attend, pursuant to such summons, or to be sworn or to answer any question touching the case. R. S. O. 1887, c. 194, s. 116. Production of books, etc., may be ordered.

117.—(1) In any prosecution under this Act, or *The Temperance Act of 1864*, or the second part of *The Canada Temperance Act*, if the inspector attends the Court as prosecutor or witness and travels to attend such Court a distance of more than three miles from his place of residence, it shall be lawful for the Justice or Justices trying the case to tax against the defendant, in cases of conviction, as costs in the cause to cover railway fare or hire of conveyance of the inspector in attending the said prosecution as follows: Inspector's expenses to be allowed for attending court. 37 & 38 V. c. 18; R. S. C. c. 106.

Railway or stage fare.

(*a*) In case he travels by railway or stagethe fares actually required to be paid by him;

Hired conveyance.

(*b*) If by a hired conveyance, the sums actually required to be paid for a horse, conveyance, and tolls;

His own conveyance.

(*c*) If in his own conveyance, ten cents per mile one way;

Other expenses.

(*d*) And to cover all other expenses $1 per day;

Adjournments.

(*e*) In cases of adjournment at the instance of the defendant, similar additional allowances to be made, where the inspector is actually in attendance.

Expenses verified by oath.

(2) The mileage or other expenses shall be verified by the oath of the inspector.

Inspector to make quarterly returns.

(3) The inspector shall make quarterly returns in detail under oath to the Minister of all sums received by him for mileage, and other expenses, in this section provided for. R. S. O. 1887, c. 194, s. 117.

APPEALS.

Conviction of justices final except as otherwise provided.

118.—(1) In all cases of prosecution for any offence against any provisions of this Act for which any penalty or punishment is prescribed, a conviction or order of the Justice, Justices or Police Magistrate, as the case may be, except as hereinafter mentioned, shall be final and conclusive, and except as hereinafter mentioned, against such conviction or order there shall be no appeal. R. S. O. 1887, c. 194, s. 118 (1); 60 V. c. 50, s. 31.

Procedure on appeals.

(2) Subject to the provisions contained in the following subsections hereof, an appeal shall lie to the Judge of the County Court of the county in which the conviction is made, sitting in Chambers without a jury in all cases where the person convicted is a licensee or the conviction is for any offence committed on or with respect to premises licensed under this Act, provided a notice of such appeal is given to the prosecutor or complainant within five days after the date of the said conviction. 53 V. c. 56, s. 14.

Appellant to enter into a recognizance,

(3) The person convicted, in case he is in custody, shall either remain in custody until the hearing of such appeal before the said Judge, or (where the penalty of imprisonment with or without hard labour is adjudged) shall enter into a recognizance with two sufficient sureties, in the sum of $200 each, before the convicting Justice, Justices or Police Magistrate, conditioned personally to appear before the said Judge, and to try such appeal and abide his judgment thereupon, and to pay such costs as he may order; and in case the appeal is against a conviction whereby only a penalty or sum of money is adjudged to be paid, the appellant may (although the order directs imprisonment in default of payment) instead of remaining in custody as aforesaid, give such recognizance as aforesaid, or

or deposit amount of penalty and costs.

may deposit, with the said Justice, Justices or Police Magistrate convicting, the amount of the penalty and costs, and a further sum of $25 to answer the respondent's costs of appeal.

Justices to transmit depositions to Clerk of County Court

(4) Upon such recognizance being given or deposit made, the said Justice, Justices or Police Magistrate shall liberate such person, if in custody, and shall forthwith deliver or transmit by registered letter post-paid, the depositions and papers in the case, with the recognizance or deposit, as the case may be, to the clerk of the County Court of the county wherein such conviction was had.

Clerk's fees.

(5) The appellant shall pay to the clerk of the County Court, for his attendance and services in connection with such appeal, the sum of $1, and the same may be taxed as costs in the cause. R. S. O. 1887, c. 194, s. 118 (3-5); 60 V. c. 50, s. 31.

Appeals in dismissed cases.

(6) An appeal shall lie to the Judge of the County Court of the County in which an order of dismissal is made, sitting in Chambers without a jury, where the Attorney-General of the Province so directs, in all cases in which an order has been made by a Justice or Justices dismissing an information or complaint laid by an inspector or any one on his behalf for contravention of any of the provisions of this Act provided notice of such appeal is given to the defendant or his solicitor within fifteen days after the date of such order of dismissal.

Summons to shew cause.

(7) Within ten days after service of the notice of appeal the Judge shall grant a summons calling upon the defendant and the Justice or Justices making the order to shew cause why the order of dismissal should not be reversed and the case re-heard. Upon the return of the summons the Judge, upon hearing the parties, may either affirm or quash the order, or if he thinks fit may hear the evidence of such other witnesses as may be produced before him, or the further evidence of any witnesses already examined, and may make an order affirming the order of dismissal, or may reverse such order and convict the defendant and may impose such fine and costs or other penalty as is provided by this Act, and the order so made shall have the same effect and shall be enforced in the same manner as is provided in the case of conviction before Magistrates under this Act. 55 V. c. 51, s. 9.

Rev. Stat. c. 92, to apply.

(8) The practice and procedure upon such appeals, and all the proceedings thereon, shall thenceforth be governed by *The Act respecting the Procedure on Appeals to the Judge of a County Court from Summary Convictions*, so far as the same is not inconsistent with this Act. R. S. O. 1887, c. 194, s. 118 (6).

Costs on appeal from conviction or order.

119. On an appeal from a conviction or order, to the County Judge under this Act, or to the General Sessions of the Peace under *The Temperance Act of 1864*, or *The Canada Temperance Act*, where costs are directed to be paid by either party, no greater costs shall be taxable by or against either party as

27-28 V. c. 18; R. S. C. c. 106.

between party and party than the sum of $10, and the actual and necessary disbursements in procuring the attendance of witnesses and the fees to which the clerk of the peace is lawfully entitled; the fees chargeable by the clerk of the peace upon any such appeal to the General Sessions, shall not exceed the sum of $2. R. S. O. 1887, c.194, s. 120; 60 V. c. 50, s. 32.

Appeal to High Court.

120. An appeal by the inspector, or other prosecutor, shall lie to a Divisional Court of the High Court of Justice from the decision, judgment, or order of any Judge of a County Court upon an appeal from any conviction or order made in a case arising out of or under this Act in which a conviction or order has been quashed, or set aside, upon the ground, directly or indirectly, of the invalidity of any Act or Acts of the Legislature of this Province, or of any part thereof, or from the decision, judgment or order of the Judge of a County Court in any other case arising out of or under this Act in which the Attorney-General of the Province certifies that he is of opinion that the matters in dispute are of sufficient importance to justify an appeal; such appeal shall be had upon notice thereof to be given to the opposite party of the intention to appeal within eight days, or where the certificate of the Attorney-General is necessary and is obtained, within fifteen days after such judgment, decision or order has been made, and, in the case of such appeal, the clerk of the County Court shall certify the judgment, conviction, orders and all other proceedings, to the proper officer of the High Court of Justice, at Toronto, for use upon the appeal. The said Court shall thereupon hear and determine the said appeal, and shall make such order for carrying into effect the judgment of the Court as the Court shall think fit. R. S O. 1887, c. 194, s. 119; 58 V. c. 43, s. 50.

Appeal in certain cases to Court of Appeal.

121. An appeal to the Court of Appeal shall lie from any judgment or decision of the High Court or a Judge thereof, upon any application to quash a conviction made under this Act, or to discharge a prisoner who is held in custody under any such conviction, whether such conviction is quashed or the prisoner discharged, or the application is refused; but no such appeal shall lie from the judgment of a single Judge, or from the judgment of the Court, if the Court is unanimous, unless in either case the Attorney-General for Ontario certifies that he is of opinion that the point in dispute is of sufficient importance to justify the case being appealed; upon such certificate being produced to one of the Registrars of the High Court, he shall certify, under the seal of the Court the proceedings returned to or had before or in the said Court, unto the Court of Appeal, and the Court of Appeal shall thereupon hear and determine the said appeal, without any formal pleadings, and shall make

such order for carrying into effect the judgment of the said Court as the circumstances of the case may require. R. S. O. 1887, c. 194, s. 121.

CIVIL REMEDIES AGAINST TAVERN KEEPERS, ETC.

Liability of innkeepers or persons in their employ, etc., who give liquor to persons who become intoxicated.

122. Where in any inn, tavern, or other house or place of public entertainment wherein refreshments are sold, or in any place wherein intoxicating liquor of any kind is sold, whether legally or illegally, any person has drunk to excess of intoxicating liquor of any kind, therein furnished to him, and while in a state of intoxication from such drinking has come to his death by suicide, or drowning, or perishing from cold or other accident caused by such intoxication, the keeper of such inn, tavern, or other house or place of public entertainment, or wherein refreshments are sold, or of such place wherein intoxicating liquor is sold, and also any other person or persons who for him or in his employ delivered to such person the liquor whereby such intoxication was caused, shall be jointly and severally liable to an action as for personal wrong, (if brought within three months thereafter, but not otherwise,) by the legal representatives of the deceased person; and such legal representatives may bring either a joint and several action against them or a separate action against either or any of them, and by such action or actions, may recover such sum not less than $100 nor more than $1,000, in the aggregate, of any such actions, as may therein be assessed by the Court or jury as damages. R. S. O. 1887, c. 194, s. 122.

Persons who furnish the liquor liable for assault committed by a person thereby intoxicated.

123. If a person in a state of intoxication assaults any person, or injures any property, the person who furnished him with the liquor which occasioned his intoxication,—if such furnishing was in violation of this Act, or otherwise in violation of law,—shall be jointly and severally liable to the same action by the person injured as the person intoxicated may be liable to; and the person injured, or his legal representatives, may bring either a joint and several action against the person intoxicated and the person or persons who furnished such liquor, or a separate action against either or any of them. R. S. O. 1887, c. 194, s. 123.

RESTRICTION ON SALE TO INEBRIATES.

Power of Justices to forbid sale of liquor to habitual drunkards.

124.—(1) Where it is made to appear in open Court sitting in the county in which he resides, that any person, summoned before such Court, by excessive drinking of liquor, misspends, wastes or lessens his estate, or greatly injures his health, or endangers or interrupts the peace and happiness of his family, the Police Magistrate or Justices holding such Court, shall, by writing under the hand of such Police Magistrate, or under the hands of two of such Justices, forbid any licensed person to sell to him any liquor for the space of one year, and such Police Magistrate, Justices, or any other

two Justices, of the county in which the said person resides, may, at the same or any other time, in like manner, forbid the selling of any such liquor to the said person by any licensed person of any other city, town or district, to which he resorts or may be likely to resort for the same. R. S. O. 1887, c. 194, s. 124 (1).

Penalty for violation of this section.

(2) Any person so prohibited or notified, his servants or agents, who violates the preceding subsection, shall for a first offence be liable to a penalty not exceeding $20, and for a second, and any subsequent offence, shall be liable to a penalty of not less than $20 and not exceeding $50. R. S. O. 1887, c. 194, s. 124 (3).

Effect of such prohibition.

(3) Wherever the sale of liquor to any such drunkard has been so prohibited, if any other person, with a knowledge of such prohibition, gives, sells, purchases or procures for or on behalf of such prohibited person, or for his or her use, any liquor, such other person shall, upon conviction, incur for every such offence, a penalty of not less than $25 and not exceeding $50. R. S. O. 1887, c. 194, s. 124 (2); 55 V. c. 51, s. 10.

Application to set aside prohibition or notice.

(4) The person in respect of whom any such notice has been given, may, at any time while the same is in force, apply to the Judge of the County Court, of the county in which he resides, after having given seven days' notice of his intention so to do to the Police Magistrate or Justices who signed the said prohibition, or notice, and the County Crown Attorney for the county in which such person resides, to set aside such prohibition or notice. The Judge may, upon hearing the said person and any witnesses, either *viva voce* or upon affidavit, set aside the said prohibition or notice, or dismiss the said application, as in his discretion may seem best: Provided, nevertheless, that before any such prohibition or notice is set aside by the Judge, it shall be made to appear that the wife or husband (if married and residing with such wife or husband), as the case may be, of the person applying, has knowledge of such application and consents thereto. R. S. O. 1887, c. 194, s. 124 (4).

Judge may set aside prohibition or notice, or dismiss application.

Husband, wife, etc., may notify sellers of liquor not to furnish it to any person addicted to drinking.

125.—(1) The husband, wife, parent, child of twenty-one years or upwards, brother, sister, master, guardian or employer, of any person who has the habit of drinking intoxicating liquor to excess—or the parent, brother or sister, of the husband or wife of such person—or the guardian of any child or children of such person—may give notice in writing, signed by him or her, or may require the inspector to give notice to any person licensed to sell, or who sells or is reputed to sell, intoxicating liquor of any kind, not to deliver intoxicating liquor to the person having such habit; and if the person so notified, at any time within twelve months after such notice, either himself, or by his clerk, servant or agent, otherwise than in terms of a special requisition for medicinal purposes, signed by a licensed medical practitioner, delivers, or in or from any building, booth

or place occupied by him, and wherein or wherefrom any such liquor is sold, suffers to be delivered, any such liquor to the person having such habit, he shall incur upon conviction a penalty not exceeding $50, and the person giving or requiring the notice to be given may, in an action as for personal wrong (if brought within six months thereafter, but not otherwise) recover from the person notified such sum, not less than $20 nor more than $500, as may be assessed by the Court or jury as damages; and any married woman may bring such action in her own name, without authorization by her husband; and all damages recovered by her shall in that case go to her separate use; and in case of the death of either party, the action and right of action given by this section shall survive to or against his legal representatives, but the defendant shall not be liable for both penalties for the same offence. R. S. O. 1887, c. 194, s. 125; 53 V. c. 56, s. 15.

Married women may bring action for damages.

(2) After service of the said notice if any other person with a knowledge of such notice gives, sells, purchases for or on behalf of the person with regard to whom the said notice has been served, or for his or her use any liquor, such other person shall upon conviction incur for every such offence a penalty of not less than $25 and not exceeding $50. 55 V. c. 51, s. 11.

PAYMENT FOR LIQUOR ILLEGALLY SOLD NOT RECOVERABLE.

126. Any payment or compensation for liquor furnished in contravention of this Act, or otherwise in violation of law, whether made in money or securities for money, or in labour or property of any kind, shall be held to have been received without any consideration, and against justice and good conscience—and the amount or value thereof may be recovered from the receiver by the party who made the same; and all sales, transfers, conveyances, liens and securities of every kind, in whole or part, made, granted or given, for or on account of liquor so furnished in contravention of this Act, or otherwise in violation of law, shall be wholly null and void, save only as regards subsequent purchasers or assignees for value, without notice; and no action of any kind shall be maintained, either in whole or in part, for or on account of any liquor so furnished in contravention of this Act, or otherwise in violation of law. R. S. O. 1887, c. 194, s. 126.

Money paid for liquor sold contrary to this Act may not be recovered.

Securities, etc. for payment to be void.

OFFICERS TO ENFORCE THE LAW, THEIR DUTIES AND POWERS.

127.—(1) The Lieutenant-Governor may appoint one or more Provincial officers whose duty it shall be to enforce the provisions of this Act, and especially those for the prevention of traffic in liquor by unlicensed houses. R. S. O. 1887, c. 194, s. 127 (1).

Lieutenant-Governor may appoint officers to enforce this Act.

Provincial Inspectors may be appointed.

(2) Two of such officers may be designated "Provincial Inspectors," and it shall be their duty—

(*a*) To make a personal inspection of each license district;

(*b*) To see that the books of each inspector of licenses are properly kept, and that all entries are properly made; and to examine into his accounts and into his mode of inspection, and to ascertain that the duties of the office are faithfully and efficiently performed;

(*c*) To hold investigations into the conduct of inspectors of licenses and license commissioners when required so to do by the Minister.

(*d*) To report upon all such matters as expeditiously as may be to the Lieutenant-Governor for his information and decision;

(*e*) Where either of the said Provincial Inspectors inquires or causes an inquiry to be made into the conduct of any inspector of licenses, or into the manner in which the law is enforced by an inspector of licenses, or into the accounts of an inspector of licenses, it shall be lawful for him to require that the evidence shall be given under oath, which oath he is hereby empowered to administer. He shall also have power to summon witnesses, and to enforce their attendance and to compel the production of books and documents, in the same manner and to the same extent as the Inspector of Division Courts. R. S. O. 1887, c. 194, s. 127 (2); 53 V. c. 56, s. 16.

Appointment of officers by License Commissioners.

128. The license commissioners, with the sanction of the Lieutenant-Governor in Council, may appoint one or more officers to enforce the provisions of this Act, and especially those for the prevention of traffic in liquor by unlicensed houses, and shall fix the security to be given by such officers for the efficient discharge of the duties of their office, and every such officer shall, within the license district for which he is appointed, possess and discharge all the powers and duties of Provincial officers appointed under the next preceding section other than those of the Provincial Inspectors. R. S. O. 1877, c. 194, s. 128.

Officers within this Act.

129. Every officer so appointed under this Act, every policeman, or constable, or inspector, shall be deemed to be within the provisions of this Act; and where any information is given to any such officer, policeman, constable or inspector that there is cause to suspect that some person is violating any of the provisions of this Act, it shall be his duty to make diligent inquiry into the truth of such information, and to enter complaint of such violation before the proper Court, without communicating the name of the person giving such information; and it shall be the duty of the Crown Attorney, within the

Duties of officers and County Attorneys on receiving information of infringement of this Act.

county in which the offence is committed, to attend to the prosecution of all cases committed to him by an inspector or officer appointed under this Act by the Lieutenant-Governor. R. S. O. 1887, c. 194, s. 129.

Right of search.

130.—(1) Any officer, policeman, constable, or inspector may, for the purpose of preventing or detecting the violation of any of the provisions of this Act which it is his duty to enforce, at any time enter into any and every part of any inn, tavern, or other house or place of public entertainment, shop, warehouse or other place wherein refreshments or liquors are sold, or reputed to be sold, whether under license or not, and may make searches in every part thereof, and of the premises connected therewith, as he may think necessary for the purpose aforesaid.

Penalty for refusing to admit officer.

(2) Every person being therein, or having charge thereof, who refuses or fails to admit such officer, policeman, or constable, or inspector demanding to enter in pursuance of this section in the execution of his duty, or who obstructs or attempts to obstruct the entry of such officer, policeman, constable, or inspector, or any such searches as aforesaid, shall be liable to the penalties and punishments prescribed by section 72 of this Act. R. S. O. 1887, c. 194, s. 130.

Search warrant may be granted.

131. Any Justice of the Peace, upon information by any such officer, policeman, constable or inspector that there is reasonable ground for belief that any spirituous or fermented liquor is being kept for sale, or disposal contrary to the provisions of this Act in any unlicensed house or place within the jurisdiction of such Justice, may grant a warrant under his hand, by virtue whereof it shall be lawful for the person named in such warrant or any constable to whom it is directed or delivered, at any time or times within ten days from the date thereof to enter, and, if need be, by force, the place named in the warrant, and every part thereof, or of the premises connected therewith, and examine the same and search for liquor therein; and for this purpose may, with such assistance as he deems expedient, break open any door, lock, or fastening of such premises, or any part thereof, or of any closet, cupboard, box or other article likely to contain any such liquor; and in the event of any liquor being so found unlawfully kept on the said premises, the occupant thereof shall, until the contrary is proved, be deemed to have kept such liquor for the purpose of sale contrary to the provisions of section 50 of this Act. R. S. O. 1887, c. 194, s. 131; 55 V. c. 51, s. 12.

Unlawful keeping of liquor to be evidence of illegal dealings therein.

Seizure of liquor found on unlicensed premises.

132.—(1) Where any inspector, policeman, constable or officer in making or attempting to make any search under or in pursuance of the authority conferred by the preceding two sections of this Act or under the warrant mentioned in the last

preceding section, finds in an unlicensed house or place any spirituous or fermented liquor which in his opinion is unlawfully kept for sale or disposal contrary to this Act, he may forthwith seize and remove the same, and the vessels in which the same is kept, and upon the conviction of the occupant of such house or place, or of any other person, for keeping spirituous or fermented liquor for sale in such house or place without license, the Justices making such conviction, may in and by the said conviction, or by a separate or subsequent order, declare the said liquor and vessels, or any part thereof, to be forfeited to Her Majesty, and may order and direct that the said inspector, policeman, constable, or officer shall destroy the same or any part thereof, and the inspector or other person as aforesaid shall thereupon forthwith destroy the same or part thereof as directed by such conviction or order. R. S. O. 1887, c. 194, s. 132.

Officer may demand names and addresses of frequenters of unlicensed premises.

(2) Any inspector, policeman, constable or officer having in pursuance of the two preceding sections or either of them entered any unlicensed premises in which he seizes or from which he removes any such liquor as aforesaid, may demand the name and address of any person found in such premises, and if such person refuses to give his name and address, or if the inspector, policeman, constable or officer, has reasonable ground to suppose that the name or address given is false, may examine such person further as to the correctness of such name or address, and may if such person fails upon such demand to give his name or address or to answer satisfactorily the questions put to him by the inspector, policeman, constable or officer, apprehend him without warrant and carry him, as soon as practicable, before a Justice of the Peace.

(3) Any person found on the premises as aforesaid who in answer to the inspector, policeman, constable or officer, refuses to give his name and address or gives a false name or address, or gives false information with respect to such name or address, or fails to answer satisfactorily the questions put to him by the inspector, policeman, constable or officer, shall be liable to a penalty of not less than $10 nor more than $20 besides costs, and in default of payment shall be imprisoned for a period of not less than twenty and not more than forty days. 53 V. c. 56, s. 17.

If no conviction liquor shall be returned.

133. If the occupant or other person as aforesaid be not convicted of keeping the said liquor or any part thereof for sale as aforesaid, the inspector or other person so seizing the liquor as aforesaid, shall return the same to the place where such seizure was made: the inspector, or other person acting with him, or by or under his directions, and the policeman, constable or other officer acting under this Act shall be a public officer within the meaning of *The Act to protect Justices of the Peace and others from Vexatious Actions*, for the purposes of this Act. R. S. O. 1887, c. 194, s. 133.

Rev. Stat. c. 88.

134.–(1) It shall be the duty of every officer, policeman, constable or inspector in each municipality, to see that the several provisions of this Act are duly observed, and to proceed by information and otherwise prosecute for the punishment of any offence against the provisions of this Act; and in case of wilful neglect or default in so doing in any case, such officer, policeman, constable or inspector shall incur a penalty of $10, besides costs, for each and every such neglect and default. Duty of constables and others to prosecute offenders. Penalty for neglect.

(2) It shall be the duty of the board of commissioners of police, and of the chief of police, to enforce the provisions of this section, and any officer or policeman convicted of violating the provisions thereof may be summarily dismissed. R. S. O. 1887, c. 194, s. 134; 60 V. c. 50, s. 33. Commissioners of police and chief of police to enforce this section.

UNORGANIZED DISTRICTS.

135. Subject to the provisions hereinafter contained, the preceding provisions of this Act shall apply to all portions of territorial districts of this Province; and in any prosecution or proceeding thereunder the Stipendiary Magistrate in any such district shall possess and exercise all the powers and jurisdictions of the Police Magistrate, or other convicting Justice or Justices of the Peace, under this Act; and the lock-up of such district shall be deemed to be a gaol for the purpose of imprisonment under this Act; and any money penalty imposed and recovered shall, where the inspector is not the prosecutor, or the offence was not committed within any municipality, be paid to the Treasurer of Ontario; and the provisions of this Act applicable to township municipalities shall apply to all municipalities organized under *The Act respecting the Establishment of Municipal Institutions in Territorial Districts*. R. S. O. 1887, c. 194, s. 135. This Act to apply to the territorial and unorganized districts. Rev. Stat. c. 225.

136. The Lieutenant-Governor in Council may declare any portion of any provisional judicial district which is not within the jurisdiction of a municipal county to be a license district, for the purposes of this Act, and the Lieutenant-Governor may appoint therefor a board of license commissioners and one or more inspectors. R. S. O. 1887, c. 194, s. 136. License districts in Judicial Districts.

137. In any license district so formed an appeal shall lie in the cases mentioned in section 118 from any decision of the Stipendiary Magistrate in any prosecution or proceeding under this Act, to the Judge of the district. R. S. O. 1887, c. 194, s. 137. Appeal from Stipendiary Magistrates.

138.—(1) In such portions of a territorial district as are not within the jurisdiction of any municipal county, and have not been included in any license district, under the pro- Appointment of Commissioners, etc., in districts not

within the jurisdiction of municipal councils or a license district.

visions of section 136, the Lieutenant-Governor may appoint one or more persons as license commissioners and inspectors respectively for the granting of such number of tavern and shop licenses to such persons, for such places and periods, and upon such conditions as may be prescribed by Order in Council, such licenses to take effect from the 1st day of June in each year.

Duties payable.

(2) For any such tavern or shop license, the duty payable shall be the sum of $60. R. S. O. 1887, c. 194, s. 138.

Issue of licenses for places not within license district.

139. The licenses to be issued for the sale of spirituous, fermented or other manufactured liquors, in any place not within a license district, may be issued on such conditions and under such regulations as the Lieutenant-Governor in Council from time to time directs, subject to the provisions of this Act; and any bond which the Lieutenant-Governor in Council may direct to be taken from any person obtaining a license under this Act for any such place, conditioned for the observance of the law and of all regulations to be made under this section, shall be valid, and may be enforced according to its tenor. R. S. O. 1887, c. 194, s. 139.

Powers of municipal corporations.

140. Any municipal corporation within any territorial district shall have the like authority in respect of taverns and shops therein, and the licenses therefor, as the like corporations in municipal counties possess under the provisions of this Act. R. S. O. 1887, c. 194, s. 140.

Local Option.

Powers of municipal councils as to prohibiting sale of liquor.

141.—(1) The council of every township, city, town and incorporated village, may pass by-laws for prohibiting the sale by retail of spirituous, fermented or other manufactured liquors, in any tavern, inn or other house or place of public entertainment, and for prohibiting the sale thereof, except by wholesale, in shops and places other than houses of public entertainment: Provided that the by-law, before the final passing thereof, has been duly approved of by the electors of the municipality in the manner provided by the sections in that behalf of *The Municipal Act*. 53 V. c. 56, s. 18; 60 V. c. 3, s. 3.

Rev. Stat. c. 223, ss. 338 *et seq.*

(2) No by-law passed under the provisions of this section shall be repealed by the council passing the same, until after the expiration of three years from the day of its coming into force, nor until a by-law for that purpose has been submitted to the electors and approved by them in the same manner as the original by-law; and if any such repealing by-law (upon being submitted to the electors) is not so approved, no other repealing by-law shall be submitted for the like approval within the full term of three years thereafter. 55 V. c. 51, s. 14.

142. All by-laws made under subsection 9 of section 249 of the Act passed in the session of the Parliament of the late Province of Canada, held in the 29th and 30th years of Her Majesty's reign, entitled *An Act Respecting the Municipal Institutions of Upper Canada*, or under subsection 7 of section 6 of *The Tavern and Shop License Act of 1868* of this Province, or under section 18 of the Act passed in the 53rd year of Her Majesty's reign and chaptered 56, or hereafter made under the next preceding section, and purporting to prohibit the sale by retail of spirituous, fermented, or other manufactured liquors, in any tavern, inn or other house or place of public entertainment, and prohibiting altogether the sale thereof in shops and places other than houses of public entertainment, shall be construed as not purporting or intended to prevent the sale of such liquors by wholesale, as if the said by-laws had expressly so declared. 54 V. c., 46, s. 1; 60 V. c. 3, s. 3.

Construction of by-laws under 29-30 V. c. 51, s. 249 (9); 32 V. c. 32, s. 6 (7); and 53 V. c. 56, s. 18.

143. No tavern or shop license shall be issued or take effect within any municipality in which there is in force any by-law passed in pursuance of section 141, or in pursuance of any of the provisions mentioned in section 142; but the sale or keeping for sale of liquor without license in any such municipality shall nevertheless be a contravention of sections 49 and 50 of this Act, and all the provisions of this Act respecting the sale or keeping for sale of liquor in contravention of said sections, and the penalties and procedure in reference thereto, shall be of full force and effect in such municipality, notwithstanding such prohibitory by-law. 55 V. c. 51, s. 13; 60 V. c. 3, s. 3.

Sales in municipalities in which local by-laws in force.

MUNICIPALITIES UNDER THE TEMPERANCE ACTS.

144. Nothing in the foregoing provisions of this Act shall be construed to affect or impair any of the provisions of *The Temperance Act of 1864* of the late Province of Canada, or the second part of *The Canada Temperance Act*, and no tavern or shop license shall be issued or take effect within any county, city, town, incorporated village, or township in Ontario within which any by-law for prohibiting the sale of liquor under *The Temperance Act of 1864*, or within which the second part of *The Canada Temperance Act* is in force. R. S. O. 1887, c. 194, s. 141.

27-8 V. c. 18 and R. S. C. c. 106, not affected by this Act.

145. The Lieutenant-Governor in Council may, notwithstanding that any such by-law affects the whole or any part of any county, or that the second part of *The Canada Temperance Act* is in force in the whole or part of any county, nominate a board of license commissioners of the number, and for the period mentioned in section 3 of this Act, and also an inspector; and the said board and inspector shall have, discharge and exercise all such powers and duties respectively for preventing the sale, traffic or disposal of liquor contrary to the

Commissioners and inspectors may be appointed where said Acts in force.

said Acts or this Act as they respectively have or should perform under this Act. 51 V. c. 30, s. 1, *part.*

Duties in such case.

27-8 V. c. 18; R. S. C. c. 106.

146. The board of license commissioners and the inspector so appointed under this Act shall exercise and discharge all their respective powers and duties for the enforcement of the provisions of *The Temperance Act of 1864*, and the second part of *The Canada Temperance Act*, as well as of this Act, so far as the same apply, within the limits of any county, city, incorporated village or township within which any by-law under *The Temperance Act of 1864*, or within which *The Canada Temperance Act* is in force. R. S. O. 1887, c. 194, s. 143.

Wholesale licenses.

27-8 V. c. 18; R. S. C. c. 106.

147. A wholesale license, to be obtained under and subject to the provisions of this Act, shall be necessary, in order to authorize or make lawful any sale of liquor in the quantities allowed under the provisions of *The Temperance Act of 1864*, and the second part of *The Canada Temperance Act*. R. S. O. 1887, c. 194, s. 144.

Prosecutions where 27-28 V. c. 18 in force.

148. The sale or keeping for sale of liquor without license in any municipality where *The Temperance Act of 1864* is in force shall nevertheless be a contravention of sections 49 and 50 of this Act, and the several provisions of this Act shall have full force and effect in every such municipality except in so far as such provisions relate to granting licenses for the sale of liquor by retail. R. S. O. 1887, c. 194, s. 147.

Application of ss. 127, 128, and 144-147.

149. All the provisions of sections 127, 128, 144, 145, 146 and 147 of this Act shall be applicable to municipalities in which the second part of *The Canada Temperance Act* is in force. R. S. O. 1887, c. 194, s. 145.

Municipal councils may aid in enforcing the Canada Temperance Act.

R. S. C. c. 106.

150.—(1) The council of any county, city, town, township, or village in which the second part of *The Canada Temperance Act* is in force, may, from time to time, set apart any sum or sums of money for the purpose of paying any officer or officers, person or persons, for enforcing, or assisting to enforce *The Canada Temperance Act* within their respective jurisdictions, and for the payment of any costs or expenses incurred in and about enforcing, or attempting to enforce the same; and such councils are hereby authorized and empowered to appoint one or more officers or persons to enforce, or assist in enforcing, the provisions of the said Act, and to pass by-laws for the government and control of such officers or persons, and defining their duties and mode and amount of payment.

Statements of receipts and expenses.

(2) Where the second part of *The Canada Temperance Act* is in force, and when the council has been called upon to pay a proportion of the expenses of its enforcement, the inspector shall, at the close of each year, send to the council a statement in detail of the receipts and expenses of the year. R. S. O. 1887, c. 194, s. 146.

151.—(1) In license districts where the second part of *The Canada Temperance Act* is in force it shall be lawful for the council of any city, town, village or township at any time after a petition to the Governor in Council, as required by the said Act and amendments thereto, praying for the revocation of the Order in Council passed for bringing the second part of the said Act into force, has been deposited with the Sheriff or Registrar of deeds of the county or city, to pass by-laws under sections 20, 32 and 42 of this Act; and all by laws so passed shall take effect upon, from and after the repeal of the said second part of *The Canada Temperance Act* in any such municipality, and shall remain in force as provided by the said sections; and no by-law already passed in any municipality under said sections 20, 32 and 42 or any of them subsequent to the deposit of the said petition with the said Sheriff or Registrar during the year 1889, shall be invalid by reason only of the same having been passed while the second part of *The Canada Temperance Act* was in force or after the dates mentioned in any of the said sections respectively.

Power to pass by-laws under secs. 20, 32 and 42 pending repeal of C. T. Act.

R. S. C. c. 106.

(2) Nothing in this section contained shall be construed as in any way extending the powers of the said municipalities to pass by-laws under any of the said sections 20, 32 and 42 after the dates limited in the said sections respectively in any year subsequent to the year of the repeal of the said second part of *The Canada Temperance Act* in any of such municipalities. 52 V. c. 41, s. 8.

152.—(1) The expenses of carrying into effect such of the provisions of this Act, or of the Acts or by-laws hereinafter mentioned, as may be in force in municipalities where a by-law prohibiting the sale of intoxicating liquors under *The Temperance Act of 1864*, or where the second part of *The Canada Temperance Act* is in force, except as is hereinafter by this Act provided, shall, be borne and paid by the county within which any by-law for prohibiting the sale of liquor under *The Temperance Act of 1864*, or within which the second part of *The Canada Temperance Act*, is in force; and where the by-law is that of a minor municipality, such expenses shall be paid in the minor municipality.

Expense of enforcing this Act in municipalities under the Temperance Acts.

27-8 V. c. 18.

R. S. C. c. 106.

(2) The expenses payable under this section by a county, or by a minor municipality, shall be by them paid into the bank in which the license fund is kept to the credit of the license fund account for the license district, and shall become due and payable within one month after an estimate of the amount of the expenses for the current license year has been made by the board of license commissioners for the license district, and approved by the Minister (which approval shall be final and conclusive) and after a copy or duplicate of such estimate and approval together with a notice in writing by the board of license commissioners, requesting payment of the amount payable by the municipality

Proportion payable by the Province or municipality, how and when to be paid.

has been served upon the clerk of the county, or minor municipality, or on such days and times as by the said request or notice are named for that purpose; and in case any estimate proves insufficient for the payment of the expenses of the license year any deficiency may be provided for in the estimate for the succeeding year; and in case any sums remain unexpended in any year, the same may be applied on account of the expenses of the succeeding year.

Payment of proportion, how enforced.

(3) Payment may be enforced against any county, or minor municipality by the board of license commissioners in any Court of competent jurisdiction in the name and by the title of "The Board of License Commissioners for the License District of ," and it shall not be necessary to mention or include the names of the license commissioners in the proceedings; and the said action or proceedings may be carried on in the name of such board as fully and effectually as though such board were incorporated under the aforesaid name or title. In the event of the death or resignation of any of the license commissioners, or of the expiry of their commission and of the re-appointment of the same, or of the appointment of other license commissioners, the proceedings, or action, shall not cease, abate or determine, but shall proceed as though no change had been made in the commission or license commissioners, and in the event of said board being condemned in costs, the same may be payable out of the license fund.

Expenses of enforcing C. T. Act in cities.

(4) In cities which are separate license districts in which the second part of *The Canada Temperance Act* is in force the expenses of enforcing or carrying into effect the provisions of the said Act shall be borne by the city, as in the case of counties in which the said second part of the said Act is in force and such expenses of the city shall be estimated and ascertained, and become due and payable, and payment may be enforced against the city in the same manner or under like circumstances as are provided in the case of county municipalities and all of the provisions of this Act, having reference to the said expenses and the mode of ascertaining, fixing and collecting the same, which are applicable to counties in which the said second part of *The Canada Temperance Act* is in force shall also apply to cities in which the same is in force. 51 V. c. 30, s. 1, (148 (1)-(3), (5).).

Payment of expenses of license district where C. T. Act is in force in part only of district.

(5) In any license district in which the second part of *The Canada Temperance Act* is in force and the license district, in addition to other portions of the county, embraces a city or town withdrawn from the county for municipal purposes wherein the said Act is not in force, the license fund of such city or town withdrawn from the county for municipal purposes, shall be kept as a separate license fund for such city or town; and such city or town shall pay a just share of the expenses of such license district; and the same shall be determined by the board of license commissioners; and shall after approval by the Minister be paid out of the license fund

for such city or town; and in determining such share of expenses the board shall take into account with other circumstances, as far as may be, the proportion of the expenses incurred in said city or town. 51 V. c. 30, s. 1, (149)

Share of expenses of license district to be paid by city or town in district in which R. S. C. c. 106 is in force.

(6) Where a city in which the second part of *The Canada Temperance Act* is in force and which is not a separate license district but forms part of a license district in which the said second part of *The Canada Temperance Act* is also in force as to the whole or part of the said license district, and where a town is separated from the county and forms part of a district in which the said second part of *The Canada Temperance Act* is in force, as to the whole or part thereof, the council of said city and of said town, respectively, shall pay a just share of the expenses of the license district of which it forms a part and such share shall be separately estimated and determined by the board of license commissioners, and shall, after approval by the Minister, be paid into the license fund of the license district of which said city or town forms part; and in determining such share of expenses the commissioners shall take into account with other circumstances as far as may be the proportion of the expenses of the district incurred in said city or town. R. S. O. 1887, c. 194, s. 152 (2).

(7) Where a license district is formed of part of a county in which the second part of *The Canada Temperance Act* is in force, or of part of two counties in which the second part of the said Act is in force, or of part of a county in which the same is in force, and of a county or part of a county in which it is not in force, the commissioners for the district shall estimate the amount of the expenses for the license year required for any such district or portion of district in which the second part of the said Act is in force as aforesaid, and after approval thereof by the Minister and the service of a copy or a duplicate thereof, and of a notice in writing requesting payment of the same, upon the clerk of the municipality, the amount so estimated and approved shall become due and payable into the license fund by the county at the time or times and in the same manner as is provided for payment of the amount of the estimates in other cases, and the same may be recovered by the board of commissioners for the license district as in other cases. 51 V. c. 30, s. 2 (3).

"Minor municipality," meaning of.

(8) The words "Minor municipality" in this section shall be held to mean any municipality, other than a county or union of counties. 51 V. c. 30, s. 1, (148 (4).).

Duties payable for licenses issued under sec. 99. sub-ss. 4 & 8, of R. S. C. c. 106.

153. The following license duties for licenses issued under and in pursuance of subsections 4 and 8, of section 99, of *The Canada Temperance Act* shall hereafter be payable:

For each druggist's or shop license in cities	$ 75 00
" " " towns	50 00
" " " other municipalities	30 00
For each wholesale license in cities	150 00
" " " towns	100 00
" " " other municipalities	60 00

R. S. O. 1887, c. 194, s. 150.

Application of duties for licenses under preceding sections.

154. All sums received from duties on druggists' or shop licenses and for wholesale licenses, issued in municipalities in which the second part of *The Canada Temperance Act* is in force, and any sum paid by a municipality for or on account of such expenses, as aforesaid, or by the Province, shall form the license fund of the city, county or license district respectively in which the said second part of *The Canada Temperance Act* is in force, and shall be applied under regulations of the Lieutenant-Governor in Council, towards payment of the salary and expenses of the inspector, and for the expenses of the office of the board of license commissioners and of officers, and otherwise in carrying the provisions of the second part of *The Canada Temperance Act* into effect, and the residue (if any) on the 30th day of June in each year, and at such other times as may be prescribed by the regulations of the Lieutenant-Governor in Council, may be applied on account of the expenses of the succeeding year. 51 V. c. 30, s. 1, (15[1]).

R. S. C. c. 106.

Payment of portion of expenses out of consolidated revenue.

27-8 V. c. 18.

R. S. C. c. 106.

155.—(1) In case the fines and penalties imposed under or by virtue of the said *Temperance Act of 1864*, or the by-law bringing the same in force, or the said *The Canada Temperance Act*, and collected or recovered are insufficient to meet the expenses aforesaid after the payment of the salary and travelling expenses of any Police Magistrate appointed under the Act passed in the 48th year of Her Majesty's reign, chapter 17, and the Act passed in the 50th year of Her Majesty's reign, chapter 11, or either of them, or under chapter 87 of these Revised Statutes or any Act consolidated therein, the Treasurer of the Province may pay into the license fund, out of the Consolidated Revenue, a sum not exceeding one-third of the amount which the municipality is required to pay for or on account of such expenses, as aforesaid, over and above the fines collected or recovered.

(2) The treasurer of the county or other municipality to which the fines are payable shall keep a separate account of the fines received, and also, of the amount paid or contributed by the municipality towards the expenses of enforcing the Act, and the payment of the salary and expenses of any Police Magistrate appointed under and by virtue of any of the Acts in this section hereinbefore mentioned; and the Province shall not be called upon to pay any proportion of the expenses so

long as there is a balance at the credit of the said account. 51 V. c. 30, s. 3.

License district in places where the R. S. C. c. 106 is in force.

156. The Lieutenant-Governor in Council shall have the same power and authority to create license districts when and where the second part of *The Canada Temperance Act* is in force, as under this Act and where license districts are not or have not heretofore been created or provided by the Lieutenant-Governor in Council after the coming into force in any county or city of the second part of *The Canada Temperance Act*, the license districts have been since the Act passed in the 44th year of Her Majesty's reign, chapter 27, and are and shall be the same as under this Act, immediately prior to the coming into force of the said second part of *The Canada Temperance Act*, unless, or where the same have been, or shall have been, or shall be altered or changed by Order in Council or otherwise, and then as they have been so altered or changed, and until further order in that behalf. R. S. O. 1887, c. 194, s. 153.

SCHEDULE A.

(*Section* 11.)

CERTIFICATE.

To the Board of License Commissioners of the License District of

We, the undersigned electors of polling subdivision number of the , wherein are situate the premises in respect of which *X. Y.* is applying for a license for the ensuing license year, do hereby certify that *X. Y.*, the applicant for the said license, is a fit and proper person to be licensed to sell liquors and to keep a and that the premises in which the said *X. Y.* proposes to carry on the business for which he seeks a license are, in our opinion, suitable therefor, and that the same are situate in a place where the carrying on of the said business will not be an annoyance to the public generally.

And we have hereto appended our names and the distances, approximately, at which we respectively reside, or own property, from the said premises for which the license is sought.

Signatures.	*Distance of premises respectively from premises sought to be licensed.*

53 V. c. 56, Sched. N.

SCHEDULE B.

(*Section* 17.)

FORM OF BOND BY APPLICANT FOR A TAVERN LICENSE.

Know all men by these presents, that we *T. U.*, , *V. W.*, of and *X. Y.*, of , are held and firmly bound unto Her Majesty Queen Victoria, Her Heirs and Successors, in the penal sum of $400 of good and lawful money of Canada—that is to say, the said *T. U.*, in the sum of $200, the said *V. W.*, in the sum of $100, and the said *X. Y.*, in the sum of $100 of like good and lawful money, for payment of which well and truly to be made, we bind ourselves and each of us, our heirs, executors and administrators, firmly by these presents.

Whereas the above bounden *T. U.* is about to obtain a license to keep a tavern or house of entertainment in the of ; the condition of this obligation is such, that if the said *T. U.*, pays all fines and penalties which he may be condemned to pay for any offence against any statute or other provision having the force of law, now or hereafter to be in force, relative to any tavern or house of public entertainment, and does, performs and observes all the requirements thereof, and conforms to all rules and regulations that are or may be established by competent authority in such behalf. then this obligation shall be null and void, otherwise to remain in full force, virtue and effect.

In witness whereof, we have signed these presents with our hands, and sealed them with our seals, this day of , A.D. 18 .

Signed, sealed and delivered in the presence of us.

T. U. [L. S.]
V. W. [L. S.]
X. Y. [L. S.]

R. S. O. 1887, c. 194, Sched. A.

SCHEDULE C.

(*Section* 17.)

FORM OF BOND BY APPLICANT FOR A SHOP LICENSE.

Know all men by these presents, that we, *T. U.*, of *V. W.* of and *X. Y.*, of , are held and firmly bound unto Her Majesty Queen Victoria, Her Heirs and Successors, in the penal sum of $400 of good and lawful money of Canada—that is to say, the said *T. U.* in the sum of $200, the said *V. W.* in the sum of $100, and the said *X. Y.* in the sum of $100 of like good and lawful money, for payment of which well and truly to be made, we bind ourselves and each of us, our heirs, executors and administrators, firmly by these presents.

Whereas the above bounden *T. U.* is about to obtain a license to keep a shop wherein liquor may be sold by retail in the of ; the condition of this obligation is such, that if the said *T. U.* pays all fines and penalties which he may be condemned to pay for any offence against any statute or other provision having the force of law, now or hereafter to be in force, relative to any shop wherein liquor may be sold by retail, and does, performs and observes all the requirements thereof, and conforms to

all rules and regulations that are or may be established by competent authority in such behalf then this obligation shall be null and void, otherwise to remain in full force, virtue and effect.

In witness whereof, we have signed these presents with our hands, and sealed them with our seals, this day of , A.D. 18 .

Signed, sealed and delivered in the presence of us.

T. U. [L. S.]
V. W. [L. S.]
X. Y. [L. S.]

R. S. O. 1887, c. 194, Sched. B.

SCHEDULE D.

(*Section* 37.)

PROVISIONAL CONSENT TO TRANSFER OF LICENSE BY THE INSPECTOR, PENDING THE DECISION OF THE BOARD OF COMMISSIONERS.

In pursuance of section 37, of *The Liquor License Act*, I hereby consent that the Licensee named in the annexed license, his assigns or legal representatives, may provisionally transfer the hereunto annexed license, and all his and their interests therein to
to be held by him subject to all of the provisions of the said Act ; the written consent to such transfer by the Board of License Commissioners, to be hereafter obtained within the time prescribed by law.

Dated this day of A.D. 188 .

Inspector.

N.B.—This provisional consent shall remain in force for days from the date thereof, and no longer.

Countersigned,

Commissioner.

R. S. O. 1887, c. 194, Sched. M.

SCHEDULE E.

(*Sections* 95 *and* 103.)

GENERAL FORM OF INFORMATION.

ONTARIO, County of York, To Wit : } THE INFORMATION of *A. B.* of the Township of York, in the County of York, License Inspector laid before me *C. D.*, Police Magistrate, in and for the City of Toronto [*or* one of Her Majesty's Justices of the Peace, in and for the County of York], the day of A.D. 18 .

The said informant says, he is informed and believes that *X. Y.* on the day of A.D. 18 , at the Township of York, in the County of York, unlawfully did sell liquor without the license therefor by law required [*or as the case may be—See forms in Schedule F.*]

A. B.

Laid and signed before me the day and year, and at the place first above mentioned.
C. D.
P.M. or J.P.

R. S. O. 1887, c. 194, Sched. C.

SCHEDULE F.

(*Section* 103.)

FORMS FOR DESCRIBING OFFENCES.

1. *Neglecting to keep license exposed.* (Section 47.)

"That *X. Y.* having a license by wholesale [*or* a shop, *or* a tavern, license] on at unlawfully and wilfully (*or* negligently) omitted to expose the said license in his warehouse [*or* shop, *or* in the bar-room of his tavern *as the case may be.*]

2. *Neglecting to exhibit notice of license.* (Section 48.)

"That *X. Y.* being the keeper of a tavern [*or* inn *or* house *or* place of public entertainment] in respect of which a tavern license has duly issued and is in force, on at unlawfully did not exhibit over the door of such tavern [*or* inn, etc.,] in large letters the words, 'Licensed to sell wine, beer, and other spirituous or fermented liquors,' as required by *The Liquor License Act.*"

3. *Sale without license.* (Section 49.)

"That *X. Y.*, on the day of A.D. 18 at in the County of unlawfully did sell liquor without the license therefor by law required."

4. *Keeping liquor without license.* (Section 50.)

"That *X. Y.* on at unlawfully did keep liquor for the purpose of sale, barter and traffic therein, without the license therefor by law required."

5. *Sale of liquor on licensed premises during prohibited hours.* (Sections 54 and 55.)

"That *X. Y.* on at in his premises [*or* on, *or* out of, *or* from, his premises] being a place where liquor may be sold, unlawfully did sell [*or* dispose of] liquor during the time prohibited by *The Liquor License Act* (*or* by resolution of the License Commissioners for the District of *or* by by-law of the Municipal Council of *or as the case may be*), for the sale of the same, without any requisition for medical purposes as required by said Act being produced by the vendee or his agent."

6. *Allowing liquor to be drunk on licensed premises during prohibited hours.* (Sections 54, 55 and 73.)

"That *X. Y.* on at in his premises, being a place where liquor may be [*or* is] sold, by retail [*or* wholesale] unlawfully did allow [*or* permit] liquor to be drunk in such place during the time prohibited by *The Liquor License Act* for the sale of the same, by a person other than the occupant, or some member of his family, or a lodger in his house."

7. *Sale of less than three-half pints under shop license.* (Section 2 (3).)

"That *X. Y.* having a shop license on at unlawfully did sell liquor in less quantity than three half-pints."

8. *Sale under wholesale license in less than wholesale quantities.* (Sections 2 (4), and 51.)

"That *X. Y.* having a license to sell by wholesale on at unlawfully did sell liquor in less quantity than five gallons [*or*, than one dozen bottles of three half-pints each, *or* than two dozen bottles of three-fourths of a pint each]."

9. *Sale (or keeping for sale) under beer and wine license of liquor other than authorized by the license.* (Section 22.)

"That *X. Y.* being the holder of a Beer and Wine License, on at did unlawfully sell [*or* give, *or* keep for sale] other liquor than is authorized by his license, in the house and upon the premises for which such license has been granted." R. S. O, 1887, c. 194, Sched. L.

10. *Allowing liquor to be consumed in shop.* (Section 62.)

"That *X. Y.* having a shop license on at unlawfully did allow liquor sold by him (*or* in his possession), and for the sale of which a license is required, to be consumed within his shop [*or* within the building of which his shop forms part, *or*, within a building which communicates by an entrance with his shop], by a purchaser of such liquor [*or*, by a person not usually resident within the building of which such shop forms a part.]"

11. *Allowing liquor to be consumed on premises under wholesale license.* (Section 63.)

"That *X. Y.* having a license by wholesale, on at unlawfully did allow liquor sold by him [*or* in his possession for sale] and for the sale of which such license is required, to be consumed within his warehouse [*or* shop, *or* within a building which forms part of, (*or* is appurtenant to *or* which communicates by an entrance with a warehouse *or* shop, *or* premises) wherein an article to be sold (*or* disposed of) under such license, is sold by retail (*or* wherein there is kept a broken package of an article for sale under such license)]."

12. *Illegal sale by druggists.* (Section 52.)

"That *X. Y.* being a chemist [*or* druggist] on at did unlawfully sell liquor for other than strictly medicinal purposes [*or* sell liquor in packages of more than six ounces at one time without a certificate from any registered medical practitioner, *or* sell liquor without recording the same], as required by *The Liquor License Act.*

13. *Keeping a disorderly house.* (Section 81.)

"That *X. Y.* being the keeper of a tavern [*or* ale-house, *or* beer-house, *or* house of public entertainment], situate in the City [*or* Town, *or* Village, *or* Township], of in the County of on in his said tavern [*or* house] unlawfully did sanction [*or* allow] gambling, [*or* riotous, *or* disorderly conduct] in his said tavern [*or* house].

14. *Harbouring constables on duty.* (Section 82.)

"That *X. Y.* being licensed to sell liquor at on . unlawfully and knowingly did harbour [*or* entertain *or* suffer to abide and remain on his premises] *O. P.*, a constable belonging to a police force,

during a part of the time appointed for his being on duty, and not for the purpose of quelling a disturbance or restoring order, or executing his duty."

15. *Compromising or compounding a prosecution.* (Section 83.)

"That *X. Y.* having violated a provision of *The Liquor License Act*, on at unlawfully did compromise [*or* compound, *or* settle, *or* offer, *or* attempt to compromise, compound *or* settle], the offence with *A. B.*, with the view of preventing any complaint being made in respect thereof [*or* with the view of getting rid of *or* of stopping, *or* of having the complaint made in respect thereof dismissed, *as the case may be*]."

16. *Being concerned in compromising a prosecution.* (Section 83.)

"That *X. Y.* on at unlawfully was concerned in [*or* a party to] a compromise [*or* a composition, *or* a settlement] of an offence committed by *O. P.*, against a provision of *The Liquor License Act*."

17. *Tampering with a witness.* (Section 85.)

"That *X. Y.*, on a certain prosecution under *The Liquor License Act*, on at unlawfully did tamper with O. P., a witness in such prosecution before [*or* after] he was summoned [*or* appeared] as such witness on a trial [*or* proceeding] under the said Act, [*or* unlawfully did induce, *or* attempt to induce *O. P.*, a witness in such prosecution, to absent himself, *or* to swear falsely]."

18. *Refusing to admit policeman.* (Section 130.)

"That X. Y. on the at being in (*or* having charge of) the premises of O. P., being a place where liquor is sold [*or* reputed to be sold], unlawfully did refuse [*or* fail] to admit [*or* did obstruct *or* attempt to obstruct] *E. F.*, an officer demanding to enter in the execution of his duty [*or* did obstruct *or* attempt to obstruct *E. F.*, an officer making searches in said premises, and in the premises connected with such place]."

19. *Officer refusing to prosecute.* (Sections 129 and 134.)

"That *X. Y.*, being a police officer [*or* constable, *or* Inspector of Licenses] in and for the in the County of , knowing that *O. P.* had on at committed an offence against a provision of *The Liquor License Act*, unlawfully and wilfully did and still does neglect to prosecute the said *O. P.*, for his said offence.'

R. S. O. 1887, c. 194, Sched. *D.*

SCHEDULE G.

(*Section* 103.)

FORM OF INFORMATION FOR SECOND, THIRD, OR FOURTH OFFENCE.

ONTARIO, County of York, To Wit: } THE INFORMATION of *A. B.*, of etc., License Inspector, laid before me *C. D.*, Police Magistrate in and for the City of Toronto [*or* one of Her Majesty's Justices of the Peace in and for the County of York], the day of , A. D. 18 .

The said Informant says he is informed and believes that *X. Y.* on at [*describe last offence*].

And further that the said *X. Y.* was previously, to wit: on the day of A.D. 18 , at the City of Toronto, before *C. D.*, Police Magistrate in and for the City of Toronto [*or* at the Township of York, in the County of York, before *E. F.* and *G. H.*, two of Her Majesty's Justices of the Peace for the County of York], duly convicted of having on the day of 18 , at the Village of Aurora in the County of York, unlawfully sold liquor without the license therefor required by law [*or as the case may be*].

And further that the said *X. Y.* was previously, to wit: on the day of A.D. 18 , at the Township of Vaughan, in the County of York, before, etc. [*as in preceding paragraph*], again duly convicted of having on the day of , A.D. 18 , at the Township of Etobicoke, in the County of York, having a shop license, unlawfully allowed liquor to be consumed within a building which communicates by an entrance with his shop, by a person not usually resident within the building of which such shop forms a part [*or as the case may be*].

And further, that the said *X. Y.* was previously, to wit: on the day of A. D. 18 , at the Town of Newmarket, in the County of York, before, etc. (*see above*), again duly convicted of having, on the day of A. D. 18 , at the Village of Aurora in the County of York (being in charge of the premises of *O. P.*, a place where liquor was reputed to be sold), unlawfully failed to admit *E. F.*, an officer demanding to enter in the execution of his duty.

And the Informant says the offence hereinbefore firstly charged against the said *X. Y.*, is his fourth offence against *The Liquor License Act*.

A. B.

Laid and signed before me the day and year, and at the place first above mentioned,

C. D.,
J. P.

R. S. O. 1887, c. 194, Sched. *E.*

SCHEDULE H.

(*Section* 103.)

Summons To Witness.

Ontario, County of York, To Wit: } To *J. K.*, of the City of Toronto, in the County of York,

Whereas, information has been laid before me, *C. D.*, one of Her Majesty's Justices of the Peace in and for the County of York (*or* Police Magistrate for the City of Toronto), that *X. Y.*, being a druggist, on the day of A.D. 18 , at the Township of Vaughan, in the County of York, unlawfully did sell liquor for other than strictly medicinal purposes, and it has been made to appear to me that you are likely to give material evidence on behalf of the prosecutor in this behalf.

These are to require you, under pain of imprisonment in the Common Gaol, personally to be and appear on Tuesday, the day of A. D. 18 , at ten o'clock in the forenoon, at the Town Hall, in the Village of Richmond Hill, before me or such Justice or Justices of the Peace as may then be there, to testify what you shall know in the premises [and also to bring with you and there and then to produce all and every invoices, cash books, day books, or ledgers and receipts, promissory notes,

or other security relating to the purchase or sale of liquor by the said *X. Y.*, and all other books and papers, accounts, deeds, and other documents in your possession, custody or control, relating to any matter connected with the said prosecution].

Given under my hand and seal this day of A.D. 18 , at the Village of Richmond Hill, in the County of York.

C. D.,
J. P. (L.S.)

R. S. O. 1887, c. 194, Sched. F.

SCHEDULE I.

(*Section* 103.)

FORM OF CONVICTION FOR FIRST OFFENCE.

ONTARIO, County of York To Wit: } BE IT REMEMBERED that on the day of A.D. 18 , at the City of Toronto, in the said County of York, *X. Y.* is convicted before me, *C. D.*, Police Magistrate in and for the City of Toronto (*or* before us, *E. F.* and *G. H.*, two of Her Majesty's Justices of the Peace, in and for the said County), for that he the said *X. Y.*, on the day of A. D. 18 , at the Township of York, in the said County, in his premises, being a place where liquor may be sold, unlawfully did sell liquor during the time prohibited by *The Liquor License Act* for the sale of the same, without any requisition for medicinal purposes as required by said Act, being produced by the vendee or his agent (*or as the case may be*), *A. B.* being the informant, and I (*or* we) adjudge the said *X. Y.*, for his said offence to forfeit and pay the sum of $20, to be paid and applied according to law, and also to pay to the said *A. B.* the sum of $6 for his costs in this behalf, and if the said several sums be not paid forthwith, then* [I (*or* we) order the said sums to be levied by distress and sale of the goods and chattels of the said *X. Y.*, and in default of sufficient distress in that behalf* *or where the issuing of a distress warrant would be ruinous to the defendant and his family, or it appears that he has no goods whereon to levy a distress, then instead of the words between the asterisks*** *say* "inasmuch as it has now been made to appear to me (*or* us) that the issuing of a warrant of distress in this behalf would be ruinous to the said *X. Y.* and his family," *or* "that the said *X. Y.* has no goods or chattels whereon to levy the said several sums by distress"], I (*or* we) adjudge the said *X. Y.* to be imprisoned without hard labour [*or* with hard labour *as the case may be*] in the Common Gaol for the County of York, at Toronto, in the said County, and there to be kept for the space of *fifteen days*, unless the said sums and the costs and charges of conveying the said *X. Y.* to the said Common Gaol, shall be sooner paid.

Given under my hand and seal [*or* our hands and seals] the day and year first above mentioned, at the City of Toronto, in the County aforesaid.

C. D., (L.S.)
Police Magistrate.
or E. F.,
J.P. (L.S.)
G. H.,
J.P. (L.S.)

R. S. O. 1887, c. 194, Sched. G.

SCHEDULE J.

(*Section* 101.)

FORM OF CONVICTION FOR A THIRD OFFENCE.

ONTARIO, County of York, To wit: } BE IT REMEMBERED that on the day of A.D. 18 , in the City of Toronto, in the said County, *X. Y.* is convicted before the undersigned *C. D.*, Police Magistrate in and for the City of Toronto, in the said County [*or C. D.* and *E. F.*, two of Her Majesty's Justices of the Peace in and for the said County], for that he, the said *X. Y.*, on the day of A.D. 18 , at the City of Toronto [*or* Township of Scarboro], in said County (*as the case may be*), having violated a provision of *The Liquor License Act*, unlawfully did attempt to settle the offence with *A. B.*, with the view of having the complaint made in respect thereof dismissed. And it appearing to me [*or* us] that the said *X. Y.* was previously, to wit: on the day of A. D. 18 , at the City of Toronto, before, etc., duly convicted of having, on the day of , A. D. 18 , at the Village of Aurora, unlawfully sold liquor without the license therefor by law required. And it also appearing to me [*or* us] that the said *X. Y.* was previously, to wit: on the day of A.D. 18 , at the Township of Vaughan, before, etc., (*see above*) again duly convicted of having, on the day of A. D. 18 , at the Village of Markham, being the keeper of a tavern situate in the said village of Markham), unlawfully allowed gambling in his said tavern (*or as the case may be*).

I [*or* we], adjudged the offence of said *X. Y.* hereinbefore firstly mentioned, to be his third offence against *The Liquor License Act*, (*A. B.* being the informant) and I [*or* we], adjudged the said *X. Y.* for his said third offence to be imprisoned in the Common Gaol of the said County of York, at Toronto, in the said County of York, there to be kept without hard labour [*or* with hard labour, *as the case may be*] for the space of three calendar months (*or as the case may be*).

Given under my hand and seal [*or* our hands and seals] the day and year first above mentioned, at Toronto, in the County of York.

C. D. (L. S.)

or

C. D. (L. S.)
E. L. (L. S.)

R. S. O. 1887, c. 194, Sched. H.

SCHEDULE K.

(*Section* 103.)

WARRANT OF COMMITMENT FOR FIRST OFFENCE WHERE A PENALTY IS IMPOSED.

ONTARIO, County of York, To wit: } TO ALL or any of the Constables or other Peace Officers in the said County of York, and to the Keeper of the Common Gaol of the said County at Toronto, in the County of York.

Whereas, *X. Y.*, late of the City of Toronto, in the said County, was on this day convicted before the undersigned, *C. D.*, Police Magistrate in and for the City of Toronto [*or C. D.* and *E. F.*, two of Her Majesty's Justices of the Peace in and for the City of Toronto *or* County of York, (*as the case may be*) for that he, the said *X. Y.*, on at unlawfully did sell liquor without the license therefor by-law required (*state offence as in the conviction*), (*A. B.* being the informant), and it was thereby adjudged that the said *X. Y.*, for his said offence, should forfeit and pay the sum of (*as in conviction*), and should pay to the said *A. B.* the sum of for his costs in that behalf.

And it was thereby further adjudged that if the said several sums should not be paid forthwith, the said *X. Y.* should be imprisoned in the Common Gaol of the said County at Toronto, in the said County of York, there to be kept at hard labour (*or* without hard labour *as the case may be*) for the space of , unless the said several sums and the costs and charges of conveying the said *X. Y.* to the said Common Gaol should be sooner paid.

And whereas the said *X. Y.* has not paid the said several sums, or any part thereof, although the time for payment thereof has elapsed.

[*If a distress warrant issued and was returned no goods, or not sufficient goods, say,* "And whereas, afterwards on the day of A.D. 18 , I, the said Police Magistrate (*or* we, the said Justices), issued a warrant to the said Constables or Peace Officers, or any of them, to levy the said several sums of and by distress and sale of the goods and chattels of the said *X. Y.*;

"And whereas it appears to me (*or* us) as well, by the return of the said warrant of distress by the Constable who had the execution of the same as otherwise, that the said Constable has made diligent search for the goods and chattels of the said *X. Y.*, but that no sufficient distress whereon to levy the said sums could be found."]

[*Or where the issuing of a distress warrant would be ruinous to the defendant and his family, or if it appears that he has no goods whereon to levy a distress, then, instead of the foregoing recitals of the issue and return of the distress warrant, etc., say:*

"And whereas it has been made to appear to me (*or* us), that the issuing of a warrant by distress in this behalf would be ruinous to the said *X. Y.* and his family," *or* "that the said *X. Y.* has no goods or chattels whereon to levy the said sums by distress" *as the case may be*].

These are therefore to command you, the said Constables or Peace Officers, or any one of you, to take the said *X. Y.*, and him safely convey to the Common Gaol aforesaid, at Toronto, in the County of York, and there deliver him to the said Keeper thereof, together with this precept.

And I (*or* we) do hereby command you the said Keeper of the said Common Gaol to receive the said *X. Y.* into your custody in the said Common Gaol, there to imprison him and keep him for the space of (without hard labour *or* with hard labour *as the case may be*) unless the said several sums and all the costs and charges of the said distress, amounting to the sum of , and of the commitment and conveying of the said *X. Y.* to the said Common Gaol, amounting to the further sum of shall be sooner paid unto you the said Keeper, and for so doing this shall be your sufficient warrant.

Given under my hand and seal (*or* our hands and seals) this day of A. D. 18 , at Toronto, in the said County of York.

C. D. (L.S.)
or C. D. (L.S.)
E. F. (L.S.)

R. S. O. 1887, c. 194, Sched. I.

SCHEDULE L.

(*Section* 103.)

WARRANT OF COMMITMENT FOR SECOND (*or* THIRD) OFFENCE, WHERE PUNISHMENT IS BY IMPRISONMENT ONLY.

ONTARIO, County of York, To Wit: } To ALL or any of the Constables and other Peace Officers in the said County of York, and to the Keeper of the Common Gaol of the said County, at Toronto, in the County of York.

Whereas *X. Y.*, late of the of in the said County, was on this day convicted before the undersigned *C. D.*, etc., (*or C. D.* and *E. F.*, etc., *as in preceding form;* for that he, the said *X. Y.* on at (*state offence with previous convictions as set forth in the conviction for the second or third offence, or as the case may be, and then proceed thus*): "And it was thereby adjudged that the offence of the said X. Y., hereinbefore firstly mentioned, was his second (*or* third) offence against *The Liquor License Act*, (*A. B*, being the informant). And it was thereby further adjudged that the said *X. Y.*, for his said second (*or* third) offence should be imprisoned in the Common Goal of the said County of York, at Toronto, in the said County of York, and there to be kept without hard labour (*or* with hard labour *as the case may be*) for the space of three calendar months.

These are therefore to command you the said Constables, or any one of you, to take the said *X. Y.* and him safely convey to the said Common Gaol at Toronto aforesaid, and there deliver him to the Keeper thereof, with this precept. And I (*or* we) do hereby command you, the said Keeper of the said Common Gaol, to receive the said *X. Y.* into your custody in the said Common Gaol, there to imprison him and to keep him without hard labour (*or* with hard labour *as the case may be*), for the space of three calendar months.

Given under my hand and seal (*or* our hands and seals), this day of A. D. 188 , at Toronto, in the said County of York.

C. D. (L.S.)
or
C. D. (L.S.)
E. F. (L.S.)

R. S. O. 1887, c. 194, Sched. J.

SCHEDULE M.

(*Section* 132.)

FORM OF DECLARATION OF FORFEITURE AND OF ORDER TO DESTROY LIQUOR SEIZED.

If in conviction, after adjudging penalty or imprisonment, as in Schedule G, proceed thus:

"And I [*or* we] declare the said liquor and vessels in which the same is kept, to wit: two barrels containing beer, three jars containing whiskey, two bottles containing gin, four kegs containing lager beer, and five bottles con-

taining native wine [*or as the case may be*], to be forfeited to Her Majesty, and I [*or* we] do hereby order and direct that *T. D.*, License Inspector of the City of Toronto [*or J. P. W., License Inspector of the East Riding of the County of York*], do forthwith destroy the said liquor and vessels."

Given under my hand and seal the day and year first above mentioned, at, etc.

If by separate or subsequent Order:

"County of York, } We, *E. F.* and *G. H.*, two of Her Majesty's Justices
To Wit: } of the Peace for the County of York [*or C. D.*, Police Magistrate of the City of Toronto], having on the day of 18 , at the Township of Scarboro' in said County, duly convicted *X. Y.* of having unlawfully kept liquor for sale without license, do hereby declare the said liquor and vessels in which the same is kept, to wit:—[*describe the same as above*], to be forfeited to Her Majesty, and we [*or* I] do hereby order and direct that *J. P. W.*, License Inspector of the East Riding of the said County, do forthwith destroy the said liquor and vessels."

Given under our [*or* my] hands and seals, this day of A. D. 18 , at the Township of Scarboro' in the said County.

E. F. [L.S.]
or G. H. [L.S.]
C. D. [L.S.]

R. S. O. 1887, c. 194, Sched. K.

6. *PUBLIC MORALS.*

CHAPTER 246.

An Act to prevent the Profanation of the Lord's Day.

ACTS PROHIBITED, ss. 1-7.
SUNDAY EXCURSIONS, s. 7.
STREET RAILWAYS, s. 8.
SALES AND PURCHASES TO BE VOID, s. 9.
PENALTIES, ss. 7 (2), 10, 11.
SUMMARY CONVICTIONS :
Procedure, ss. 12, 13.
Defects of form, s. 14.
Imprisonment, s. 15.
Limitation of prosecutions, s. 16.
ACTIONS :
Limitation, s. 17.
Notice of, s. 17.
Tender of amends, s. 18.
Costs, s. 18.
ACT NOT TO APPLY TO INDIANS, s. 19.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows : —

No sales to take place on Sunday.

Or ordinary work.

Exception.

1. It is not lawful for any merchant, tradesman, farmer, artificer, mechanic, workman, labourer, or other person whatsoever on the Lord's Day, to sell or publicly show forth, or expose, or offer for sale, or to purchase, any goods, chattels, or other personal property, or any real estate whatsoever, or to do or exercise any worldly labour, business or work of his ordinary calling (conveying travellers or Her Majesty's Mail, by land or by water, selling drugs and medicines, and other works of necessity and works of charity only excepted). R. S. O. 1887, c. 203, s. 1 ; 59 V. c. 62, s. 1.

Political meetings, tippling, etc., pro hibited on Sunday.

2. It is not lawful for any person on that day to hold, convene or to attend any public political meeting, or to tipple, or to allow or permit tippling in any inn, tavern, grocery or house of public entertainment, or to revel, or publicly exhibit himself in a state of intoxication, or to brawl or use profane language in the public streets or open air, so as to create any riot or disturbance, or annoyance to Her Majesty's peaceable subjects. R. S. O. 1887, c. 203, s. 2.

Games and amusements prohibited.

3. It is not lawful for any person on that day to play at skittles, ball, foot ball, rackets or any other noisy game, or to

gamble with dice or otherwise, or to run races on foot, or on horseback, or in carriages, or in vehicles of any sort. R. S. O. 1887, c. 203, s. 3.

Hunting and shooting.

4. Except in defence of his property from any wolf or other ravenous beast or a bird of prey, it is not lawful for any person on that day to go out hunting or shooting, or in quest of, or to take, kill or destroy, any deer or other game, or any wild animal, or any wild fowl or bird, or to use any dog, gun, rifle or other engine, net or trap, for the above mentioned purpose. R. S. O. 1887, c. 203, s. 4.

Fishing.

5. It is not lawful for any person on that day to go out fishing, or to take, kill or destroy any fish, or to use any gun, fishing-rod, net or other engine for that purpose. R. S. O. 1887, c. 203, s. 5.

Bathing.

6. It is not lawful for any person on that day to bathe in any exposed situation in any water within the limits of any incorporated city or town, or within view of any place of public worship, or private residence. R. S. O. 1887, c. 203, s. 6.

Sunday excursions prohibited.

7.—(1) Sunday excursions by steamboats plying for hire, or by railway, or in part by any such steamboat and in part by railway, and having for their only or principal object the carriage of Sunday passengers for amusement or pleasure only, and to go and return on the same day by the same steamboat or railway, or any other, owned by the same persons or company, shall be unlawful, and shall not be deemed a lawful conveying of travellers within the meaning of this Act.

Penalty.

(2) The owner of any steamboat or railway by which any such Sunday excursion is wholly or partly made shall, for each offence against this section, forfeit and pay the sum of $400, to be recovered in any Court having jurisdiction in civil cases to that amount, by any person suing for the same under this section and for the purposes thereof.

Procedure.

(3) The action for the recovery of any penalty incurred under this section shall be brought before a Court having jurisdiction, as aforesaid, in the place from which the steamboat or train employed in the unlawful excursion, on which the action is founded, started, or through, or at which it passed or stopped in the course thereof.

Application of penalties.

(4) All sums of money recovered under the provisions of this section shall be appropriated as follows:—One moiety thereof to the plaintiff, and the other moiety to the municipality of the city, town, village or place from which the unlawful excursion started, to be applied for the purposes of the municipality.

"Owner," meaning of.

(5) The word "owner" in this section shall include a corporation.

(6) This section shall not apply to ferries or to steamboats when employed thereon. Act not to apply to ferries.

(7) The captain or other person in charge of any steamboat and the conductor or other person in charge of any train, used for the purpose of any such Sunday excursion shall be liable to the penalties prescribed by this Act for violations thereof; and the said penalties shall be recoverable, and applied in like manner as other penalties under this section. R. S. O. 1887, c. 203, s. 7. Liability of captain or other person in charge.

8.—(1) No street car company or tramway company or any electric railway company, except where it is necessary for the purpose of keeping the track clear of snow or ice or for other acts of necessity or charity, shall run cars or trams upon the Lord's Day. Operating street railway on the Lord's Day.

(2) The foregoing subsection shall not apply to companies which have before the 1st April, 1897, regularly run cars on Sunday, nor shall it confer any rights so to run cars on the Lord's Day not now possessed by them, nor shall it affect or apply to any company which has by its charter or by any special Act the right or authority to run cars on Sunday, nor shall it affect the right (if any) of the Toronto Railway Company to run cars upon the Lord's Day, if or when sanctioned by the vote of the electors under 55 Victoriæ, Chapter 99, and 57 Victoriæ, Chapter 93. But this proviso shall not confer upon the Toronto Railway Company any right to run cars upon the Lord's Day which it does not now possess (if any) if sanctioned by such vote. Nor shall this section apply to or affect any of the provisions of *The Electric Railway Act*. 60 V. c. 14, s. 95. Rev. Stat. c. 209.

9. All sales and purchases, and all contracts and agreements for sale or purchase, of any real or personal property whatsoever, made by any person or persons on the Lord's Day, shall be utterly null and void. R. S. O. 1887, c. 203, s. 8. Sales and agreements made on Sunday to be void.

10. Any person convicted before a Justice of the Peace of any act hereinbefore declared not to be lawful, upon the oath or affirmation of one or more than one credible witness, or upon view had of the offence by the said Justice himself, shall for every such offence be fined in a sum not exceeding $40, nor less than $1, together with the costs and charges attending the proceedings and conviction. R. S. O. 1887, c. 203, s. 9. Penalty.

11. All sums of money awarded or imposed as fines or penalties, by virtue of this Act, shall be paid as follows, that is to say: one moiety thereof shall be paid to the party charging the offence in writing before the Justice, and the other moiety to the treasurer of the county or city wherein the offence was committed, to be by him accounted for in the same manner as for other moneys deposited with or paid over to him. R. S. O. 1887, c. 203, s. 10. Application of penalties.

Justice to summon accused party.

12. Where any person has been charged upon oath or otherwise, in writing, before any Justice of the Peace, with any offence against this Act, the said Justice shall summon the person so charged to appear before him, at a time and place to be named in the summons, and if such person fails or neglects to appear accordingly, then (upon proof of due service of the summons upon such person, by delivering or leaving a copy thereof at his house, or usual or last place of abode, or by reading the same over to him personally) the said Justice may either proceed to hear and determine the case *ex parte*, or issue his warrant for apprehending such person, and bringing him before himself, or some other Justice of the Peace having jurisdiction within the same county or municipality; and the Justice before whom the person charged appears or is brought, shall proceed to hear and determine the case, or the said Justice, on view of the offence, may verbally order, or if on the complaint of a third party, then may, in writing, order the offender to be at once committed (although it be on the Lord's Day) to the common gaol of the place, or into other safe custody, there to remain until the morrow, or some other day, according to circumstances, until the case be heard and disposed of. R. S. O. 1887, c. 203, s. 11.

Commitment.

Form of conviction.

13. The Justice before whom any person is convicted of any offence against this Act, may cause the conviction to be drawn up in the form of the Schedule to this Act, or in any other form of words to the same effect as the case may require. R. S. O. 1887, c. 203, s. 12.

Conviction and commitment not to be void for want of form.

14. A conviction under this Act shall not be quashed for want of form; nor shall any warrant of commitment be held void by reason of any defect therein, if it is therein alleged that the party has been convicted, and there is a good and valid conviction to sustain the commitment. R. S. O. 1887, c. 203, s. 13.

In default, may levy fine.

15. In default of payment of any fine imposed under this Act, together with the costs attending the same, within the period by the Justice of the Peace, before whom such conviction takes place, specified for the payment thereof at the time of conviction, such Justice of the Peace (if he deems it expedient so to do) may issue his warrant, directed to any constable, to levy the amount of such fine and costs within a certain time, to be in the said warrant expressed; and in case no distress sufficient to satisfy the amount is found, he may commit the offender to the common gaol of the county wherein the offence was committed for any term not exceeding three months, unless the fine and costs are sooner paid. R. S. O. 1887, c. 203, s. 14.

Commitment.

Limitation of time for prosecution.

16. The prosecution for any offence punishable under this Act shall be commenced within one month after the com-

mission of the offence, and not afterwards. R. S. O. 1887, c. 203, s. 15.

When actions etc., are to be tried.

17. Subject to the provisions of Section 7 of this Act, all actions and prosecutions against any person for anything done in pursuance of this Act, shall be laid and tried in the county where the fact was committed, and shall be commenced within six months after the fact committed, and not afterwards; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one month at least before the action, and in any such action the defendant may plead not guilty by statute, and give this Act and the special matter in evidence at any trial had thereupon. R. S. O. 1887, c. 203, s. 16.

Defendant may plead not guilty by Statute.

Tender of amends, etc.

18. No plaintiff shall recover in such action, if tender of sufficient amends is made before such action brought, or if a sufficient sum of money is paid into Court after such action brought by or on behalf of the defendant; and if the plaintiff becomes non-suited, or discontinues any such action after issue joined, or if judgment is given against the plaintiff, the defendant may recover his full costs as between solicitor and client, and have the like remedy for the same as any defendant has by law in other cases. R. S. O. 1887, c. 203, s. 17.

Defendant if successful to have full costs.

Not to extend to Indians.

19. This Act shall not extend to the people called Indians. R. S. O. 1887, c. 203, s. 18.

SCHEDULE.

(*Section* 13.)

Be it remembered, that on the day of A. D. 18 , at , in the County of (*or* at the City of , *as the case may be*), *A. B.*, of , is convicted before me, *C. D.*, one of Her Majesty's Justices of the Peace for the said County (*or* City *as the case may be*), for that he the said *A. B.* did (*specify the offence, and the time and place when and where the same was committed, as the case may be*); and I, the said *C. D.*, adjudge the said *A. B.*, for his offence to pay (immediately, *or* on or before the day of) the sum of and also the sum of for costs; and in default of payment of the said sums respectively, to be imprisoned in the Common Gaol of the said County (*or* City *as the case may be*) for the space of months, unless the said sums are sooner paid; and I direct that the said sum of (*the penalty*) shall be paid as follows, that is to say: one moiety thereof to the party charging the offence, and the other moiety to the Treasurer of the County (*naming the one in which the offence was committed*, *or* of the said City, *as the case may be*), to be by him applied according to the provisions of chapter 246 of the Revised Statutes of Ontario, 1897, entitled, *An Act to Prevent the Profanation of the Lord's Day.*

Given under my hand and seal, the day and year first above mentioned.

C. D., J. P. [L. S.]

R. S. O. 1887, c. 203, Schedule.

CHAPTER 247.

An Act to Prevent Minors from Frequenting Billiard Rooms and other Places.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Fine on first and subsequent offence; how recoverable; one half to informer.

1. The keeper of a licensed billiard, pool or bagatelle room, who directly or indirectly keeps the same for hire or gain, admitting a minor under the age of 16 years thereto, or allowing him to remain therein, without the consent of his parent or guardian, shall be subject to a fine of not exceeding $10, for the first, and not exceeding $20 for each subsequent offence, to be imposed by any Justice of the Peace, one half of which fine shall go to the informer; provided always that this Act shall not apply to a minor who is a member of the family of the keeper or his servant, or who does not go to the billiard, pool or bagetelle room for the purpose of loitering, or to play billiards, pool or bagatelle therein; nor shall this Act apply to any case where the keeper, in the opinion of the Justice of the Peace, had reasonable cause to believe that such consent had been given by the parent or guardian, or that such minor was not under the age of sixteen. R. S. O. 1887, c. 204, s. 1.

Proviso.

7. *PUBLIC HEALTH.*

CHAPTER 248.

An Act respecting the Public Health.

SHORT TITLE, s. 1.
INTERPRETATION, s. 2.
PROVINCIAL BOARD OF HEALTH:
- Board continued, s. 3.
- Salaries and allowances, ss. 4, 5, 7.
- Secretary, ss. 5, 6.
- Meetings of board, s. 8.
- Duties of board, ss. 9-12.
- Regulations of board, ss. 13-21.

ACQUIRING LAND, ss. 22-27.
- Limitation as to use of land, s. 28.

DEFAULT OF LOCAL AUTHORITY, s. 29.
PLANS OF WATER SUPPLY AND SEWERAGE TO BE SUBMITTED TO PROVINCIAL BOARD, s. 30.
HEALTH OFFICERS:
- Appointment, ss. 31, 32, 35, 36.
- Duration of office, s. 33.
- Dismissal, s. 34.
- Compensation, ss. 34, 37.
- Powers, ss. 38, 66, 74-80.
- In unorganized districts ss. 39-42.
- County health officers, ss. 43-46.

SUSPENSION OF ELECTIONS, s. 47.
LOCAL BOARDS OF HEALTH:
- Organization, ss. 48-55.
- Powers and duties, ss. 56-62.

NUISANCES:
- Inspection of slaughter-houses, ss. 63, 74.
- Regulation of ice supplies, s. 64.
- Inspection of health districts, s. 65.
- Powers of medical health officer, s. 66.
- Information and investigation, respecting, ss. 67, 68.
- Local board to give notice requiring abatement of nuisances, s. 69.
- Power where nuisance due to cause outside of district, s. 70.
- Costs and expenses, s. 71.
- Restriction on establishment of offensive trades, s. 72.
- Provision where abatement of nuisance involves considerations of difficulty, s. 73.
- Inspection of dairies, creameries and dairy farms, etc., s. 74.
- Power to examine and cleanse premises, ss. 75-79.
- Disposal of refuse, s. 80.
- Recovery of expense of abating, s. 113.
- When application to abate nuisance must be made to High Court, s. 114.

EXAMINATION OF HOUSE, ETC., BY MEDICAL PRACTITIONERS, s. 77.
REMOVAL BY HEALTH OFFICERS OF INHABITANTS OF A HOUSE, s. 78-80.
PROVISIONS AGAINST INFECTION, ss. 81-103.
HOSPITALS, ss. 104-107.
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PROCEEDINGS NOT TO BE QUASHED FOR WANT OF FORM, OR REMOVED BY CERTIORARI, s. 121.
BY-LAWS APPLICABLE TO ALL MUNICIPALITIES, s. 122.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Public Health Act*." R. S. O. 1887, c. 205, s. 1.

Interpretation.

2. Where the following words occur in this Act, or the Schedules thereto, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:

"Owner."

1. "Owner" means the person for the time being receiving the rent of the lands or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other person, or who would so receive the same if such lands and premises were let;

"Health district," "District," "Local Board," and "Board."

2. "Health District" or "District" means any local municipality, or union of local municipalities, under the jurisdiction of a Local or District Board of Health, and "Local Board" or "Board" shall include a District Board;

"House."

3. "House" includes schools, factories and other buildings, huts and tents used for human habitation or work, whether such use is permanent or temporary, and whether the same are stationary or movable;

"Street."

4. "Street" shall include every highway, road, square, row, lane, mews, court, alley and passage, whether a thoroughfare or not. R. S. O. 1887, c. 205, s. 2.

PROVINCIAL BOARD OF HEALTH.

Organization—Powers and Duties.

Provincial Board of Health continued.

3. The Provincial Board of Health of Ontario at present existing, is hereby continued and shall consist of not more than seven members one of whom may be the secretary of the board; the members thereof shall be appointed by the Lieutenant-Governor in Council from time to time for a period of three years, and any retiring member shall be eligible for re-appointment; at least four members of the board shall be duly registered medical practitioners. R. S. O. 1887, c. 205, s. 3.

Salaries and allowance of chairman and members of the board.

4. The chairman of the board shall be appointed by the Lieutenant-Governor in Council, and shall be paid an annual salary not exceeding the sum of $400 per annum; other members of the board, except the secretary, shall be paid such per diem allowance while attending meetings of the board, or any committee thereof, as may be voted by the Legislature and approved by the Lieutenant-Governor in Council, together with actual travelling and other necessary expenses while employed on the business of the board. R. S. O. 1887, c. 205, s. 4.

Appointment of secretary.

5. The Lieutenant-Governor in Council may appoint a competent and suitable person as secretary of the board, who shall hold office during pleasure, and shall be the chief health officer of the Province, and may be paid an annual salary of such sum as may be appropriated by the Legislature for the purpose. R. S. O. 1887, c. 205, s. 5.

Duties of secretary.

6. The secretary shall keep his office at Toronto, and perform the duties prescribed by this Act or required by the board; he shall keep a record of the transactions of the board and shall, so far as practicable, communicate with other Provincial or state boards of health, and with the local boards of health, and health officers within the Province, and with municipal councils and other public bodies, for the purpose of acquiring or disseminating information concerning the public health; and he shall also use such means as are practicable to induce municipal councils to appoint health officers or local boards of health within their municipality: he shall also assist in preparing the annual report of the Registrar-General in relation to the vital statistics of the Province, and shall perform such other duties and functions relating to vital statistics and otherwise as may be assigned to him by the Lieutenant-Governor in Council. R. S. O. 1887, c. 205, s. 6.

Payment of salaries and expenses.

7. The expenses of the said Provincial Board and the salaries of the chairman and secretary shall be paid out of such moneys as may, from time to time, be appropriated by the Legislature for that purpose. R. S. O. 1887, c. 205, s. 7.

Meetings of board.

8. The board shall meet quarterly at Toronto, and at such other places and times as may be fixed under a resolution of the board. Three members shall be a quorum for the transaction of business, and they shall have power to make and adopt rules and by-laws regulating the transaction of its business, and may provide therein for the appointment of committees, to whom they may delegate authority and power for the work committed to them. R. S. O. 1887, c. 205, s. 8.

Duties of board.

9. The Provincial Board of Health shall take cognizance of the interests of health and life among the people of the Province; they shall especially study the vital statistics of the Province, and shall endeavour to make an intelligent and profitable use of the collected records of deaths and of sickness among the people; they shall make sanitary investigations and inquiries respecting causes of disease, and especially of epidemics; the causes of mortality and the effects of localities, employments, conditions, habits, and other circumstances upon the health of the people; they shall make such suggestions as to the prevention and introduction of contagious and infectious diseases, as they shall deem most effective and proper, and as will prevent and limit as far as possible the rise and spread of disease; they shall inquire into the measures which are being taken by local boards for the limitation of any dangerous, contagious or infectious disease, through powers conferred upon said local boards by any Public Health Act, and should it appear that no efficient measures are being taken and that the said powers are not being exercised, it shall be competent for the Provincial Board, in the interests

of the public health, to require the local board to exercise any of the said powers which, in the opinion of the Provincial Board, the urgency of the case demands; and in any such case where the local board, after request by the Provincial Board, neglect or refuse to exercise their powers, the Provincial Board may, with the approval of the Minister of the department under which the board is for the time being acting, exercise at the expense of the municipality any of the powers of local boards which under the circumstances they may consider necessary, and they shall, when required or when they deem it best, advise officers of the Government and local boards of health in regard to the public health, and as to the means to be adopted to secure the same, and as to location, drainage, water supply, disposal of excreta, heating and ventilation of any public institution or building. R. S. O. 1887, c. 205, s. 9.

Information to be published.

10. The board shall from time to time, and especially during the prevalence in any part of the Province of epidemic, endemic or contagious disease, make public distribution of such sanitary literature, and of special practical information relating to the prevention and spread of contagious and infectious diseases through the medium of the public press, and by circular to local boards of health and health officers, municipal councils, and in and through the public schools and otherwise as shall be deemed by them in the interest of the public health. R. S. O. 1887, s. 205, s. 10.

Investigations as to causes of contagious or other disease.

11. With the concurrence of that member of the Executive Council to whose department the Provincial Board of Health is for the time being assigned by the Lieutenant-Governor in Council, the board may send its secretary, or any member or members of the board, to any part of the Province when deemed necessary to investigate the cause or causes of any contagious or other disease or mortality in man or in animals; and at such investigation evidence may be taken on oath or otherwise as the said secretary, member or members may deem expedient; and in such case the secretary, or any member of the board present at the investigation, may administer the oath; and the said investigating committee shall have power, by warrant under the hand and seal of any one of its members, to call upon any person to give evidence regarding any matter in question in the investigation; and the investigating committee shall have all the powers which may be conferred upon commissioners under *The Act respecting Inquiries concerning Public Matters*. R. S. O. 1887, c. 205, s. 11.

Rev. Stat. c. 19.

Supply of vaccine matter.

12. It shall be the duty of the Provincial Board of Health to see that a supply of proper vaccine matter is obtainable at all times at such vaccine farms and other places as are subject to inspection by the board. R. S. O. 1887, c. 205, s. 12.

13. Whenever this Province, or any part thereof or place therein appears to be threatened with any formidable epidemic, endemic, or contagious disease, in man or animals, the Provincial Board of Health may, subject to the approval of the Lieutenant-Governor in Council, issue such regulations as the board deems necessary, for the prevention, as far as possible, or the mitigation of disease, and may make, renew or alter any such regulations, or substitute new regulations; and the said board may, by such regulations, provide: Powers of Provincial Board to make regulations for prevention or mitigation of disease.

1. For the frequent and effectual cleansing of the streets, yards, and out-houses, by the local health authorities, or by the owners or occupiers of houses and tenements adjoining thereto;

2. For the removal of nuisances;

3. For the cleansing, purifying, ventilating and disinfecting of houses, churches, buildings, and places of assembly, railway stations, steamboats, railway carriages and cars, as well as other public conveyances by the owners and occupiers, and persons having the care and ordering thereof;

4. For regulating, so far as this Legislature has jurisdiction in this behalf, with a view of preventing the spread of infectious disease, the entry or departure of boats or vessels at the different ports or places in Ontario, and the landing of passengers or cargoes from such boats or vessels, or from railroad carriages or cars, and the receiving passengers or cargoes on board of the same;

5. For the safe and speedy interment of the dead, and the conduct of funerals, with a view of preventing the spread of infectious diseases as aforesaid;

6. For supplying medical aid and accommodation, and medicine, and such other articles as may be deemed necessary for mitigating such epidemic, endemic, or contagious disease;

7. For house to house visitation;

8. For preventing or mitigating such epidemic, endemic or contagious disease in such other manner as to the said Provincial Board seems expedient;

9. For the inspection of houses, schools, churches, railway stations and other buildings, steamboats, vessels, railway carriages and cars and public conveyances by the local board or some officer, and the cleansing, purifying and disinfecting thereof, and anything contained therein when required by such board or officer at the expense of the owner, occupier, or the person having the care and ordering thereof, and for detaining for this purpose any such steamboat, vessel, railway carriage and car or public conveyance, and anything contained therein, so long as may be necessary, and any person travelling thereby; Inspection of railway stations, steamboats, etc.

Restraining departure of persons and conveyances.

10. For preventing the departure of persons from infected localities, and for preventing persons or conveyances from passing from one locality to another, and for detaining persons or conveyances who or which have been exposed to infection, for inspection or disinfection until the danger of infection is past;

Sanitary police.

11. For requiring the appointment of sanitary inspectors to be paid by the municipalities in which they act, for the purpose of assisting and carrying out the health regulations in force in the municipality;

Removal of persons.

12. For the removal or keeping under surveillance of persons living in infected localities. R. S, O. 1887, c. 205, s. 13.

Local Boards to see to execution of regulations.

14. It shall be the duty of the local boards of health to superintend and see to the execution of any regulations made by the Provincial Board, or to execute, or aid in executing the same within their respective districts; and to do and provide all such acts, matters and things as are necessary for superintending or aiding in the execution of such regulations, or for executing the same as the case may require. R. S. O. 1887, c. 205, s. 14.

Provincial Board may determine extent to which regulations are to apply.

15. The Provincial Board of Health may, by order, declare all or any of the regulations so made, to be in force within the whole or any part or parts of the district of any local board of health or any municipality, and, so far as this Legislature has jurisdiction, to apply to boats, vessels, railway carriages and cars, or other conveyances in any portion or portions of the Province. R. S. O. 1887, c. 205, s. 15.

Publication of orders and regulations.

16. All orders and regulations so made shall take effect from the approval thereof, and shall be forthwith published in the *Ontario Gazette* and at least one newspaper within the district, or portion or portions of the Province, in which they are declared in force. R. S. O. 1887, c. 205, s. 16.

Conflicting by-laws of Local Board suspended.

17. During the time that any such orders or regulations are in force in any health district as provided by the next preceding four sections of this Act, all by-laws of the local board of such district which, in any manner, conflict with any such orders or regulations, shall be suspended. R. S. O. 1887, c. 205, s. 17.

Regulations confirmed.

18.—(1) All regulations made by the Provincial Board of Health, and approved by the Lieutenant-Governor in Council, and published in the *Ontario Gazette*, on the 5th of September, 1885, are hereby declared to have been valid regulations, and in force until and unless repealed or amended. R. S. O. 1887, c. 205, s. 18.

Certain regulations as to ice supply confirmed.

(2) The regulations made by the Provincial Board of Health respecting ice supplies, approved by order of the Lieutenant-Governor in Council and dated January 27th, 1892, and the regulations of the said board respecting cholera and dated 11th

day of April, 1893, are hereby declared to be valid regulations within this Act and in force until and unless repealed or amended. 56 V. c. 44, s. 4.

Regulations to be laid before Legislature.

19. All regulations made by the Provincial Board of Health shall be laid before the Legislative Assembly, if then in session; and if not then in session, within fourteen days after the commencement of the next session. R. S. O. 1887, c. 205, s. 19.

Expenses of Provincial and Local Boards, how defrayed.

20. The expenses incurred by the Provincial Board of Health in connection with any epidemic shall be defrayed out of any moneys appropriated by the Legislature specially for that purpose, and the expenses incurred by the said local boards of health, or by the medical health officer or sanitary inspectors, in the execution or in superintending the execution of the regulations of the Provincial Board, shall be defrayed and provided for by the municipal corporations having jurisdiction over the respective places affected. R. S. O. 1887, c. 205, s. 20.

Prosecution for neglect of regulation.

21. The local board of health or the Provincial Board of Health may also, from time to time, direct any prosecution or legal proceedings for, or in respect of, the wilful violation or neglect of any regulation contained in or made under this Act. R. S. O. 1887, c. 205, s. 21.

Acquiring Land.

Power to take possession of land or unoccupied building.

22. The Provincial Board of Health may also, subject to the approval of the Lieutenant-Governor, issue regulations for taking possession of any land or any unoccupied building thereon, by the authority of the said Provincial Board of Health, local board, or health officers, for any of the purposes mentioned in sections 13, 14 or 106, of this Act, but such regulations shall not authorize the taking or obtaining for the hospital of any municipality any land or buildings outside the limits of of such municipality. R. S. O. 1887, c. 205, s. 22.

Cases of emergency.

23. In case of actual or apprehended emergency, such possession may be taken without a prior agreement with the owner of the land or building and without his consent, and may be retained for such period as may appear to the board, or officers who took possession thereof, to be necessary. R. S. O. 1887, c. 205, s. 23.

Notice to municipal clerk.

24. Written notice containing a reasonable description of the land shall, within five days after the taking or obtaining possession be given by the board or officer so taking or obtaining possession thereof, to the clerk of the local municipality wherein the land is situate; such notice shall be given

whether possession is taken or obtained with the consent of the owner or otherwise. R. S. O. 1887, c. 205, s. 24.

Proceedings where owner not consenting party.

25. Where possession is taken without the consent of the owner, the board or health officer by whom or under whose direction or authority possession is taken, shall within five days thereafter give notice thereof to the owner; such notice to be according to the form contained in Schedule A hereto annexed, or to the like effect. In the event of any owner not being known, or not being resident within the Province of Ontario, or of his residence therein being unknown to the board or health officer required to give the notice, such board or health officer shall cause the notice to be published for two insertions in some local newspaper having a circulation within the municipality wherein the property is situate, and shall mail to the last known address (if any) of the owner a copy of the notice in a registered letter prepaid, and such publication shall be sufficient notice to the owner. R. S. O. 1887, c. 205, s. 25.

Compensation.

26. The owner of any land or building shall be entitled to compensation from the local municipality wherein the land or building is situate, for the use and occupation thereof, including any damages arising from such use and occupation, such compensation to be agreed upon between the municipal council of the local municipality and the owner; and in case they do not agree, the Judge of the County Court of the county wherein the property is situate, shall summarily determine the amount of the compensation, and the terms of payment, in such manner, and after giving such notices, if any, as he sees fit. R. S. O. 1887 c. 205, s. 26.

Order for possession.

27. Where any resistance or forcible opposition is offered or apprehended to possession being taken of any land or building under this Act, or under any regulation which may be made by virtue thereof, the Judge of the County Court may, without notice to any person, issue his warrant to the sheriff of the county, or to any other person as he may deem most suitable, requiring him to put the board or health officer, their or his servants or agents in possession, and to put down such resistance or opposition which the sheriff or bailiff (taking with him sufficient assistance) shall accordingly do. R. S. O. 1887, c. 205, s. 27.

Restriction as to use of land or building.

28. No land or building to be used for the purposes of this Act shall be nearer than 150 yards to an inhabited dwelling. R. S. O. 1887, c. 205, s. 28.

Proceedings on complaint to provincial board of default of local authority.

29.—(1) Where information is obtained by the Provincial Board that any remediable unsanitary condition or nuisance exists in any municipality, and that the local health authorities have after proper representation of the facts, neglected or refused to take such efficient measures as might

remove such condition or abate such nuisance, it shall be competent for the Provincial Board of Health to institute an investigation, and, if necessary, take sworn evidence concerning the condition or nuisance complained of.

(2) If, upon such investigation it is proved that such remediable unsanitary condition or nuisance exists, it shall be within the province of the Provincial Board to direct its immediate removal or abatement by the person responsible therefor, and to report the same to the Minister of the department to which for the time being the Provincial Board of Health is attached; and if such person neglects or refuses to remove or abate the same, the Provincial Board of Health may cause such removal or abatement to be made, and collect the expenses therefor from such person, by ordinary process of law. R. S. O. 1887, c. 205, s. 29.

Approval of provincial board to establishment of public water supply.

30.—(1) Wherever the establishment of a public water supply is contemplated by the council of any city, town or village, it shall be the duty of the said municipal council to submit to the Provincial Board of Health, together with the plans, an analysis of the water from the proposed source or sources of supply, and an affidavit stating that the water analysed is taken from the proposed source and that the analysis submitted to the Board exactly represents the conditions of the sample examined. In case the source of any proposed public water supply, does not in the opinion of the Provincial Board of Health, meet the sanitary requirements of the municipality, either by reason of the quality of the water, or because the water is likely, owing to the situation of the proposed source of supply, to become contaminated, it shall not be lawful to establish such water-works without first obtaining from the Provincial Board of Health a certificate signed by the chairman and secretary stating that the proposed source is the best practicable, having regard to all the circumstances of the case, and that all proper measures have been taken to maintain the supply in the highest possible and practicable state of purity. 58 V. c. 49, s. 3 (1).

Approval of provincial board to establishment of sewerage system.

(2) Whenever the construction of a common sewer or of a system of public sewerage is contemplated by the council of any city, town or village, it shall be the duty of the council to place itself in communication with the Provincial Board of Health, and to submit to the Board before their adoption all plans in connection with said sewer or sewerage system. It shall be the duty of the Provincial Board of Health to inquire and report upon said sewer or system of sewerage, as to whether the same is calculated to meet the sanitary requirements of the inhabitants of the municipality; and as to whether such sewer or system of sewerage is likely to prove prejudicial to the health of the inhabitants of the municipality or of any other municipality, liable to be affected thereby. 58 V. c. 49, s. 3 (2).

Amendment of plans at instance of provincial board of health.

(3) The Provincial Board of Health may make any suggestions or amendments concerning the plans submitted or may impose any conditions with regard to the construction of such sewer or system of sewerage or the disposal of sewage therefrom as it may deem necessary or advisable in the public interest; and the construction of any common sewer or system of sewerage shall not be proceeded with without being reported upon and approved of by the Provincial Board of Health, and no change in the construction thereof or in the disposal of sewage therefrom liable to injuriously affect the public health shall be made without previous submission to and approval by the said Board. 58 V. c. 49, s. 3 (3).

Appeal from board to Lieutenant-Governor in Council.

(4) The decision or report of the Provincial Board of Health with regard to any system of water supply or any common sewer or public system of sewerage or the disposal of sewage therefrom shall be subject to appeal to the Lieutenant-Governor in Council, such appeal to be made within one month after the filing of the report or decision in the office of the Minister of the department to which the Provincial Board of Health is attached; and such decision or report, where not so appealed against, or where confirmed or amended and confirmed upon appeal by the Lieutenant-Governor in Council, shall be binding and conclusive upon all the municipalities and persons affected by the same; but wherever it appears that any change of circumstances or conditions has arisen, the Provincial Board of Health may, if it deems it advisable, make further inquiry and report as to any system of water supply or common sewer or system of sewerage or the disposal of sewage, which report shall be subject to appeal as aforesaid and have the same force and effect as aforesaid. 58 V. c. 49, s. 3 (4).

Modification, etc., of award.

(5) The said Board may from time to time modify or alter the terms and conditions as to the disposal of sewage imposed by any award authorizing any system of sewerage or the extension of a sewer, and their report or decision shall be subject to appeal as aforesaid and shall have the same force and effect as aforesaid. But this shall not entitle the Board to modify or alter the terms and conditions of a certain award dated the 5th day of March, 1895, made by Judge Ketchum in the matter of reference between the corporation of the town of Peterborough and the corporation of the township of North Monaghan until after the expiration of the 5 years therein mentioned, provided the said award is held by the court to be in point of law a valid award. 58 V. c. 49, s. 3 (5).

Medical Board of Health—Medical Health Officer.

Appointment of Medical Health Officer and Sanitary Inspector.

31. Every municipal council may appoint a medical health officer and a sanitary inspector or inspectors for the municipality, and may fix the salaries to be paid them, or two or more

councils may unite in the appointment of any of these officers. R. S. O. 1887, c. 205, s. 47.

Appointment of Health Officer by municipal councils.

32. Where from the presence of any formidable contagious disease in any locality the Provincial Board of Health considers the appointment of a medical health officer necessary for the municipality in which such disease exists, or for any neighbouring municipality, and requests the council of any such municipality to appoint a medical health officer the council shall forthwith appoint a properly qualified medical practitioner, to be medical health officer for the municipality. R. S. O. 1887, c. 205, s. 31.

By provincial board.

33.—(1) If a council does not appoint a medical health officer within five days after a request in that behalf made by the Provincial Board, which request may be served upon the head of the council or its clerk, or mailed to either of such officers by registered letter-post, the Lieutenant-Governor upon the recommendation of the Provincial Board may appoint a medical health officer for such municipality. R. S. O. 1887, c 205, s. 32.

Duration of office.

(2) Every medical health officer appointed by the municipal council shall hold office during the pleasure of the council, and if under the preceding subsection the medical health officer is appointed by the Lieutenant-Governor, he shall hold office until the 1st day of February in the year following that in which he is appointed. R. S. O. 1887, c. 205, s. 33 *part*.

Dismissal.

34.—(1) The municipal council may at any time, upon a two-thirds vote of its members, dismiss any medical health officer for a neglect of duty; and the decision of such council shall be final and shall not render the corporation liable for any damages.

Compensation in case of dismissal.

(2) The medical health officer shall be entitled to compensation for services actually rendered up to the time of such dismissal, but the amount of such compensation shall not exceed the salary he would have earned up to the time of such dismissal, and if his salary up to such time is paid such payment shall be a bar to any other claim for services rendered. R. S. O. 1887, c. 205, s. 33 *part*.

Vacancy in office, how filled.

35. Wherever, during the presence of any formidable contagious disease in any municipality or neighbouring locality any medical health officer becomes temporarily or permanently incapable of performing his duties, or resigns his office, or leaves the locality for which he has been appointed, the council shall forthwith appoint another medical health officer in his room. R. S. O. 1887, c. 205, s. 34.

Case of several municipalities united into one health district.

36. Where two or more municipalities are united into a health district, the provisions of the preceding four sections of

this Act shall apply, except that the power and duty of appointing or removing a medical health officer shall be with the district board of health, unless the councils of the municipalities composing such health district have, previous to any request in that behalf being made by the Provincial Board, united in appointing a medical health officer for such municipalities, and the Lieutenant-Governor may, in case of their default, appoint a medical health officer for such district. R. S. O. 1887, c. 205, s. 35.

Compensation of medical health officer.

37. In case the appointment of a medical health officer is made by the Provincial Board of Health he shall be entitled to recover from the municipality reasonable compensation for his services. R. S. O. 1887, c. 205, s. 36.

His powers.

38. Where a medical health officer is appointed he shall possess all the powers and authority possessed by any health officer or sanitary inspector under this Act, and such medical health officer shall perform all duties imposed upon him by any regulations of the Provincial Board of Health, and the fact that similar duties are by statute imposed upon the local board of health shall not relieve the medical health officer from the performance of such duties. R. S. O. 1887, c. 205, s. 37.

In Unorganized Districts.

Stipendiary Magistrates appointed under Rev. Stat., c. 109, to be health officers.

39. Every Stipendiary or Police Magistrate already appointed, or who may hereafter be appointed under the provisions of *The Unorganized Territory Act*, shall be *ex officio* a medical health officer in and for the district for which he has been, or shall be, appointed, and shall possess all the powers of such an officer under this Act. 52 V. c. 42, s. 1; 56 V. c. 44, s. 3.

Appointment of sanitary inspectors.

40. The Provincial Board of Health may also, subject to the approval of the Lieutenant-Governor in Council, appoint in any of the unorganized districts one or more sanitary inspectors under this Act, who shall possess, besides the powers conferred upon sanitary inspectors under this Act, all the powers conferred upon local boards of health by section 14 of this Act. 52 V. c. 42, s. 2.

Constables appointed for provisional judicial and other districts to have powers of sanitary inspectors.

41. All constables appointed for any provisional judicial or territorial district under *The Act respecting Constables*, being chapter 99 of these Revised Statutes shall be *ex officio* sanitary inspectors with the same powers as sanitary inspectors appointed under this Act. 52 V. c. 42, s. 3.

Superintendent of Algonquin Park to be *ex officio* a health officer.

42. The superintendent of the Algonquin Park shall be *ex officio* a health officer for the said park and for the territory surrounding the same for the distance of one mile therefrom or from any part thereof, and shall have all the powers and

perform all the duties by this Act or any other Act conferred or imposed upon medical health officers or local boards of health in the Province; and all park rangers, whether employed temporarily or otherwise, shall be *ex officio* sanitary inspectors under this Act and shall possess all the powers conferred upon sanitary inspectors under this Act. 59 V. c. 9, s. 2. *See also Cap. 46, Sec. 19.*

County Health Officers.

Appointment of health officers by county councils.

43. Any county council may appoint one or more county or district medical health officers. 54 V. c. 49, s. 3.

Powers of county officers.

44. Where a county council appoints a county health officer or officers, the powers now possessed by medical health officers within the county or portion of a county for which such county health officer is appointed, shall be deemed to be thereby transferred to and vested in such county health officer or officers, and all sanitary inspectors within the jurisdiction to be defined in the by-law appointing a county health officer, shall be subject to his direction and control. 54 V. c. 49, s. 4.

Appointment of officers in unorganized districts.

45. The Lieutenant-Governor in Council may from time to time appoint district health officers for any unorganized district in the Province or any part thereof; and every health officer so appointed shall within the district or within the portion of a district for which he is appointed, have all the powers and perform all the duties by this Act, or any other Act, conferred or imposed upon medical health officers or local boards of health in the Province, and shall also perform such other duties as the Lieutenant-Governor in Council may from time to time direct. 54 V. c. 49, s. 5.

Salaries of county and district officers

46. The by-law or Order in Council appointing a county or district health officer shall provide for the payment of a salary to the officer so appointed. 54 V. c. 49, s. 6.

Suspension of Municipal and School Elections.

Suspension of municipal and school elections.

47.—(1) In case the Provincial Board of Health reports to the Lieutenant-Governor that on account of the presence in any municipality of an epidemic or contagious disease it would be dangerous to hold an election in such municipality, the Lieutenant-Governor may, upon application by the council of the municipality in that behalf, issue his proclamation postponing the holding of any intended municipal or school election, for a period not exceeding three months, and may from time to time further postpone such election if in the opinion of the said board the necessity for postponement continues.

(2) The Lieutenant-Governor may, by his said proclamation, name the days for holding the nomination and polling for the

election, but in case no days are named therefor, the council shall, as soon as practicable after the period named in such proclamation, or the last of such proclamations, expires, by by-law name days for the nomination and polling.

(3) In case an election postponed under the provisions of this section is the annual election, or an election of the entire council, or of all the members of a board of trustees or other body the members of the council, board or other body shall continue to hold office until their successors are elected. R. S. O. 1887, c. 205, s. 38.

LOCAL BOARDS OF HEALTH.

Organization.

Local boards of health in townships and villages.

48.—(1) There shall be a local board of health in every township and incorporated village, to be composed of the reeve, clerk and three ratepayers, to be appointed by the municipal council in the following manner: One member to be appointed for three years, one member for two years and one member for one year, each member retiring to be replaced by a member appointed for three years from the date of his appointment. 58 V. c. 49, s. 2 (1).

Local board of health in towns of less than 4,000.

(2) There shall be a local board of health in every town containing less than four thousand inhabitants according to the municipal enumeration of the previous year, to consist of the mayor, clerk and three ratepayers, to be appointed by the municipal council as follows: One member to be appointed for three years, one member for two years and one member for one year, each member retiring to be replaced by a member appointed for three years from date of appointment. 58 V. c. 49, s. 2 (2).

Local boards of health in cities and towns of more than 4,000.

(3) There shall be a local board of health for every city and for every town containing more than four thousand inhabitants, according to the municipal enumeration of the previous year, to consist of the mayor and six ratepayers, to be appointed by the municipal council as follows: Two members to be appointed for three years, two members for two years and two members for one year, the retiring members to be replaced by two members appointed for three years from date of appointment. 58 V. c. 49, s. 2 (3).

Appointment of members of Board.

49. The appointments of members of the board shall be made at the first meeting of the municipal council after being duly organized, and any vacancy arising from any cause shall be filled at the first meeting thereafter of the municipal council: but, if for any reason appointments are not made at the proper dates, the same shall be made as soon as may be thereafter. R. S. O. 1887, c. 205, s. 40.

Union of municipalities in one Health District.

50. Two or more councils may, by concurrent by-laws, unite their respective municipalities into a health district: and any of such councils may withdraw its municipality from the district by a by-law passed prior to the 1st day of December of any year, and to take effect on the third Monday of January following. R. S. O. 1887, c. 205, s. 41.

Constitution of District Boards of Health.

51. The members of the district boards of health shall consist of three members of each municipality included in the district, namely, the head of the council, the municipal clerk, and one other ratepayer not a member of the council, to be appointed by the council. R. S. O. 1887, c. 205, s. 42.

Powers of District Boards.

52. Every district board thus constituted and its members shall, in respect of the health district for which it acts, possess the same powers, be subject to the same regulations, and perform like duties as a local board of health of a municipality and its members. R. S. O. 1887, c. 205, s. 43.

Officers of Local or District Boards.

53. Every local or district board shall elect a chairman, and the clerk of the municipal council shall be the secretary of the local board, and the district board may elect one of its members, or appoint some other person as its secretary. R. S. O. 1887, c. 205, s. 44.

Secretary to report to secretary of Provincial Board the names of members.

54. It shall be the duty of the secretary to report to the secretary of the Provincial Board of Health the names of the members of the local board within one month after its first regular meeting which shall be held on the second Monday after the members, who are not members *ex officio*, have been appointed. R. S. O. 1887, c. 205, s. 45.

Provincial Board may appoint to Local Board in case Council neglects to do so.

55. Where any municipal council neglects or refuses to elect members or a member of the local or district board of health as required by this Act, the Provincial Board of Health may appoint a duly qualified ratepayer or ratepayers to be a member or members of such local or district board of health to act with the *ex officio* or other members. R. S. O. 1887, c. 205, s. 46.

Powers and Duties.

Appropriation for work.

56. The municipal council or councils may vote such sums as are deemed necessary by the local or district board for the carrying on of its work. R. S. O. 1887, c. 205, s. 48.

Municipal treasurer to pay by order of local board.

57. The treasurer of the municipality shall forthwith upon demand pay out of any moneys of the municipality in his hands the amount of any order given by the members of the local board, or any two of them, for services performed under their direction by virtue of this Act. R. S. O. 1887, c. 205, s. 49.

Health officers.

58. The members of the local and district boards shall be called health officers, and shall have the powers and duties assigned to such officers by this Act; and any two or more of them acting in the execution of any regulations of the Provincial Board of Health may exercise the powers and authorities conferred by sections 77 and 78. R. S. O. 1887, c. 205, s. 50.

Quorum.

59. A majority of the number of any regularly constituted board shall be a quorum for the transaction of business. R. S. O. 1887, c. 205, s. 51.

Duties of Secretary.

60. A minute book shall be provided in which the secretary shall record the proceedings of the local board of health. The secretary shall draft an annual report of the sanitary work done during the year, and of the sanitary condition of the municipality, for the consideration of the board, which report, when adopted, shall be transmitted to the secretary of the Provincial Board of Health. The said report shall include the annual report of the medical health officer. R. S. O. 1887, c. 205, s. 52.

Mode in which Local Board may enforce its authority.

61. Whenever any local board of health has any authority to direct that any matter or thing shall be done by any person or corporation, such local board of health may also, in default of its being done by the person, direct that such matter or thing shall be done at the expense of the person in default, and may recover the expense thereof with costs by action or distress; and, in case of non-payment thereof, the same shall be recovered in like manner as municipal taxes. R. S. O. 1887, c. 205, s. 53.

Paying damages or undertaking defence in actions against local board of health.

62.—(1) Where an action has been brought against the local board of health or any member of the council, or member, officer or employee of the local board of health of any municipality by any person who has suffered any damage by reason of any act or default on the part of such local board of health, or any member, officer or employee thereof, the municipality may assume the same or the defence thereof, and may pay any damages or costs for which such member, officer or employee may be or has become liable in respect thereof.

(2) This section shall not extend to or include a mere contractor with the corporation; nor any such member of the council or local board of health, or officer or employee who is such contractor, and by reason of whose act or neglect the damage was caused. 60 V. c. 45, s. 53.

Nuisances, etc.

Inspection of slaughter-houses.

63. All butchers selling within the limits of any municipality shall, on the request of the health authorities, make affidavit as to the place or places at which the slaughter of their meat is carried on, and where this is outside of the limits of

the municipality such slaughter-houses shall be open to inspection by the inspector or medical health officer of the municipality where the meat is offered for sale. In case of refusal to make such affidavit and permit said inspection, said butchers shall be subject to the penalties prescribed under section 115 of this Act, should the sale of meat be continued by them after notification to discontinue has been given by the medical health officer. R. S. O. 1887, c. 205, s. 54.

Regulation of ice supplies.

64. The local board of health of any municipality or district in which supplies of ice are obtained, sold and stored, shall have power to adopt such regulations regarding the source of supply, and the place of storage of the same, as shall in their opinion be the best adapted to secure the purity of the ice, and prevent injury to the public health. The powers and duties of all local boards in this respect shall extend to the supervision of ice supplies, whether obtained within or outside the municipality, wherever the ice cut is intended for use within the municipality in which the board has jurisdiction. R. S. O. 1887, c. 205, s. 55.

Duty of Local Board to inspect districts for detection of nuisances.

65. It shall be the duty of every local board of health to cause to be made, from time to time, inspection of its district, in order to prevent the accumulation within the district of any dirt, filth or other thing which may endanger the public health, and with a view to ascertain what nuisances exist calling for abatement under the powers of this Act, and to enforce the provisions of this Act, in order to abate every such nuisance. R. S. O. 1887, c. 205, s. 56.

Powers of medical health officer.

66. A medical health officer of a municipality may exercise any of the powers conferred upon health officers by sections 75, 76 and 79 of this Act, and may without being specially authorized by the board, exercise any powers which under section 77 can be conferred upon two medical practitioners, and the board may act on his report. R. S. O. 1887, c. 205, s. 57.

Information of nuisances to Local Board.

67. Information of any nuisance or unsanitary condition under this Act within the jurisdiction of any local board may be given to such local board by any person aggrieved thereby, or by any two inhabitant householders, or by any officer of such local board, or by any constable or officer of the police force within the jurisdiction of the board. R. S. O. 1887, c. 205, s. 58.

Investigation to be made by Local Board.

68. Wherever such information has been so given, it shall be the duty of the local board of health to investigate the cause of the complaint; and to hear the testimony of all persons who may be produced before it to testify in respect of such matter; and every local board or any two of its members shall have the same authority as a Justice of the Peace

to require and compel the attendance of witnesses and the giving of evidence. R. S. O. 1887, c. 205. s. 59.

Local Board. to serve notice requiring abatement of nuisances.

69. Wherever the local board of health is satisfied of the existence of the nuisance, it shall serve a notice on the person by whose act, default or sufferance the nuisance arises or continues, or, if such person cannot be found, on the owner or occupier of the premises on which the nuisance exists or from which the same arises, requiring him to abate the same within a time to be specified in the notice, and to execute such works, and do such things, as may be necessary for that purpose, provided:

First,—That where the nuisance arises from the want or defective construction of any structural convenience, or where there is no occupier of the premises, notice under this section shall be served on the owner;

Second,—That where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise or continue by the act or default of the owner or occupier of the premises, and it is therefore improper that such owner or occupier should be required to abate the said nuisance, the local board of health may abate the nuisance at the expense of the municipality or district. R. S. O. 1887, c. 205, s. 60.

Power to proceed where cause of nuisance arises without district.

70. Where a nuisance in a municipality or district appears to be wholly or partially caused by some act or default committed or taken place outside of the municipality or district, the board of health of the municipality or district affected thereby may institute an inspection, and when necessary may take or cause to be taken against the person by whose act or default the nuisance is caused in whole or in part, any proceedings in relation to nuisances by this Act authorized, with the same incidents and consequences, as if such act or default were committed or took place wholly within its jurisdiction, so, however, that summary proceedings shall in no case be taken otherwise than before a Court having jurisdiction in the municipality or district where the act or default is alleged to be committed or to take place. R. S. O. 1887, c. 205, s. 61; 58 V. c. 49, s. 5.

Recovery of costs and expenses incurred in abating nuisances.

71. All reasonable costs and expenses incurred in abating a nuisance shall be deemed to be money paid for the use and at the request of the person by whose act, default or sufferance the nuisance was caused, and such costs and expenses shall be recovered by the municipal council or local board of health or person incurring the same, under ordinary process of law; and the Court shall have power to divide costs, expenses and penalties between persons by whose acts or defaults a nuisance is caused as to it may seem just. R. S. O. 1887, c. 205, s. 62.

72. In case a person establishes, without the consent of the municipal council of the locality, any offensive trade, that is to say, the trade of Restriction on establishment of offensive trades.

Blood boiling, or
Bone boiling, or
Refining of coal oil, or
Extracting oil from fish, or
Storing of hides, or
Soap boiling, or
Tallow melting, or
Tripe boiling, or
Slaughtering of animals, or
Manufacturing of gas, or

any other noxious or offensive trade, business or manufacture, or such as may become offensive, he shall be liable to a penalty not exceeding $250 in respect of the establishment thereof; and any person carrying on a business so established shall be liable to a penalty not exceeding $10 for every day on which, after notice in writing by the local board, or an officer thereof, to desist, the offence is continued, whether there has or has not been any conviction in respect of the establishment thereof. R. S. O. 1887, c. 205, s. 63.

73.—(1) If, on an investigation by any local board of health, any nuisance or thing prejudicial to health is found to exist in a municipality in which it has jurisdiction; and if, after the board has required the removal or abatement of the same within a specified time, the board finds that default in such removal or abatement has been made, and the case seems to the board one involving considerations of difficulty owing to the fact that such removal or abatement involves the expenditure or loss of a considerable sum of money, or that any trade or industry is seriously interfered with, or owing to other circumstances, the local board of health may apply to the Provincial Board of Health to investigate and report upon the same, and it shall be the duty of the Provincial Board, with the approval of the Minister of the department to which the same is attached, to make a full investigation and report. Provision where abatement of nuisance involves considerations of difficulty.

(2) If the report recommends the removal or abatement of the nuisance or thing, the local board or any ratepayer residing in the municipality, or within a mile thereof, may apply to the High Court, for an order for the removal or abatement of the nuisance or unsanitary condition, and to restrain the proprietors of any such industry from carrying on the same until the said nuisance has been abated to the satisfaction of the Provincial Board of Health; and the Court may issue such order upon the report of the Provincial Board of Health. R. S. O. 1887, c. 205, s. 64.

74. The medical health officer under the direction of the local board of health shall have authority to make or cause Inspection of dairies, etc., and slaughter-houses.

to be made by a veterinary surgeon, or such other competent person, as the circumstances may require, a periodic inspection of all dairies, cheese factories and creameries, dairy farms, and slaughter-houses, which come within his or their jurisdiction. R. S. O. 1887, c. 205, s. 65.

Health officers may enter and examine premises.

75. The health officers of any municipality or any two of them, may, in the day time, as often as they think necessary, enter into and upon any premises in the place for which they hold office, and examine such premises. R. S. O. 1887, c. 205, s. 66.

Power to order cleansing.

76. If upon such examination they find that the premises are in a filthy or unclean state, or that any matter or thing is there which, in their opinion, may endanger the public health, they or any two of them, may order the owner or occupant of the premises to cleanse the same and to remove what is so found there. R. S. O. 1887, c. 205, s. 67.

Medical men may be authorized by the officers to examine.

77. Such health officers or a majority of them may also, by warrant under their hands, authorize any two medical practitioners to enter in and upon any house, out-house, or premises in the day time for the purpose of making inquiry and examination with respect to the state of health of any person therein; and may also, upon the report of such medical practitioners in writing recommending the same, cause any person found therein infected with a dangerously contagious or infectious disease to be removed to some hospital or other proper place; but no such removal shall take place unless the said medical practitioners state in their said report that such person can be removed without danger to life, and that such removal is necessary in order to guard against the spread of such disease to the adjoining house or houses. R. S. O. 1887, c. 205, s. 68.

On report of medical men, persons infected may be removed.

When inhabitants of a house may be removed.

78. Where a disease of a malignant and fatal character is discovered to exist in any dwelling-house, or out-house temporarily occupied as a dwelling, in a city, town, village or township in Ontario, or within a mile thereof, and such house is situated in an unhealthy or crowded part of the city, town, village or township or adjoining country, or is in a filthy and neglected state, or is inhabited by too many persons, the health officers of the municipality or a majority of them may, at the expense of the municipality, compel the inhabitants of such dwelling-house or out-house to remove therefrom, and may place them in sheds or tents, or other good shelter, in some more salubrious situation, until measures can be taken under the direction and at the expense of the municipality, for the immediate cleansing, ventilation, purification, and disinfection of such dwelling-house or out-house. R. S. O. 1887, c. 205 s. 69.

Powers of officers if their orders disobeyed.

79. In case the owner or occupant of any dwelling or premises neglects or refuses to obey the orders given by the

health officers, such health officers may call to their assistance all constables and peace officers, and such other persons as they think fit, and may enter into such dwelling or premises, and cleanse the same, and execute or cause to be executed therein the regulations of the Provincial Board of Health or any by-law of the municipality, and remove therefrom and destroy whatsoever it is necessary to remove or destroy for the preservation of the public health. R. S. O. 1887, c. 205, s. 70.

Authority to dispose of refuse, etc., after removal.

80. Where under the provisions of this Act, or of any municipal by-law, the local board or any health officer removes any dirt, filth, refuse, debris, or other thing which is likely to endanger the public health or to become or cause a nuisance, or which is, or is causing a nuisance, such dirt, filth, refuse or other thing shall be subject to the disposition of the local board, or, if the officer is acting under a by-law of a municipal council, shall be subject to the disposition of the council, and the owner of such thing shall have no claim in respect thereof. R. S. O. 1887, c. 205, s. 71.

Infectious Diseases and Hospitals—Provisions against Infection.

Local Board to notify owner of premises requiring to be cleansed and disinfected.

81. Where a local board of health is of opinion, on the certificate of its medical health officer or of any other legally qualified medical practitioner, that the cleansing and disinfecting of any house, or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious disease it shall be the duty of such local board of health to give notice in writing to the owner or occupier of such house or part thereof, requiring him to cleanse and disinfect, to the satisfaction of the medical health officer, such house or part thereof and articles, within a time specified in such notice. R. S. O. 1887, c. 205, s. 72.

Penalty, if notice not complied with.

82. If the person to whom notice is given fails to comply therewith, he shall be liable to a penalty of not less than twenty-five cents and not exceeding $2 for every day during which he continues to make default; and the local board of health shall cause such house, or part thereof, and articles, to be cleansed and disinfected, and may recover the expenses incurred from the owner or occupier in default in a summary manner. R. S. O. 1887, c. 205, s. 73.

Special provision in case of poverty of owner.

83. Where the owner or occupant of any house or part thereof is, from poverty or otherwise, unable, in the opinion of the local board of health, efficiently to carry out the requirements of the preceding two sections, such local board of health may, without enforcing such requirements on the owner or occupier, cleanse or disinfect such house, or part thereof, and articles, and defray the expense thereof. R. S. O. 1887, c. 205, s. 74.

Carriage for conveyance of persons suffering from disease or accident.

84. Any local board of health may provide, maintain, or hire a carriage or carriages, suitable for the conveyance of persons suffering from disease or accident, and may pay the expense of conveying therein any person so suffering to a hospital or other place of destination. R. S. O. 1887, c. 205, s. 75.

Isolation of persons having small-pox, etc.

85.—(1) The health officers of any municipality, or the local board of health, or any committee thereof, may isolate any person having the small-pox or other disease dangerous to the public health, and may cause to be posted up on or near the door of any house or dwelling in which such person is, a notice stating that such disease is within the said house or dwelling. R. S. O. 1887, c. 205, s. 76.

Physician to affix placard to infected houses when ordered by township board.

(2) The local board of health of any township municipality may by resolution require any physician who is attending a patient suffering from any contagious disease dangerous to the public health to affix or cause to be affixed near the front entrance of the house a placard to be supplied by the local board of health and similar to that described in rule 4 of section 17 of Schedule B to this Act. The placard shall be affixed within twenty-four hours of the discovery of the case, and shall be so placed that the same can be read by any person approaching the house, but the fixing of such placard shall not relieve such physician of the duty laid upon him by section 89 of this Act. 56 V. c. 44, s. 1.

Notice to be given by householder in case of small-pox, etc.

86. Whenever any householder knows that any person within his family or household has the small-pox, diphtheria, scarlet fever, cholera, or typhoid fever, he shall (subject, in case of refusal or neglect, to the penalties provided by subsection 2 of section 115) within twenty-four hours give notice thereof to the local board of health, or to the medical health officer of the district in which he resides, and such notice shall be given either at the office of the medical health officer, or by a communication addressed to him and duly mailed within the time above specified, and in case there is no medical health officer then to the secretary of the local board of health either at his office or by communication as aforesaid. R. S. O. 1887, c. 205, s. 77.

Householder not to permit removal of person or of clothing.

87. No householder in whose dwelling there occurs any of the above mentioned diseases, shall permit any persons suffering from any such disease, or any clothing or other property to be removed from his house, without the consent of the board or of the medical health officer, or attending physician, and the said board, or medical health officer, or attending physician, shall prescribe the conditions of such removal. R. S. O. 1887, c. 205, s. 78.

Removal of sick persons and others in same household.

88. No person sick with any of the diseases above specified shall be removed at any time except by permission and under direction of the board of health, or medical health officer, or

attending physician, nor shall any occupant of any house in which there exists any of the above diseases, except typhoid fever, change his or her residence to any other place without the consent of the board or of the medical health officer, or attending physician, who shall in either case prescribe conditions, as aforesaid. R. S. O. 1887, c. 205 s. 79.

Report to be made by physician.

89. Whenever any physician knows that any person whom he is called upon to visit is infected with small-pox, scarlet fever, diphtheria, typhoid fever, or cholera, such physician shall (subject in case of refusal or neglect to the penalties provided by subsection 2 of section 115) within twenty-four hours give notice thereof to the local board of health, or medical health officer of the municipality in which such diseased person is, and in such manner as is directed, by rules 2 and 3 of section 17, of Schedule B. R. S. O. 1887, c. 205, s. 80.

Precautions to be taken against spread of infection.

90. Where the small-pox, scarlet fever, diphtheria, cholera, or any other contagious disease, dangerous to the public health, is found to exist in any municipality, the health officers or local board of health shall use all possible care to prevent the spreading of the infection or contagion, and shall give public notice of infected places by such means as, in their judgment, is most effective for the common safety. R. S. O. 1887, c. 205, s. 81.

Sick person or persons having access to the sick not to mingle with general public.

91. Except the attending physician or clergyman, no person affected with small-pox, scarlet fever, diphtheria, or cholera, and no person having access to any person affected with any of said diseases shall mingle with the general public until such sanitary precautions as may be prescribed by the local board or attending physician have been complied with. R. S. O. 1887, c. 205, s. 82.

Power to enter on steamboats, etc.

92.—(1) Where there is reason to suspect that any person who has the small-pox, diphtheria, scarlet fever, cholera, or typhoid fever, is in or upon any railway car, steamboat, stage, or other conveyance, the medical health officer or sanitary inspector of the municipality, or, if there is no such officer, any member of the local board of health, may enter such conveyance and cause any such person to be removed therefrom, and may detain the conveyance until it is properly disinfected; or such officer or member may, if he thinks fit, remain on or in, or re-enter and remain on or in, the said conveyance (with any assistants he may require) for the purpose of disinfecting the same, and his authority as a health officer shall continue in respect of such person and conveyance, notwithstanding the conveyance is taken into any other municipality.

(2) Any member or officer of the Provincial Board of Health, or any medical practitioner authorized by such board, shall have the like authority. R. S. O. 1887, c. 205, s. 83.

Isolation of persons infected or who have been exposed to infection.

93. In case any person coming from abroad, or residing in any municipality within the Province, is infected, or lately before has been infected with, or exposed to any of the said diseases, the health officers or local board of health of the municipality, where such person may be, may make effective provision in the manner which to them seems best for the public safety, by removing such person to a separate house, or by otherwise isolating him, if it can be done without danger to his health, and by providing nurses and other assistance and necessaries for him at his own cost and charge, or the cost of his parents or other person or persons liable for his support, if able to pay the same, otherwise at the cost and charge of the municipality. R. S. O. 1887, c. 205, s. 84.

Persons recovering from sickness, and nurses to take precautions against spread of disease.

94. Persons recovering from any of the said diseases, and nurses who have been in attendance on any person suffering from any such disease, shall not leave the premises till they have received from the attending physician, or medical health officer, a certificate that in his opinion they have taken such precautions as to their persons, clothing and all other things which they propose bringing from the premises, as are necessary to insure the immunity from infection of other persons with whom they may come in contact, nor shall any such person expose him or herself in any public place, shop, street, inn, or public conveyance without having first adopted such precautions. R. S. O. 1887, c. 205, s. 85.

Measures necessary for disinfection to be adopted.

95. All persons named in the last preceding section shall be required to adopt for the disinfection and disposal of excreta, and for the disinfection of utensils, bedding, clothing and other things which have been exposed to infection, such measures as have been, or may hereafter be, advised by the Provincial Board of Health or by the medical health officer, or such as may have been recommended by the attending physician as equally efficacious. R. S. O. 1887, c. 205, s. 86.

Notice to be given to person in charge of conveyance in certain cases.

96. No person suffering from, or having very recently recovered from, smallpox, diphtheria, scarlet fever, cholera, measles, or other disease dangerous to public health, shall expose himself, nor shall any person expose any one under his charge, who is so suffering or who has recently recovered from any such disease, in any conveyance without having previously notified the owner or person in charge of such conveyance of the fact of his having, or having recently had, such disease. R. S. O. 1887, c. 205, s. 87.

Conveyance to be disinfected.

97. The owner or person in charge of any such conveyance shall not, after the entry of any so infected person into his conveyance, allow any other person to enter it without having sufficiently disinfected it under the direction of the board of health or the supervision of the medical health officer, or sanitary inspector. R. S. O. 1887, c. 205, s. 88.

98. No person shall give, lend, transmit, sell or expose any bedding, clothing or other article likely to convey any of the above diseases, without having first taken such precautions as the board may direct as necessary for removing all danger of communicating any such disease to others. R. S. O. 1887, c. 205, s. 89.

Precautions to be taken respecting clothing, etc.

99. Any local board of health may provide a proper place or portable furnace, with all necessary apparatus and attendance, for the disinfection of bedding, clothing or other articles which have become infected, and may cause all such articles to be disinfected free of charge, or may make reasonable charges for the disinfecting of the same as may be provided by by-law. R. S. O. 1887, c. 205, s. 90.

Provision of means of disinfection.

100. Any local board of health may direct the destruction of any bedding, clothing or other articles, which have been exposed to infection, and may give compensation for the same. R. S. O. 1887, c. 205, s. 91.

Destruction of infected bedding, etc.

101. No person shall let or hire any house or room in a house in which any of the diseases mentioned in section 86 have recently existed, without having caused the house and the premises used in connection therewith to be disinfected to the satisfaction of the health authorities; and for the purposes of this section the keeper of an inn or house for the reception of lodgers shall be deemed to let for hire part of a house, to any person admitted as a guest into such inn or house. R. S. O. 1887, c. 205, s. 92.

Houses or rooms occupied by sick persons to be disinfected before being let.

102. No person letting for hire or shewing for the purpose of letting for hire any house or part of a house, on being questioned by any person negotiating for the hire of such house or part of a house as to the fact of there previously having been therein any person suffering from any infectious disorder, or any animal or thing infected thereby, shall knowingly make a false answer to such questions.. R. S. O. 1887, c. 205, s. 93.

Persons letting houses not to make false statements as to infectious diseases.

103. Wherever a case of smallpox, cholera, scarlatina, diphtheria, whooping cough, measles, mumps, glanders, or other contagious disease, exists in any house or household belonging to which are persons attending school, the householder shall within eighteen hours after the time such disease is known to exist, notify the head teacher of such school or schools, and also the secretary of the local board of health, of the existence of such disease; and no member of such household shall attend school until a certificate has been obtained from the medical health officer, or legally qualified medical practitioner, that infection no longer exists in the house, and that the sick person, house, clothing and other effects have been disinfected to his satisfaction; and until such certificate has been obtained, it shall be the duty of every member of the household, and of

Notice of existence of infectious diseases to be given where persons are attending school.

the teacher, to use all reasonable efforts to prevent the association of members of the said household with other children

(2) Wherever the local board of health, or any of its officers or members know of the existence in any house of smallpox, cholera, scarlatina, diphtheria, whooping cough, measles, mumps, glanders, or other contagious disease, they shall at once notify the head or other master of the school or schools at which any member of the household is in attendance; and should it not be evident that said member has not been exposed to said diseases, or any of them, the teacher shall forthwith prevent such further attendance until the several members present a certificate stating that infection no longer exists, as provided in the preceding subsection.

(3) Wherever a teacher in any school has reason to suspect that any pupil has, or that there exists in the home of any pupil any of the above mentioned diseases, he shall notify the medical health officer or, where none such exists, the local board of health on forms supplied by the school authorities, in order that evidence may be obtained as to the truthfulness of the report; and he shall further prevent the attendance of said pupil or pupils until medical evidence of the falsity of the report has been obtained. R. S. O. 1887, c. 205, s. 94.

Municipalities may establish hospitals for small-pox patients, etc.

104. Every municipality may establish or erect, and may also maintain, one or more hospitals for the reception of persons having the small-pox or other disease which may be dangerous to the public health; or any two or more municipalities may join in establishing, erecting, or maintaining the same; but no such hospital shall be erected by one municipality within the limits of another municipality without first obtaining the consent of such other municipality to the proposed erection. R. S. O. 1887, c. 205, s. 95.

Regulation of hospital, sick, etc.

105. When any hospital is so established, the physician attending the same, or the sick therein, the nurses, attendants, and all persons who approach or come within the limits of the same, and all such furniture and other articles as are used or brought there, shall be subject to such regulations as may be made by the health officers or local boards of health. R. S. O. 1887, c. 205, s. 96.

Power of Local Board to provide hospitals.

106. In case the small-pox, or any other disease dangerous to the public health, breaks out in any municipality, the health officers or local board of health, in case the municipality has not already provided the same, shall immediately provide such a temporary hospital, hospital-tent or other place or places of reception for the sick and infected, as they judge best for their accommodation and the safety of the inhabitants, at the cost of the municipality, and for that purpose may:

1. Themselves erect such hospital-tents, hospitals, or places of reception; or

2. Contract for the use of any such hospital or part of a hospital or place of reception; or

3. Enter into any agreement with any person having the management of any hospital, for the reception of the sick inhabitants of their district, on payment of such annual or other sum as may be agreed on; or

4. Two or more local boards of health may combine in providing a common hospital. R. S. O. 1887, c. 205, s. 97.

Regulations.

107. Such hospital or place of reception shall be subject to such regulations as may be made by the health officers or local boards of health. R. S. O. 1887, c. 205, s. 98.

Power of medical health officer or sanitary inspector to inspect meat, etc.

108.—(1) Any medical health officer or sanitary inspector may, at all reasonable times, inspect or examine any animal, carcass, meat, poultry, game, flesh, fish, fruit, vegetables, grain, bread, flour, or milk exposed for sale, or deposited in any place for the purpose of sale, or for preparation for sale, and intended for food for man; the proof that the same was not exposed or deposited for any such purpose, or was not intended for food for man, resting with the party charged; and if any such animal, carcass, meat, poultry, game, flesh, fish, fruit, vegetables, grain, bread, flour or milk, appears to such medical officer or inspector to be diseased, or unsound, or unwholesome, or unfit for food for man, he may seize and carry away the same, or cause it to be seized and carried away, in order that he may cause it to be destroyed or so disposed of as to prevent it from being exposed for sale or used for food for man.

(2) The person to whom the same belongs, or did belong at the time of exposure for sale, or in whose possession or on whose premises the same was found, shall be liable to a penalty not exceeding $100 for every animal, carcass, or fish, or piece of meat, flesh or fish, or any poultry or game, or for the parcel of fruit, vegetables, grain, bread or flour, or for the milk so condemned; or, at the discretion of the convicting Justices or Magistrate, without the infliction of a fine, to imprisonment for a term of not more than three months. R. S. O. 1887, c. 205, s. 99.

Health officer to take action when aware of disease in animals, meat or milk.

(3) Wherever a medical health officer from his own knowledge, or from information received from a veterinary surgeon or other qualified person, has reason to believe that any animal, or the meat or milk of any animal, is affected with any contagious or infectious disease named in section 2 of *The Animal Contagious Diseases Act*, chapter 69 of the Revised Statutes of Canada, 1886, or with the disease known as wens, elyers, actinomycosis or osteosarcoma, he may take action as provided under subsection 1 of this section. 54 V. c. 49, s. 2.

R. S. C. c. 69.

Officers of Provincial board may act.

(4) Any officer of the Provincial Board of Health may similarly, at all reasonable times, carry out any of the provisions contained in this section.

Penalty for keeping diseased animals, or meat, or milk for sale as food.

(5) The owner or other person having charge of any animal or meat or milk of any animal affected with the said diseases, who knowing the nature of the disease, holds the animal or its meat or milk for human food shall be liable, upon conviction before a Police Magistrate or two Justices of the Peace, to a fine not exceeding $50 or less than $5, and costs; and the burden of proof that the animal, meat or milk was not intended for human food or to be sold for human food shall rest with the person charged.

Half of penalty to be paid to informer.

(6) Any person who gives such information to a health officer or makes such complaint to a Justice of the Peace as leads to the conviction of any person for a breach of the provisions of this section shall be entitled to receive one-half of the penalty imposed upon the person so convicted, and the other half of the penalty shall be paid to the municipality in which the offence was committed.

Scientific examination of tissue, meat or milk upon prosecution.

(7) Upon any prosecution under subsection 5 of this section it shall be competent for any medical health officer to make or cause to be made or request the Provincial Board of Health to make, at the cost of the municipality, such scientific examination of the animal, meat or milk suspected of being diseased as may enable the court to determine whether or not such disease exists; and the Minister of the department to which the Provincial Board of Health is for the time being attached may instruct the secretary of the board or other person acting under the board to make such investigation, and the expenses of such investigation shall be supplied out of the moneys set apart by the Legislative Assembly for the investigation of contagious diseases. A fee, which shall not in any case exceed $10, shall be payable for the examination of any tissue, meat or milk under the provisions of this subsection. 53 V. c. 61, s. 1 (4-7).

Feeding certain things to hogs.

(8) Wherever any medical health officer, sanitary inspector or other health officer of the Board of Health knows or has reason to believe that blood, offal or the meat of any dead animal which has not been previously boiled or steamed when fresh or before becoming putrid or decomposed, or which, although boiled or steamed, is putrid or decomposed, has been or is being fed to hogs, he may summon the owner, the person in charge, or any person found feeding the same, before a Justice of the Peace for violation of the provisions of this section; and whenever such blood, offal or decomposed flesh is found on any premises the burden of proof that it was not intended to be so fed shall rest with the person charged. Should the charge be proven, the health officer making the charge may seize and carry away, or cause to be seized and carried away, the animals, whether dead or alive, to which the aforesaid

blood, offal or unboiled or putrid meat has been fed, in order that the said animals may be destroyed or so disposed of as to prevent them from being exposed for sale or use for food for man. 58 V. c. 49, s. 4.

Penalty for hindering officer from inspecting meat, etc.

109 Any person who in any manner prevents any health officer or sanitary inspector from entering any premises and inspecting any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, grain, bread, flour or milk exposed or deposited for the purpose of sale and intended for food for man; or who obstructs or impedes any such medical officer, or inspector, or his assistant when carrying into execution the provisions of this Act, shall be liable to a penalty not exceeding $25. R. S. O. 1887, c. 205, s. 100.

Use of Force.—Assistance by Constables, etc.

Powers for purpose of disinfecting things or persons.

110. Where a local board of health, or any health officer, is required or empowered, under this Act or any public health Act, or under any regulations made thereunder, to disinfect any person or thing, or to isolate any person, such board or officer may use such force and employ such assistance as is necessary in order to accomplish what is required. R. S. O. 1887, c. 205, s. 101.

Officer if obstructed may summon assistance.

111. Any member of a legally constituted board of health or any medical health officer or sanitary inspector may, when obstructed in the performance of his duty, call to his assistance any constable or other person he thinks fit, and it shall be the duty of every such constable so called upon to render such assistance. R. S. O. 1887, c. 205, s. 102.

Appeal to County Judge.

Appeal to County Judge in certain cases.

112. Where the order of any local board of health or health officer involves an expenditure of more than $100, the party against whom the order is made, or anyone chargeable with such expenditure, or any part thereof, may within four days from his being served with a copy of such order in writing, appeal therefrom to the County Judge, who shall have full authority to vary or rescind the order made, and any order so varied may be enforced by the board or officer in the same manner as an order originally made by the board or officer. R. S. O. 1887, c. 205, s. 103.

EXPENSES IN RESPECT OF ABATEMENT OF NUISANCES.

Recovery of costs and expenses of execution of provisions relating to nuisances.

113.—(1) Any costs or expenses recoverable from an owner of premises under this Act, or under any provision of law in respect of the abatement of nuisances, may be recovered from the occupier for the time being of such pre-

mises; and the owner shall allow such occupier to deduct any moneys which he pays under this enactment out of the rent from time to time becoming due in respect of said premises, as if the same had actually been paid to such owner as part of said rent. But no such occupier shall be required to pay any further sum than the amount of rent for the time being due from him, or which after demand of such costs or expenses from such occupier, and after notice not to pay his landlord any rent without first deducting the amount of such costs or expenses, becomes payable by such occupier, unless he refuses truly to disclose the amount of his rent and the name and address of the person to whom rent is payable; and the burden of proof that the sum demanded from such occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall be on such occupier.

Proviso.

(2) Nothing in this section contained shall affect any contract between any owner or occupier of any house, building or other property whereby it is, or may be, agreed that the occupier shall pay or discharge all rates and dues and sums of money payable in respect of such house, building or other property, or affect any contract, whatever between landlord and tenant. R. S. O. 1887, c. 205, s. 104.

NUISANCES—WHEN APPLICATION TO HIGH COURT NECESSARY.

Where application in respect of nuisance must be made to High Court.

114. No determination or order of the Provincial or local Board of Health for the removal or abatement of any nuisance shall be enforced, except by order of the High Court, where such removal or abatement involves the loss or destruction of property of the value of $2,000 or upwards, and upon any application to the High Court the order of the Provincial or Local Board shall not be evidence that the matter or thing complained of was or is in fact a nuisance. R. S. O. 1887, c. 205, s. 105.

PENAL CLAUSES.

Penalty for violating ss. 96-98, 101, 102.

115.—(1) Every person violating sections 96, 97, 98, 101 or 102 of this Act shall be liable for every such offence to a penalty of not less than $5 nor more than $50 in the discretion of the convicting Justices or Magistrate, besides costs which may also be inflicted if the convicting Justices or Magistrate see fit to impose the same.

Penalty for offences against Act.

(2) Any person who violates any other provision of this Act shall, unless it is otherwise specially provided, be liable for every such offence to a penalty not exceeding $20, in the discretion of the convicting Justices or Magistrate, besides costs, which may also be inflicted if the convicting Justices or Magistrate see fit to impose the same. R. S. O. 1887, c. 205, s. 106 (1-2).

(3) Any person who violates any regulation of the Provincial Board of Health or of any local board of health shall be liable for every such offence to a penalty not exceeding $20 in the discretion of the convicting Justices or Magistrate, besides costs which may also be inflicted, if the convicting Justices or Magistrate see fit to impose the same. R. S. O. 1887, c. 205, s. 106 (3); 56 V. c. 44, s. 2. Penalty for violating regulations of Provincial Board of Health.

(4) Where any person has been convicted of an offence under this Act, or under any regulation or by-law enacted or in force thereunder, and such offence is in the nature of an omission or neglect, or is in respect of the existence of a nuisance or other unsanitary condition, which it is such person's duty to remove, or is in respect of the erection or construction of anything contrary to the provisions of this Act, or of any regulation or by-law enacted or in force thereunder then, in case the proper authority in that behalf gives reasonable notice to such person to make good such omission or neglect, or to remove such nuisance or unsanitary condition, or to remove the thing which has been erected or constructed contrary to this Act, or to such regulation or by-law, and default is made in respect thereto, the person offending may be convicted for such default, and shall be liable to the same punishment as was, or might have been, imposed for the original offence, and so on, from time to time, as often as after another conviction a new notice is given and the default continues; and in the case of a third or subsequent conviction, it shall not be necessary in the information, conviction or other proceedings to make any reference to any conviction except the first, or to any notice except that in respect of which the proceedings are then being taken. R. S. O. 1887, c. 205, s. 106 (4). Defaults and omissions.

116. Every penalty imposed by or under this Act may be recovered by any person before any two Justices or a Police Magistrate having jurisdiction in the municipality, and shall be levied by distress and sale of the goods and chattels of the offender, with the costs of such distress and sale, by warrant under the hands and seals of the Justices, or the hand and seal of the Police Magistrate, before whom the same is recovered, or under the hands and seals of any other two Justices having jurisdiction in the municipality, and in default of sufficient distress the said Justices or Magistrate may commit the offender to the common gaol, or to any lock-up, or house of correction in the said municipality for any time not exceeding fourteen days, unless the amount imposed is sooner paid. R. S. O. 1887, c. 205, s. 107. Recovery of penalties.

117. In case any person, from poverty or other sufficient cause, is unable to comply with the provisions of this Act or any of them, he shall give notice of such inability to the medical health officer or secretary of the local board of health, and in case the local board on examination is satisfied of the Provision where non-compliance caused by poverty, etc.

sufficiency of the cause of such inability, the secretary thereof shall give his certificate to that effect, and such certificate shall be a bar to all proceedings against such person for the period of six months. R. S. O. 1887, c. 205, s. 108.

Remedy for tenant when board neglects action.

118. In all cases where any person deems himself injuriously affected, through the refusal or neglect of any person to carry out the directions of the sanitary inspector or the local board of health under sections 5, 6 or 7 of Schedule B, it shall be lawful for him to lay information before a Justice of the Peace or Police Magistrate when, after evidence has been given of the violation of any of these sections, the offender or offenders shall be made liable to the penalties imposed under section 18 of the said Schedule. R. S. O. 1887, c. 205, s. 109.

Application of penalties.

119. Every penalty recovered under this Act shall be paid to the treasurer of the municipality in which the offence was committed, for the use of the local board of health and subject to its disposition. R. S. O. 1887, c. 205, s. 110.

Provision where act is a violation of Act and of by-law.

120. Where any act or omission is a violation of any express provision of this Act and is also a violation of a by-law of a municipality in respect of a matter over which the council of the municipality has jurisdiction, a conviction may be had under either the Act or the by-law, but a second conviction shall not be made for the same act or omission. R. S. O. 1887, c. 205, s. 111.

PROCEEDINGS NOT TO BE QUASHED FOR WANT OF FORM, OR REMOVED INTO HIGH COURT.

Proceedings not to be quashed for want of form or removed into High Court.

No appeal to sessions.

121. No order or other proceeding, matter or thing, done or transacted in or relating to the execution of this Act shall be vacated, quashed or set aside for want of form, or be removed or removable by *certiorari* or other writ, or process whatsoever, into the High Court, and no appeal shall be had to the General Sessions upon any conviction under this Act. R. S. O. 1887, c. 205, s. 112.

BY-LAW IN FORCE IN EVERY MUNICIPALITY.

Application of enactments in Schedule A.

122.—(1) The enactments contained in Schedule B, appended to this Act, shall be in force in every municipality in this Province for which there is a medical health officer and a sanitary inspector as a by-law of such municipality, as if enacted by the council thereof, except in so far as they have been or shall hereafter, be altered, amended, or repealed by the council (Schedule C); and the council of every local municipality shall have authority to pass by-laws from time to time in respect of the various matters dealt with by the said enactments.

(2) In any municipality which has no medical health officer and sanitary inspector, or has only one of these officers, the said enactments shall, except as aforesaid, be in force except in so far as they relate to the officer which such municipality does not possess.

(3) Where two or more municipalities join in the appointment of a health officer or sanitary inspector, such officer or inspector shall be deemed to be the health officer or inspector of each of the said municipalities. R. S. O. 1887, c. 205, s. 113.

SCHEDULE A.

(*Section 25.*)

PUBLIC HEALTH.

Take notice that by virtue of *The Public Health Act*, and the regulations made thereunder, possession has been taken, (*or* obtained, *as the case may be*) of the following land (*or* "building," *as the case may be*,) namely:

(*Reasonable Description*).

and further take notice that such land (*or* building) will be occupied and used for the purposes of the said Act and regulations from and after the date hereof, for a period of or such other time as may, in the discretion of the undersigned, be necessary.

Dated, etc.

(*Signature.*

R. S. O. 1887, c. 205, Sched. C.

SCHEDULE B.

(*Section* 122.)

BY-LAW IN FORCE IN EVERY MUNICIPALITY TILL ALTERED BY THE MUNICIPAL COUNCIL.

1. It shall be the duty of the Medical Health Officer to assist and advise the Board and its officers, in matters relating to public health, and to superintend, under the direction of the Board, the enforcement and observance, within this municipality, of health by-laws or regulations, and of Public Health Acts, and of any other sanitary laws, and, if thought advisable by the Board of School Trustees, to act as medical inspector of Schools, as well as advisory officer in matters pertaining to school hygiene, and to perform such other duties and lawful acts for the preservation of Duty of medical health officer.

the public health, as may, in his opinion, be necessary, or as may be required by the Board of Health. He shall also present to this Board, before the 15th day of November in each year, a full report upon the sanitary condition of the district.

Duty of Sanitary Inspector.

2. The sanitary inspector, besides performing the duties hereafter indicated by this By-law as belonging specially to him, shall assist the medical health officer and perform such other duties as may from time to time be assigned to him by the Board of Health or its chairman.

Chairman of Board of Health to report to Council.

3. The chairman of the Board of Health shall, before the 1st day of December in each year, present to the Municipal Council or Municipal Councils, comprised within this district, a report containing a detailed statement of the work of the Board during the year, and the report of the sanitary condition of the Municipality, as rendered to the Board by the medical health officer. A copy of each such report shall be transmitted by the secretary to the secretary of the Provincial Board of Health.

Deposits endangering public health forbidden.

4. No person shall within this municipality suffer the accumulation upon his premises, or deposit, or permit the deposit, upon any lot belonging to him, of anything which may endanger the public health, or deposit upon, on, or into, any street, square, lane, by-way, wharf, dock, slip, lake, pond, bank, harbour, river, stream, sewer, or water, any manure or other refuse, or vegetable or animal matter, or other filth.

Duty of Sanitary Inspector as to lands, etc

5. It shall be the duty of the sanitary inspector, to keep a vigilant supervision over all streets, lanes, by-ways, lots, or premises, upon which any such accumulation as aforesaid may be found, and at once to notify the persons who own or occupy such lots or premises, or who either personally or through their employees have deposited such manure, refuse, matter, dirt, or filth, in any street, lane, or by-way, to cleanse the same, and to remove what is found thereon ; such persons shall forthwith remove the same, and if the same be not removed within twenty-four hours after such notification, the inspector may prosecute the persons so offending, and he may also cause the same to be removed at the expense of the person or persons so offending. He shall also inspect at intervals, as directed by the Board of Health, all premises occupied by persons residing within its jurisdiction, and shall report to the Board each and every case of violation of any of the provisions of this by-law, or of any other regulations for the preservation of the public health, and shall also report every case of refusal to permit him to make such inspection.

Examination of buildings or premises by Sanitary Inspectors.

6. Whenever it shall appear to the Board, or to any of its officers, that it is necessary for the preservation of the public health, or for the abatement of anything dangerous to the public health, or whenever they or he shall have received a notice signed by one or more inhabitant householders of this municipality, stating the condition of any building in the municipality to be so filthy as to be dangerous to the public health, or that upon any premises in the municipality there is any foul or offensive ditch, gutter, drain, privy, cess-pool, ash-pit, or cellar, kept or constructed so as to be dangerous or injurious to the public health, or that upon any such premises an accumulation of dung, manure, offal, filth, refuse stagnant water, or other matter, or thing, is kept so as to be dangerous or injurious as aforesaid, it shall be the duty of the sanitary inspector to enter such buildings or premises for the purpose of examining the same, and, if necessary, he shall order the removal of such matter or thing as aforesaid. If the occupant, or proprietor, or his lawful agent or representative, having charge or control of such premises, after having had twenty-four hours notice from any such officer of the Board of Health to remove or abate such matter or thing as aforesaid shall neglect or refuse to remove or abate the same, he shall be subject to the penalties imposed under section 18 of this by-law.

Notice to put premises in proper sani-

7. If the Board is satisfied upon due examination, that a cellar, room, tenement, or building within its jurisdiction, occupied as a dwelling-place, has become by reason of the number of occupants, want of clean-

liness, the existence therein of a contagious or infectious disease, or other cause, unfit for such purpose, or that it has become a nuisance, or in any way dangerous to the health of the occupants, or of the public, they may issue a notice in writing to such occupants, or any of them, requiring the said premises to be put in proper sanitary condition, or if they see fit, requiring the occupants to quit the premises within such time as the Board may deem reasonable. If the persons so notified, or any of them, neglect or refuse to comply with the terms of the notice, every person so offending shall be liable to the penalties imposed by section 18 of this by-law, and the Board may cause the premises to be properly cleansed at the expense of the owners or occupants, or may remove the occupants forcibly and close up the premises, and the same shall not again be occupied as a dwelling-place until put into proper sanitary condition. tary condition or to quit same.

8. No proprietor or tenant of any shop, house or outhouse, shall, nor shall any butcher or other person, use any such house, shop or outhouse at any time as a slaughter-house or for the purpose of slaughtering any animals therein, unless such shop, house or outhouse be distant not less than two hundred yards from any dwelling-house, and distant not less than seventy yards from any public street. Distance of slaughter-house, etc.

9. All slaughter-houses within this municipality shall be subject to regular inspection under the direction of the Board of Health ; and no person shall keep any slaughter-house unless the permission in writing of the Board for the keeping of such slaughter house has been first obtained, and remains unrevoked. Such permission shall be granted, after approval of such premises upon inspection, subject to the condition that the said houses shall be so kept as not to impair the health of persons residing in their vicinity, and upon such condition being broken the said permission may be revoked by the Board ; and all animals to be slaughtered, and all fresh meat exposed for sale in this municipality shall be subject to like inspection. Inspection of slaughter-house.

10. All milch cows and cow byres, and all dairies or other places in which milk is sold or kept for general use, and all cheese-factories and creameries shall be subject to regular inspection under the direction of the said Board ; and the proprietors shall be required to obtain permission in writing from the Board, to keep such dairy or other place in which milk is sold or kept as aforesaid, or to keep a cheese factory or creamery, and the same shall not be kept by anyone without such permission, which shall be granted after approval of such premises upon inspection, subject to the condition that all such places as aforesaid are so kept and conducted that the milk shall not contain any matter or thing liable to produce disease either by reason of adulteration, contamination with sewage, absorption of disease germs, infection of cows, or any other generally recognized cause, and upon such condition being broken the said permission may be revoked by the Board. Inspection of cow byres, cheese factories and creameries.

11. No person shall offer for sale as food within this municipality any diseased animal, or any meat, fish, fruit, vegetables, milk, or other article of food which, by reason of disease, adulteration, impurity, or any other cause is unfit for use. Sale of diseased food.

12. It shall be the duty of the owner of every house within this municipality to provide for the occupants of the same a sufficient supply of wholesome drinking water ; and in case the occupant or occupants of any such house is or are not satisfied with the wholesomeness or sufficiency of such supply, he or they may apply to the Board of Health to determine as to the same ; and if the supply be sufficient and wholesome, then the expenses incident to such determination shall be paid by the said occupant or occupants, and if not, then they shall be paid by the owner ; and in either case the said charges shall be recoverable in the same manner as municipal taxes. Supply of drinking water.

Wells to be cleaned out, etc.

13. All wells in this municipality which are in use, whether such wells are public or private, shall be cleaned out before the 1st day of July in each year, and in case the Board of Health certifies that any well should be filled up, such well shall be forthwith filled up by the owner of the premises.

Rules respecting disposal of sewage and refuse.

14. The following code of rules and regulations for the disposal of sewage and refuse shall constitute a part of this by-law, and any person or persons violating or neglecting any of the said rules and regulations shall be liable to the fines and penalties imposed by section 18 of this by-law.

Details of establishment of privy vaults, etc., to be approved by Medical Health Officer.

RULE 1.—No privy-vault, cess-pool or reservoir into which a privy, water-closet, stable or sink is drained, shall be established until the details of such establishment have been submitted to and have obtained the approval in writing of the medical health officer, who shall, from time to time, determine with the approbation of the Board, the method of disposal of excreta, sewage and other refuse, to be adopted within the district.

Time deposits to be removed.

RULE 2.—Earth privies or earth closets without a vault below the surface of the ground do not come within Rule 1, but sufficient dry earth, wood-ashes or coal-ashes to absorb all the fluid parts of the deposit must be thrown upon the contents of such earth privies and closets daily ; the contents when removed from the closet must be placed in a shed or box with rain proof cover, and removed from the premises at least once a year on or before the 15th day of May.

Cleaning out and disinfecting privy vaults, etc.

RULE 3.—If the exigencies or circumstances of the municipality require that privy-vaults, cess-pools or reservoirs shall be allowed in accordance with Rule 1, they shall be cleaned out at least once a year, on or before the 15th day of May, and from the 15th day of May to the 1st day of November in each year they shall be thoroughly disinfected by adding to the contents of the vault, cess-pool or reservoir, once a month, not less than two pounds of sulphate of copper, dissolved in two pailfuls of water, or other suitable disinfectant.

Deodorization before removal.

RULE 4.—Within the limits of this municipality no night-soil or contents of any cess-pool shall be removed unless previously deodorized as above, and during its transportation the material shall be covered with a layer of fresh earth, except the removal shall have been by some odourless excavating process.

Time for removal of decayed animal or vegetable matter.

RULE 5.—All putrid and decaying animal or vegetable matter must be removed from all cellars, buildings, out-buildings and yards on or before the 15th day of May in each year.

Time for removal of garbage.

RULE 6.—Every householder and every hotel and restaurant-keeper or other person shall dispose of all garbage, for the disposal of which he is responsible, either by burning the same or by placing it in a proper covered receptacle for swill and house offal, the contents of which shall, between the 15th day of May and the 1st day of November, be regularly removed as often as twice a week.

Hogs.

RULE 7.—Between the 15th day of May and the 1st day of November, no hog shall be kept within the limits of this municipality, except in pens seventy feet from any house, with floors kept free from standing water and regularly cleansed and disinfected.

Livery stable

RULE 8.—The keeper of every livery or other stable shall keep his stable and stable-yard clean, and shall not permit, between the 15th day

of May and the 1st day of November, more than two waggon-loads of manure to accumulate in or near the same at any one time, except by permission of the Board of Health.

House construction.

15. The following regulations regarding the construction of houses shall be in force within this municipality :

Soil of building sites to be disinfected.

RULE 1.—No house shall be built in or upon any site, the soil of which has been made up of any refuse, unless such soil has been removed from such site, and the site disinfected, or unless the said soil has been covered with a layer of charcoal, covered by a layer of concrete at least six inches thick and of such additional thickness as may be requisite under the circumstances to prevent the escape of gases into such proposed house.

Ventilation of drains, etc.

RULE 2.—The drain of every house which may be connected with a sewer or cess-pool shall be ventilated by means of a pipe extending upward from the highest point of the main soil or waste-pipe, and also by a pipe carried upward from the drain outside the walls of the house according to the principles shewn in the appended diagram. These pipes shall be of the same dimensions as the said main soil or waste-pipe, and shall be constructed of the same material or of stout galvanized iron, and no trap shall intervene between the said ventilating pipes. In case a trap intervenes between the sewer or cess-pool, and the ventilating pipes already described, then a four-inch ventilating pipe of the same material as above described shall be carried from a point between such trap and the sewer. All such ventilating pipes shall be carried above the roof of the said house, and shall open above at points sufficiently remote from every window, door, sky-light, chimney or other opening leading into any house.

No pipe carrying air or gas from any drain or soil-pipe shall be connected with any chimney in a dwelling-house, unless the same be a furnace chimney used exclusively for the purpose of ventilating such soil-pipe or drain.

Description of drain pipes.

RULE 3.—Every house-drain shall be constructed of vitrified earthenware or iron pipe ; and every soil and waste-pipe, of iron pipe shall be rendered impervious to gas or liquids, the joints thereof being run with lead and caulked, or of lead pipe weighing at least 6 lbs. to the square foot ; and the waste pipe from every closet, sink, tub, wash-basin, safe or other service shall have as near as may be to the point of junction with such service a trap so constructed, vented and furnished, that it shall at no time allow of the passage of gas into such house. All joints shall be so constructed as to prevent gas escaping through them.

Certain closets prohibited.

RULE 4.—The construction of any closet or other convenience which allows of the escape into the house of air or gas which has been confined in any part of it or from the drain or soil pipe, is hereby prohibited.

Refrigerator waste.

RULE 5.—No refrigerator waste shall be allowed to connect with any drain.

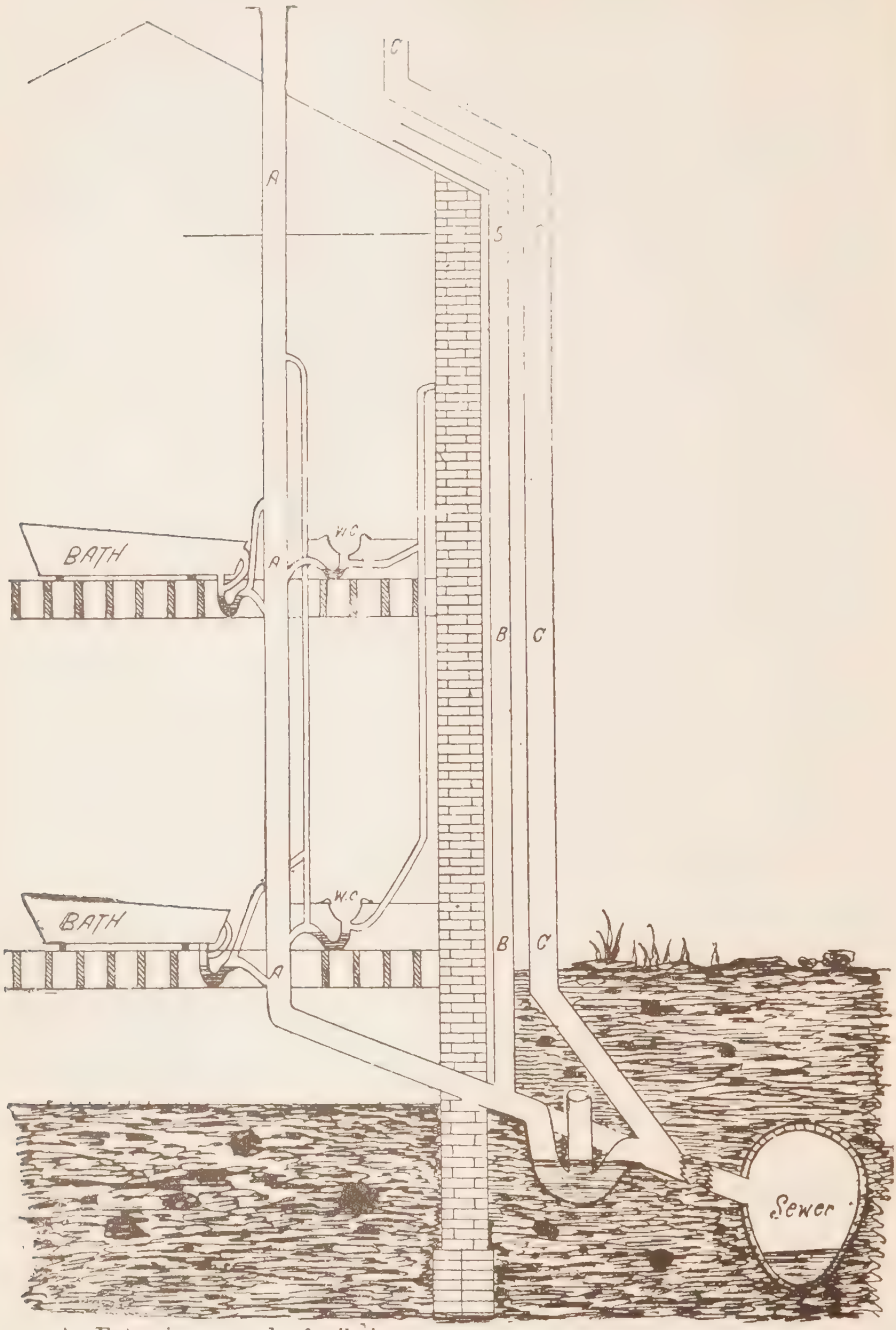
Pipes supplying water to closets.

RULE 6.—No pipe supplying water directly to a water-closet or urinal, shall be connected with the pipe supplying water for drinking purposes.

Plumbing and drainage plans to be filed.

16. Every person who erects, or causes to be erected, any building shall, within two weeks after the completion thereof, deposit in the Registry Office of the Registry Division in which the building is situated, plans of the drainage and plumbing of the same as executed ; and in the case of any alteration of any such plumbing or drainage, it shall be the duty of the

DIAGRAM.



A—Extension upwards of soil pipe.
B—Second ventilating tube.
C—Ventilator for drain in case a trap is placed between the sewer and house.

owner of the house, within two weeks of the making of the alteration, to deposit in the same manner the plan and record of any such alteration; if such alteration is made by a tenant, it shall be the duty of the tenant or lessee to deposit or cause to be deposited the plan and record of such alteration.

Rules respecting infectious and contagious diseases.

17. The following rules for preventing the spread of infectious and contagious diseases shall constitute a part of this By-law:

Duties of medical health officer.

RULE 1.—The medical health officer [or secretary of the Local Board of Health] shall provide each medical practitioner, practising within this municipality, with blank forms on which to report to the said medical health officer [or secretary] any case of diphtheria, small-pox, scarlet fever, cholera, typhoid fever, measles, whooping-cough or other disease dangerous to the public health; and, also, with other blank forms on which to report death or recovery from any such disease.

Forms, kind of.

RULE 2.—All such forms shall be so printed, gummed and folded that they may be readily sealed, without the use of an envelope, so as to keep them from perusal until opened by the medical health officer [or secretary].

Blank forms.

RULE 3.—Said blanks shall be in accordance with the following forms:

Report of Infectious Disease.

Christian name and surname of patient:
Age of patient:
Locality (giving street, number of house or lot), where patient is:
Name of disease:
Name of school attended by children from that house:
Measures employed for isolation and disinfection:

(Signature of physician):

.....

Report of Death or Recovery from Infectious Disease.

Christian name and surname of patient:
Locality (giving street, number of house or lot), where patient is:
Name of disease:
How long sick:
Whether dead or recovered:
Means of disinfection employed, and when employed:

(Signature of physician):

.....

Notice of disease to be posted up.

RULE 4.—The medical health officer [or secretary], within six hours after he has received a notice of the existence of scarlet fever, diphtheria, small-pox, cholera, or whooping-cough, in any house, shall affix or cause to be affixed by the head of the household, or by some other person, near the entrance of such house a card at least nine inches wide and twelve inches long, stating that such disease exists in the said house, and stating the penalty for removal of such card without the permission of the medical health officer or Board of Health.

Not to be removed.

RULE 5.—No person shall remove such card without the permission of the Board of Health or one of its officers.

Animals affected.

RULE 6.—No animal affected with an infectious or contagious disease shall be brought or kept within this municipality, except by permission of the Board of Health.

Penalties.

18. Any person who violates sections 4, 6, 7, 9 or 11 of this by-law, or Rule 1 of section 15, or Rule 5 or 6 of section 17, shall be liable, for every such offence, to a penalty of not less than $5 nor more than $50 in the discretion of the convicting Justices or Magistrate, besides costs, which may also be inflicted if the committing Justices or Magistrate see fit to impose the same. Any person who violates any other provision of this by-law shall be liable for every such offence to a penalty not exceeding $20, in the discretion of the convicting Justices or Magistrate, besides costs, which may also be inflicted if the convicting Justices or Magistrate see fit to impose the same. Every such penalty may be recovered by any person before any two Justices or a Police Magistrate having jurisdiction in the municipality, and shall be levied by distress and sale of the goods and chattels of the offender, with the costs of such distress and sale, by warrant under the hands and seals of the Justices, or the hand and seal of the Police Magistrate, before whom the same are recovered, or under the hands and seals of any other two Justices having jurisdiction in the municipality, and in default of sufficient distress the said Justices or Magistrate may commit the offender to the common gaol or to any lock-up or house of correction in the said municipality for any time not exceeding fourteen days, with or without hard labour, unless the amount imposed be sooner paid.

R. S. O. 1887, c. 205, Sched. A.

SCHEDULE C.

(*Section* 122.)

FORM OF MUNICIPAL BY-LAW AMENDING THE ABOVE BY-LAW.

By-law Number —, *intituled* "*A By-law respecting the Public Health By-law.*"

Whereas it is expedient to amend or repeal some of the provisions of the by-law appended to *The Public Health Act*, so far as the same are in force in this municipality, and to suspend the operation of other provisions of the said by-law.

Be it therefore enacted by the Municipal Council of .

1. Section 13 of the said by-law is hereby amended by substituting the "1st day of July of every second year" for "the 1st day of July in each year."

2. Rule 7 of section 14 of the said by-law is amended by striking out the words "and disinfected" at the end of the said rule.

3. Rule 3 of section 14 is hereby repealed.

4. This by-law shall go into force forthwith.

R. S. O. 1887, c. 205, Sched. B.

CHAPTER 249.

An Act respecting Vaccination and Inoculation.

HOSPITALS TO PROVIDE SUPPLY OF VACCINE MATTER, ss. 1-3.
MUNICIPALITIES TO PROVIDE FOR VACCINATION OF RESIDENTS, ss. 4-6.
VACCINATION OF CHILDREN, ss. 7-11.
Penalty, s. 13.
Plea of previous conviction when allowed, s. 14.
FEES FOR VACCINATION, s. 12.
ENFORCING VACCINATION, s. 15.
VACCINATION OF CHILDREN ATTENDING SCHOOL, s. 16.
VACCINATION OF STUDENTS OF HIGH SCHOOLS ETC., s. 17.
PENALTY FOR INOCULATING WITH VARIOLOUS MATTER, s. 18, 19.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Trustees, etc., of Hospitals to keep vaccine matter for certain purposes.

1. The trustees, governors, directors or other officers or persons having at any time the control and management of any hospital or dispensary receiving aid from the public funds of this Province, shall keep at all times in such hospital or dispensary an adequate supply of vaccine matter for the following purposes, viz:

For the vaccination of the poor.

Fee.

How applied.

First.—For the vaccination, by a legally qualified medical practitioner attached to such hospital or dispensary, at the expense of the same, of all poor persons, and at their own expense of all other persons, who attend at such hospital or dispensary for that purpose, during one day in every week; the fee to be charged for such vaccination not in any case to exceed fifty cents, and to be used and applied for the benefit of the hospital or dispensary;

For furnishing legally qualified medical practitioners.

Second.—For the purpose of furnishing, on application, to each and every legally qualified medical practitioner, such reasonable quantities of the said matter as he from time to time requires;

For the use of the Indians.

Third.—For the purpose of furnishing, on application, to the Superintendent-General of Indian Affairs, or his assistant, or to any visiting Superintendent of Indian Affairs, such reasonable quantities of the said matter as he may from time to time require for the use and benefit of any settlement of Indians.
R. S. O. 1887, c. 206, s. 1.

No warrant for the payment of money to issue to any Hospital unless it has a sufficient quantity of vaccine matter on hand, etc.

2. No warrant shall hereafter issue for the payment of any sum of money granted by the Legislature to any hospital or dispensary, unless a certificate has been filed in the office of the Clerk of the Executive Council, signed by a medical officer of such hospital or dispensary, to the effect that there is actually on hand in such hospital or dispensary a supply of vaccine matter which is expected to be sufficient for the purposes aforesaid from the date of such certificate, or setting forth reasons and grounds in explanation of any deficiency in such supply to the satisfaction of the Lieutenant-Governor in Council, nor unless, nor until a certificate signed as aforesaid, to the effect that at no time since the date of the then last certificate in this behalf, has the demand upon such hospital or dispensary for such matter for the purposes aforesaid, exceeded the supply thereof on hand in such hospital or dispensary, or setting forth reasons and grounds in explanation of any deficiency in such supply, to the satisfaction of the Lieutenant-Governor in Council, has been filed as aforesaid. R. S. O. 1887, c. 206, s. 2.

Annual statement to be laid before Legislature respecting vaccination.

3. The trustees, governors, directors or other officers or persons having for the time being the control and management of any hospital or dispensary to which aid has been granted during any session of the Legislative Assembly of this Province, shall cause to be transmitted to the Lieutenant-Governor through the Provincial Secretary, in time to admit of copies thereof being laid before the Legislative Assembly, during the first fifteen days of the then next Session, a statement certified by the proper officers of such hospital or dispensary, shewing the number of persons who have applied for and received free vaccination, the number of persons who have applied for and received vaccination at their own expense, and the number, amount and application of fees charged and received for vaccination. R. S. O. 1887, c. 206, s. 3.

Municipalities to employ medical practitioners to vaccinate the citizens, etc.

4.—(1) The council of every city, town, township and incorporated village, is hereby empowered and required, to contract with some legally qualified and competent medical practitioner or practitioners, for the period of one year, and so from year to year, as such contract expires, for the vaccination, at the expense of the municipality of all poor persons, and, at their own expense, of all other persons resident in such municipality, who come to such medical practitioner or practitioners for that purpose.

Remuneration to depend on success.

(2) It shall be a condition of every such contract, that the amount of the remuneration to be received under the same shall depend on the number of persons who, not having been previously successfully vaccinated, are successfully vaccinated by such medical practitioner or medical practitioners, respectively so contracting. R. S. O. 1887, c. 206, s. 4.

5. In case the council neglects to contract with some competent medical practitioner or practitioners for the vaccination of poor persons and others, as provided in the preceding section, and such neglect continues for one month after the attention of the council has been called in writing by the local board of health to such neglect, and to the powers which, in case of such neglect, the local board may exercise under the authority of this Act, the local board of health may contract with the medical health officer of the municipality, or other legally qualified medical practitioner, or practitioners, to perform all the duties which may be performed, or are incumbent upon a medical practitioner under the said Act, if appointed or contracted with by the council under the preceding section, and the council shall be liable to the medical practitioner for the fees for vaccination or for duties performed to the extent provided for by this Act as if the contract had been made by or with the council. The acts of the medical practioner appointed by the local board of health shall be as valid and operative in every respect as if a contract with him had been made by the council of the municipality; and in such case the local board of health may also, unless the municipal council has already done so, appoint the places and give the notice where and when such vaccination shall be performed, as is required by the next succeeding section, to be done by the council. R. S. O. 1887, c. 206, s. 5.

Local Board of Health in default of municipality may employ a medical practitioner.

6. The council of each city or town shall appoint a convenient place in each ward thereof, and the council of every township and incorporated village, shall appoint a convenient place therein, for the performance, at least once in each month, of such vaccination, and shall take effectual means for giving, from time to time, to all persons resident within each such ward of the city or town, or within the township or village, due notice of the days and hours at which the medical practitioner or one of the medical practitioners contracted with for such purpose will attend, once at the least in each month, at such place, to vaccinate all persons not successfully vaccinated who may then appear there, and also of the days and hours at which such medical practitioner will attend at such place to inspect the progress of such vaccination in the persons so vaccinated. R. S. O. 1887, c. 206, s. 6.

City to appoint a convenient place in each ward for performance of vaccination.

7.—(1) The father or mother of every child born in such city, town, township, or incorporated village, shall, at some appointed time, within three months after the birth of such child, or in the event of the death, illness, absence or inability of the father and mother, then the person who has the care, nurture or custody of the child, shall at some appointed time, within four months after the birth of the child, take or cause to be taken, the child to the medical practitioner in attendance at the appointed place, according to the provisions of the preceding sections of this Act, for the

Parents, etc., bound to take children to be vaccinated.

purpose of being vaccinated, unless the child has been previously vaccinated by some legally qualified medical practitioner and the vaccination duly certified; and the medical practitioner so appointed shall, and he is hereby required, thereupon, or as soon after as it can conveniently and properly be done, to vaccinate the child.

(2) This section and the four succeeding sections shall also apply to all children over the age of three months becoming resident in a municipality, and such children shall for the purposes of the said sections be considered as children born in the municipality at the date that they became resident within it. R. S. O. 1887, c. 206, s. 7.

And exhibit them to the medical practitioner on the eighth day.

8. Upon the eighth day following the day on which any child has been vaccinated as aforesaid, the father or mother, or other person having the care, nurture or custody of the child as aforesaid, shall again take or cause to be taken the child to the medical practitioner by whom the operation was performed, or other similarly appointed medical practitioner in attendance as aforesaid, in order that the medical practitioner may ascertain by inspection the result of the operation. R. S. O. 1887, c. 206, s. 8.

Certificate of successful vaccination to be given.

9.—(1) Upon and immediately after the successful vaccination of a child born in any city, town, township or incorporated village, the medical practitioner who performed the operation shall deliver to the father or mother, or other person having the care, nurture or custody of the child as aforesaid, a certificate under his hand, according to the form of Schedule A to this Act, that the child has been successfully vaccinated, and shall also transmit a duplicate of the said certificate to the clerk of the municipality in which the operation was performed.

What to be evidence of.

(2) Such certificate shall, without further proof, be admissible as evidence of the successful vaccination of the child in any information or complaint brought against the father or mother of the child, or against the person who has had the care, nurture or custody of the child as aforesaid, for non-compliance with the provisions of this Act. R. S. O. 1887, c. 206, s. 9.

If the child be found unfit for vaccination.

10.—(1) If any medical practitioner appointed as aforesaid is of opinion that a child brought to him as aforesaid is not in a fit and proper state to be successfully vaccinated, he shall deliver to the father or mother of the child, or the person having the care, nurture or custody of the child as aforesaid on demand and without fee or reward, a certificate under his hand, according to the form of Schedule B to this Act, that the child is in an unfit state for successful vaccination.

Certificate.

(2) Such certificate or any similar certificate of a legally qualified medical practitioner, respecting any child born as aforesaid, shall remain in force for two months from its delivery; and the father or mother of the child, or the person having the care, nurture or custody of the child as aforesaid, shall (unless they have within each succeeding period of two months obtained from a legally qualified medical practitioner a renewal of such certificate), within two months after the delivery of the said certificate as aforesaid, and if the child is not vaccinated at or by the termination of such period of two months, then during each succeeding period of two months until the child has been successfully vaccinated, take or cause to be taken to the medical practitioner, so appointed as aforesaid, such child to be vaccinated by him; and if the medical practitioner deems the child to be then in a fit and proper state for successful vaccination, he shall forthwith vaccinate it accordingly, and shall, upon or immediately after the successful vaccination of the child, deliver to the father or mother of the child, or the person having the care, nurture or custody of the child as aforesaid, a certificate under his hand, according to the form of Schedule A to this Act, that the child has been successfully vaccinated; but if the medical practitioner is of opinion that the child is still in an unfit state for successful vaccination, then he shall again deliver to the father or mother of the child, or to the person having the care, nurture or custody of the child, as aforesaid, a certificate under his hand, according to the form of Schedule B to this Act, that the child is still in an unfit state for successful vaccination, and the said medical practitioner, so long as the child remains in an unfit state for vaccination and unvaccinated, shall at the expiration of every succeeding period of two months, deliver, if required, to the father or mother of the child, or to the person having the care, nurture or custody of the child, a fresh certificate under his hand, according to the form of Schedule B to this Act.

How long to be in force.

Re-presentation of the child to be repeated until successful vaccination.

Certificate.

(3) The production of such certificate or of any similar certificate from any legally qualified medical practitioner, shall be a sufficient defence against any complaint brought against the father or mother, or person having the care, nurture or custody of such child, for non-compliance with the provisions of this Act. R. S. O. 1887, c. 206, s. 10.

Effect of certificate.

11. In the event of a medical practitioner employed under the provisions of this Act, or any other duly qualified medical practitioner being of opinion that any child that has been vaccinated by him, is insusceptible of the vaccine disease, he shall deliver to the father or mother of the child, or to the person having, as aforesaid, the care, nurture or custody of the child, a certificate under his hand, according to the form of Schedule C to this Act; and the production of the certificate shall be a sufficient defence against any com-

If the child is found insusceptible of vaccine disease.

plaint which may be brought against the father or mother, or person having the care, nurture or custody of the child, for non-compliance with the provisions of this Act. R. S. O. 1887, c. 206, s. 11.

Fees under this Act.

12. In all contracts to be made under the provisions of this Act, the sums contracted to be paid shall not be more than twenty-five cents for every person successfully vaccinated, including all or any of the certificates required by this Act. R. S. O. 1887, c. 206, s. 12.

Penalty for non-compliance with the requirements of this Act.

13. If a father or mother, or person so having as aforesaid the care, nurture or custody of any child as aforesaid, does not cause the child to be vaccinated within the periods prescribed by this Act, or does not, on the eighth day after the vaccination has been performed, take or cause to be taken the child for inspection, according to the provisions in this Act respectively contained, then the father or mother, or person having the care, nurture or custody of the child as aforesaid, so offending, shall be liable to a penalty not exceeding $5, recoverable on summary conviction, before a Police Magistrate or any two Justices of the Peace, sitting and having jurisdiction in the municipality in which the offence was committed. R. S. O. 1887, c. 206, s. 13.

How far and when plea of conviction shall avail.

14.—(1) After the expiration of two months from the conviction of any person for an offence against this Act, in respect of any child, no plea of such conviction shall be sufficient defence against any complaint which may then be brought against the same or any other person for non-compliance with the provisions of this Act in respect of the same child.

(2) The production of a certificate in the form of Schedule A or C, under the hand of a legally qualified medical practitioner, shall be a sufficient defence against such complaint; but the production of a certificate in the form of Schedule B shall not be a sufficient defence, unless the vaccination is thereby postponed to a day subsequent to that on which the complaint is brought. R. S. O. 1887, c. 206, s. 14.

Enforcing vaccination.

15. In every municipality where smallpox exists, or in which, in the opinion of the Provincial or municipal health authorities, there is danger of its breaking out owing to the facility of communication with infected localities, the council of the municipality may order the vaccination or re-vaccination of all persons resident in the municipality who have not been vaccinated within seven years, and that such vaccination or re-vaccination shall be carried out in so far as the same may be applicable in the same manner as for the vaccination of children, except that in the case of all persons of an age to make them legally responsible, they shall present themselves for vaccination by the medical practitioner, or some legally quali-

fied practitioner, and the medical practitioner shall adopt the same measures to secure the vaccination or re-vaccination of all such persons, as he is required to do with regard to children. A proclamation issued by the head of the municipality, and published in posters and in at least one newspaper published within the municipality, and in cases where there is no such newspaper, then in at least one newspaper in the county in which such municipality is situated, warning the public that this section of the Act is in force, shall be sufficient evidence to secure the conviction of any person who does not comply with the law within a period of seven days from the publication of the proclamation. R. S. O. 1887, c. 206, s. 15.

School trustees may require certificates of vaccination.

16. It shall be lawful for the trustees of any public, separate or high school, to provide that no children shall be permitted to attend any school without producing a certificate of successful vaccination when demanded of him or her by the teacher. R. S. O. 1887, c. 206, s. 16.

Students of High Schools, etc., may be required to produce certificates of vaccination.

17. In all cases where it is deemed necessary by the medical health officer of any municipality, owing to the presence, or threatened presence of smallpox, he may, with the approval of the local board of health, require certificates of successful vaccination, or of insusceptibility on re-vaccination within seven years, of all students of high schools, collegiate institutes, colleges and universities, within the municipality to be presented to the proper authorities of the said institutions, and no student refusing to present such certificate on demand, shall be admitted to further attendance on classes in said institution until such certificate is furnished. R. S. O. 1887, c. 206, s. 17.

Penalty for inoculating with variolous matter.

18. Any person producing or attempting to produce by inoculation with variolous matter or by wilful exposure to variolous matter or by any matter, article or thing impregnated with variolous matter, or wilfully by any other means whatsoever, the disease of smallpox in any person in this Province shall be liable to be proceeded against and convicted summarily before any two Justices of the Peace, and for every such offence shall, upon conviction, be imprisoned for any term not exceeding one month. Con. Stat. Can. c. 39, s. 1. *See* R. S. C. App. No. 1, p. 2.

The license of the person contravening sec 18.

19. If any person licensed to practise medicine, surgery or midwifery in this Province is convicted of an offence against section 18 of this Act, the license of such person in that behalf shall thereby become null and void and of no effect, and such person shall, from and after the date of such conviction, be liable to the same penalty in the event of his practising medicine, surgery, or midwifery in Ontario, as he would have been liable to for so doing if he had never been licensed to practise the same: but it shall be lawful for the Lieutenant-Governor, on the certificate of the College of Physicians and Surgeons of Ontario, at any time after the expiration of the

Proviso: license may be renewed, etc.

term of imprisonment of any such person so convicted as aforesaid, again to license such person to practise medicine, surgery, and midwifery as aforesaid, and thereupon and thereafter such person shall no longer be liable to any fine or penalty for so doing. R. S. O. 1887, c. 206, s. 18.

SCHEDULE A.

(*Sections* 9, 10 *and* 14.)

CERTIFICATE OF VACCINATION.

I, the undersigned, hereby certify that , the child of , aged , of Ward, in the City of (*or as the case may be*), has been successfully vaccinated by me

(Signed), *A. B.*

Dated this day of , 18 .

R. S. O. 1887, c. 206, *Sched.* A.

SCHEDULE B.

(*Sections* 10 *and* 14.)

CERTIFICATE OF UNFITNESS FOR VACCINATION.

I, the undersigned, hereby certify that I am of opinion that , the child of , of Ward, in the City of (*or as the case may be*), aged , is not now in a fit and proper state to be successfully vaccinated, and I do hereby postpone the vaccination until the day of

(Signed), *A. B.*

Dated this day of , 18 .

R. S. O. 1887, c. 206, *Sched.* B.

SCHEDULE C.

(*Sections* 11 *and* 14.)

CERTIFICATE OF INSUSCEPTIBILITY TO VACCINE DISEASE.

I, the undersigned, hereby certify that I am of opinion that the child of , of Ward, in the City of (*or as the case may be*), is insusceptible of the vaccine disease.

(Signed), *A. B.*

Dated this day of , 18 .

R. S. O. 1887, c. 206, *Sched.* C.

CHAPTER 250.

An Act respecting the Slaughtering of Cattle and the Inspection of Meat and Milk Supplies of Cities and Towns.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws for establishing slaughter-houses, cattle-yards or pens.

1.—(1) The Municipal Council of every city or town may by by-law provide for the establishment of a public slaughter-house, or abattoir, within the limits of the municipality, or in such adjoining municipality as shall by by-law sanction its erection therein, and for the construction of cattle-yards and pens for the proper keeping therein of animals intended for slaughter, and for charging fees to defray the costs incurred by the local board of health in carrying out the provisions of this Act.

Regulation of slaughter-houses, etc.

(2) Every such slaughter house or abattoir, and cattle-yard and pen, shall be constructed, equipped and regulated in conformity with any regulations in that behalf from time to time adopted by the Provincial Board of Health and approved by the Lieutenant-Governor in Council. 59 V. c. 63, s. 1.

Local board of health to have control.

2.—(1) The local board of health of every city or town in which such slaughter-house or abattoir, cattle-yards or pens may be established shall have the control and supervision of the same, and shall be responsible for the due carrying out of the regulations of the Provincial Board of Health made in connection therewith; and the costs of the supervision and inspection carried out under this Act, and of any regulations made under it with regard to slaughter-houses or abattoirs, or cattle-yards or pens, or in carrying out any other provisions of this Act, shall be paid from time to time by the treasurer of the city or town out of the fees charged for such slaughter or inspection, on the order of the local board of health.

Rev. Stat. c. 248.

(2) The powers conferred upon local boards of health and their officers by section 108 of *The Public Health Act* shall apply in the supervision and inspection carried on under this Act. 59 V. c. 63, s. 2.

Competent persons employed for

3. The local board of health of every city and town where such cattle-yards and pens are established may employ one or more competent persons, approved of by the medical health

inspecting animals and meat.

officer, to inspect at such slaughter-house or abattoir, or at such cattle-yards or pens, all animals, carcasses and meat brought into the municipality and intended for human food. 59 V. c. 63, s. 3.

Inspection of milch cows.

4.—(1) The local board of health of every city and town may, in addition to periodical examinations as to purity of public milk supplies, and as to the sanitary condition of the byres, or places where cows for public milk supplies are kept, inspect every milch cow kept therein, as to its general health. In addition to such general inspection, the local board of health may provide for the testing with tuberculin by a registered veterinary surgeon of every cow kept in such byres or places for the diagnosis of tuberculosis.

Testing cows.

(2) Every cow may be tested, and thereafter dealt with according to the methods set forth in the regulations adopted by the Provincial Board of Health, and approved of by the Lieutenant-Governor in Council. 59 V. c. 63, s. 4.

(3) This section shall not come into operation, and no proceedings thereunder shall be taken, until the close of the Session of the Legislature held next after the 13th day of April, 1897. 60 V. c. 14, s. 75.

Inspection of meat-packing establishments.

5. Any meat-packing establishment heretofore or hereafter erected within the limits of any municipality in Ontario shall be subject to inspection in a manner similar to that of the municipal slaughter-house or abattoir. 59 V. c. 63, s. 5.

9. *PREVENTION OF FRAUDS.*

CHAPTER 251.

An Act to Prevent Fraud in the Manufacture of Cheese and Butter.

CREAMERIES :
Standard of milk, s. 1.
Rules and regu ations, ss. 2, 3.
RIGHT TO MAKE TEST OF MILK, s. 4.
RIGHT TO TAKE SAMPLES, s. 5.
OFFENCES BY PERSONS SUPPLYING MILK :
Interfering with testing of milk, s. 4.
Interfering with taking samples, s. 5.
Supplying diluted milk, s. 6.
Keeping back part of milk, s. 7.
Supplying tainted milk, s. 8.
Penalty, evidence and proceedings, ss. 9.
Appropriation of penalties, s. 10.
OFFENCES BY MANUFACTURERS :
Fraudulent use of cream, s. 11.
Penalty and procedure, s. 11 (2).
Civil remedy, s. 11 (3).
INTERESTED JUSTICES NOT TO HEAR CASES, s. 12.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

STANDARD OF MILK IN CREAMERIES.

Standard for milk for manufacture of butter in creameries.

1. All milk containing less than thirteen per cent. of total solids, of which three and three-quarters per cent. must be chemically dry butter-fat, shall be deemed below the standard required in creameries for butter manufacture. 51 V. c. 31, s. 1.

Power to make rules.

2. The owners or board of management of any creamery in the Province of Ontario, may make such rules and regulations as may be advisable for the due carrying on of the business of the creamery. 51 V. c. 31, s. 2.

Rules to be binding on patrons, etc.

3. The patrons of all creameries may be required to subscribe their names to such rules and regulations, and the rules and regulations shall be binding on the patrons, owners and board of management who have so subscribed. 51 V. c. 31, s. 3.

PREVENTION OF FRAUDS.

Right to test milk.

4. It shall be lawful for the owner or manager of a cheese or butter manufactory to require the owner or custodian of

any cow or cows whose milk is being bought for, or supplied or sent to, the manufactory, to submit such cow or cows at his farm, or other premises, where such cows are usually kept, to such milk test, by persons named by such owner or manager, as may be necessary for the said persons to ascertain the quantity and quality of the milk of such cow or cows, on any day, and at such time on any such day as may be appointed by said owner or manager; and in case the owner or custodian of the cows refuses to so submit them, or obstructs in the execution thereof the persons engaged in making the milk test, or interrupts the test, or interferes in any way with the test, or the application of its result, he shall, on complaint before any Justice or Justices of the Peace, forfeit and pay for every such offence a sum of not less than $10 nor more than $100, in the discretion of the Justice or Justices of the Peace who may hear such complaint, together with the costs of prosecution, if so ordered, and in default of payment of the penalty and costs, shall be liable to be committed, by the convicting Justice or Justices of the Peace, to the common gaol of the county, with hard labour, for any period not exceeding six months, or until said penalty and the costs of enforcing same are sooner paid. 51 V. c. 32, s. 5.

Interfering with test.

Right to take samples of milk.

5. It shall be lawful for the owner or manager of any cheese or butter manufactory, who suspects any person of selling, supplying, sending or bringing milk to the manufactory, of any offence under this Act, to enter upon or to appoint some person or persons to enter upon, and such appointed person may enter upon, the premises of the suspected person, with or without notice, and take samples of milk from the cow or cows, from which the supposed offender was or had been immediately before then procuring the milk or part of the milk so sold, supplied, sent or brought as aforesaid; and any such suspected person who obstructs or refuses to permit the taking of any such sample shall, on conviction thereof, be liable to a penalty of not less than $10 nor more than $50 with costs of the prosecution, and in default of payment thereof, shall be liable to be imprisoned in the common gaol of the county in which the offence has been committed, for a period not exceeding three months with hard labour. 51 V. c. 32, s. 6.

Interfering with taking of samples.

Notice to be given when milk diluted, etc.

6. No person shall sell, supply, bring or send to a cheese or butter manufactory, or the owner or manager thereof, to be manufactured, milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as "skimmed milk," without distinctly notifying, in writing, the owner or manager of such cheese or butter manufactory, that the milk so sold, supplied or brought to be manufactured has been so diluted with water, or adulterated, or had the cream so taken from it, or become milk commonly known as "skimmed milk," as the case may be. 51 V. c. 32, s. 1; 55 V. c. 53, s. 1 (1).

Notice to be given when any part of milk kept back.

7. No person who in the course of his business agrees to sell, supply, bring or send to any cheese or butter manufactory, or the owner or manager thereof, to be manufactured, the milk of any cow or cows, shall in the course of such dealing and business, keep back any part of the milk of such cow or cows without distinctly notifying, in writing, the owner or manager of such cheese or butter manufactory what portion of the milk he has so kept back. 51 V. c. 32, s. 2; 55 V. c. 53, s. 1 (1); 57 V. c. 54, s. 1; 60 V. c. 3, s. 3.

Notice when milk tainted.

8. No person shall sell, supply, bring or send to a cheese or butter manufactory, or the owner or manager thereof, to be manufactured, any milk that is tainted, or partly sour, without distinctly notifying, in writing, the owner or manager of such cheese or butter manufactory of such milk being tainted or partly sour. 51 V. c. 32, s. 3; 55 V. c. 53, s. 1 (1).

Penalty for violations of ss. 6-8.

9.—(1) Any person who by himself, or by his servant, or agent, violates any of the provisions of sections 6, 7 or 8 of this Act, upon conviction thereof before any Justice or Justices of the Peace, shall forfeit and pay a sum of not less than $5 nor more than $50, together with the costs of prosecution, in the discretion of the Justice or Justices, and in default of payment of such penalty and costs, shall be liable to be committed to the common gaol of the county, with hard labour, for any period, not exceeding six months, unless the said penalty and the costs of enforcing same are sooner paid. 51 V. c. 32, s. 4.

Evidence of violations of ss. 6-8.

(2) For the purpose of establishing the guilt of any person under the said sections 6, 7 or 8 of this Act, it shall be sufficient *prima facie* evidence to shew that such person, by himself, his servant or agent, sold, supplied, sent or brought, to be manufactured, to any cheese or butter manufactory, milk substantially below the standard of that actually drawn, or by the accused represented as having been drawn, from the same cow or cows within the then previous or subsequent week, provided the comparison or test is made by means of a lactometer and cream gauge, or by some other adequate means of making the comparison. 51 V. c. 32, s. 7; 55 V. c. 53, s. 2.

Secs. 6-8 not to apply where defendant shews want of knowledge.

(3) The said sections 6, 7 and 8 shall not apply where the person charged with the offence proves to the satisfaction of the Justice or Justices of the Peace that the commission of the alleged offence was without his knowledge or privity, and contrary to his wish and intention; and that he was not aware thereof. 55 V. c. 53, s. 1 (2); 60 V. c. 3, s. 3.

Description of offence in information or complaint.

(4) In any complaint made or laid under said sections 6, 7 or 8 of this Act and in any conviction thereon the milk complained of may be described as deteriorated milk, without specification of the cause or mode of deterioration and such description shall be a sufficient description of the offence to sustain a conviction, and in any complaint, information or conviction under this

Act the matter complained of may be declared, and shall be held to have arisen within the meaning of *The Ontario Summary Convictions Act* at the place where the milk complained of was to be manufactured, notwithstanding that the deterioration thereof was effected elsewhere. 55 V. c. 53, s. 3.

Rev. Stat. c. 90.

Appropriation of penalties.

10. Any pecuniary penalty under the preceding section shall, when recovered, be payable one-half to the informant or complainant, and the other one-half to the owner, treasurer or president of the manufactory to which the milk was sent, sold or supplied for any of the purposes aforesaid in violation of any of the provisions of this Act, to be distributed among the patrons thereof in proportion to their respective interests in and profits thereof. 55 V. c. 53, s. 4.

Fraudulent use of cream of milk supplied.

11.—(1) Any butter or cheese manufacturer who knowingly and fraudulently uses, or directs any of his employees to use for his or their individual benefit, any cream from the milk brought to any cheese or butter manufactory without the consent of all the owners thereof, shall, for every offence, forfeit and pay a sum not less than $1 nor more than $50, in the discretion of the Justices before whom the case is heard. R. S. O. 1887, c. 207, s. 2.

Penalty.

Conviction and levy of penalty

(2) Any two or more Justices of the Peace, having jurisdiction within the locality where the offence has been committed, may hear and determine such complaint upon the oath of one or more credible witnesses, and shall have power, in case the penalty and costs awarded by them are not forthwith paid upon conviction, to levy the same by distress and sale of the goods and chattels of the offender, by warrant under their hands and seals or the hands and seals of any two of them, and the penalty, when recovered, shall be paid over by such Justices, one-half to the person complaining, and one-half to the treasurer of the municipality, district or place where the offence has been committed; and in default of payment or sufficient distress, the offender may, by warrant signed and sealed as aforesaid, be imprisoned in the common gaol for a period not less than one day nor more than twenty-five days, at the discretion of such Justices, or any two of them, unless such penalty, costs, and the charges of commitment are sooner paid. R. S. O. 1887, c. 207, s. 3.

In default of distress, imprisonment.

Civil remedy.

(3) Any party aggrieved by such fraudulent conduct as aforesaid may at his election sue the offender in any civil Court of competent jurisdiction, and recover from him the amount of damages sustained, and levy the same with the costs according to the ordinary practice of the Court in which such action is brought. R. S. O. 1887, c. 207, s. 5.

Proviso as to Justices interested.

12. No Justice or Justices having any pecuniary interest in a cheese or butter manufactory as aforesaid, shall hear or determine any complaint under this Act. R. S. O. 1887, c. 207, s. 4.

CHAPTER 252.

An Act to prevent Fraud in the Sale of Milk in Cities and Towns.

HER MAJESTY, by and with the advice and consent of the Legislative Assemtly of the Province of Ontario, enacts as follows:—

Act to apply to cities and towns only.

1. This Act shall apply to cities and towns only. 56 V. c. 48, s. 1.

Council of city or town may declare Act in force therein.

2. The council of any city or town may by by-law declare hat from and after the passing of such by-law this Act shall e in force in such city or town, and thereupon, and not otherwise, the following sections of this Act shall take effect and be in force therein. 56 V. c. 48, s. 2.

Penalty for selling adulterated or deteriorated milk.

3. Any person who knowingly and fraudulently sells or supplies to any person any milk diluted with water or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as "skimmed milk," or who keeps back any part of the milk known as "strippings," or who knowingly and fraudulently sells or supplies to any person milk that is tainted or partly sour from want of proper care in keeping clean and sweet pails, strainers or any vessel in which said milk is kept, shall for every offence forfeit and pay a sum not less than $1 nor more than $50 and costs, in the discretion of the Justices before whom the case is heard: Provided, however, that this shall not prevent the sale of skimmed milk by any person if the fact that the same is skimmed is made known to the person to whom such milk is being sold. 56 V. c. 48, s. 3.

Proviso.

Who may hear complaints.

4. Any two or more Justices of the Peace or any Police Magistrate having jurisdiction within the municipality where the offence has been committed, may hear and determine such complaint, and shall have power, in case the penalty and costs awarded by them are not forthwith paid upon conviction, to levy the same by distress and sale of the goods and chattels of the offender, by warrant under their hands and seals or the hands and seals of any two of them, and in default of payment or sufficient distress, the offender may, by warrant signed and sealed as aforesaid, be imprisoned in the common gaol for a period not less than one day nor more than twenty

Imprisonment on default of payment.

days, at the discretion of such Justices, or any two of them, unless such penalty, costs and the charges of commitment are sooner paid. 56 V. c. 48, s. 4.

Civil remedy of persons aggrieved.

5. Any person aggrieved by such fraudulent conduct as aforesaid may at his election sue the offender in any civil court of competent jurisdiction, and recover from him the amount of damages sustained and levy the same with the costs according to the ordinary practice of the Court in which the action is brought. 56 V. c. 48, s. 5.

CHAPTER 253.

An Act for the Prevention of Fraud in the Sale of Fruit.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Every person who with intent to defraud: Penalty for

(*a*) Alters, effaces, obliterates, or covers wholly or partially, or causes to be altered, effaced, obliterated or covered, any packer's marks made on any article in which any fruit is offered for sale, or Altering or defacing marks.

(*b*) Counterfeits any such marks or brands or writes the same on any such article, after the same has been once marked, or Counterfeiting marks

(*c*) Empties or partially empties any such marked article, in order to put into the same any other fruit (of the same or any other kind) not contained therein at the time of the original marking, or Using marked article improperly

(*d*) Uses for the purpose of packing fruit, any article bearing marks previously made by any other packer, or Using article previously marked.

(*e*) Falsely states the grade of fruit packed in the article marked or the name or address of the packer or the weight or measure of the fruit so packed, Makes false marks.

shall be liable on summary conviction therefor to a fine of not less than $1 or more than $5 and costs. 58 V. c. 48, s. 1.

2. Every person who knowingly and with intent to defraud so places or arranges apples, pears, plums, peaches, nectarines, cherries, grapes, apricots or berries of any description whatever, in any box, crate, barrel, basket, or other article, for delivery to any other person in such a manner as to conceal defects in size or quality in any portion of such fruit by covering the same with fruit of larger size or better quality or otherwise shall be liable on summary conviction therefor to a penalty of not less than $1 nor more than $5 and costs. 58 V. c. 48, s. 2. Packing so as to conceal defects in fruit.

3. Every person receiving fruit of any kind mentioned in the preceding section for sale in bulk on commission, shall, when requested to do so by the consignor in writing furnish the said consignor within one week after receiving notice or Consignee to notify consignor of particulars of sales.

after disposing of the fruit as may be requested with a written detailed statement in regard to the sale or disposal of the same giving the price or prices received therefor and the names and addresses of the purchasers. 58 V. c. 48, s. 3.

Prosecution not to bar other proceedings.

4. No prosecution or conviction under this Act shall be a bar to any proceeding for the recovery of penalties which may be imposed under any other Act, nor to any action for the recovery of damages which may be brought by any person injured or defrauded by the sale of fruit in violation of the provisions of this Act, but all such penalties may be recovered, and all such actions may be brought in the same manner as if this Act had not been passed. 58 V. c. 48, s. 4.

CHAPTER 254.

An Act to prevent the fraudulent entry of Horses at Exhibitions.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Prohibition of fraudulent entries for races.

1. No person shall enter or cause to be entered for competition for any purse, prize, premium, stake or sweepstake, offered or given by any agricultural or other society, or association where the contest is to be decided by speed, any horse, colt, or filly, under a false or assumed name or pedigree, or in a class different to which such horse, colt or filly properly belongs by the rules of the society or association in which such contest is to take place. 54 V. c. 53, s. 1.

Name not to be changed after entry.

2. The name of a horse, colt or filly, for the purpose of entry for such competition in any contest of speed, shall not be changed, after having once been entered in any such contest, except as provided by the code of rules of the society or association under which the contest is conducted. 54 V. c. 53, s. 2.

Classification of horses, etc., for purposes of contest.

3. The class to which a horse, colt or filly properly belongs, for the purpose of entry in any such contest of speed shall be determined by the public performance of such horse, colt or filly in some former, if any, contest or trial of speed, as provided by the rules of the society or association, under which the proposed contest is to be conducted. 54 V. c. 53, s. 3.

Penalty for violation of Act.

4. Any person violating any of the provisions contained in this Act, shall be guilty of an offence thereunder and shall, on conviction before any Justice of the Peace, under a prosecution to be commenced within two years from the commission of the offence, forfeit and pay a sum not less than $50 nor more than $200 for each offence, together with costs, and in case of non-payment shall be liable to imprisonment for a term not exceeding six months. 54 V. c. 53, s. 4.

CHAPTER 255.

An Act respecting Fraud by Debt Collectors.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Penalty for issuing imitations of Division Court notices.

Rev. Stat. c. 60.

1. Every person, whether principal or agent, who prints or publishes any notice or form which is an imitation, or a colourable imitation of any of the forms appended to *The Division Courts Act*, and which is calculated to deceive the public by inducing the belief that such notice or form is a notice or form from the said Court, or is part of the process of a Division Court, or who issues or makes use of any such notice or form in connection with any collection agency or otherwise, shall be liable to a fine not exceeding $20, for every day on which any such offence is committed, the said fine to be recovered before a Justice of the Peace of the city or county with costs. 59 V. c. 23, s. 1.

9. *PROTECTION OF THE PERSON.*

CHAPTER 256.

An Act for the Protection of Persons employed in Factories.

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WHO NOT TO BE EMPLOYED, ss. 3, 4, 5.
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HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. This Act may be cited as *"The Ontario Factories Act."* Short title.
R. S. O. 1887, c. 208, s. 1.

Interpretation.

2. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:

"Factory."

1. "Factory" shall mean:

(*a*) Any building, workshop, structure or premises of the description mentioned in Schedule A to this Act, together with such other building, structure or premises as the Lieutenant-Governor in Council from time to time adds to the said Schedule; and the Lieutenant-Governor in Council may, from time to time, by proclamation published in the *Ontario Gazette*, add to or remove from the said schedule such description of premises as he deems necessary or proper;

(*b*) Any premises, building, workshop, structure, room or place wherein, or within the precincts of which, steam, water, or other mechanical power is used to move or work any machinery employed in preparing, manufacturing or finishing, or in any process incidental to the preparing, manufacturing or finishing of any article, substance, material, fabric or compound, or is used to aid the manufacturing process carried on there;

(*c*) Any premises, building, workshop, structure, room or place wherein the employer of the persons working there has the right of access and control, and in which, or within the precincts of which, any manual labour is exercised by way of trade or for purposes of gain in or incidental to the following purposes, or any of them, that is to say: the making of any article or part of any article; the altering, repairing, ornamenting or finishing of any article; or, the adapting for sale of any article;

Provided, that where not more than five persons are employed in any place coming within the foregoing definition of a factory, and that where children, young girls or women are employed at home, that is to say in a private house, place or room, used as a dwelling, wherein neither steam, water nor other mechanical power is used in aid of the manufacturing process carried on there, and wherein the only persons employed are members of the same family dwelling there, the provisions of this Act shall not apply.

A part of a factory may for the purposes of this Act be taken to be a separate factory; and a place used as a dwelling shall not be deemed to form part of the factory for the purposes of this Act.

Where a place situate within the close or precincts forming a factory is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory, such

place shall not be deemed to form part of that factory for the purposes of this Act, but shall, if otherwise it would be a factory, be deemed to be a separate factory, and be regulated accordingly.

Any premises or place shall not be excluded from the definition of a factory by reason only that such premises or place are or is in the open air. R. S. O. 1887, c. 208, s. 2 (1); 52 V. c. 43, s. 3 (1-2).

Mode of estimating persons employed.

Where any owner, occupier or tenant of any premises, building, workshop, structure, room or place who has the right of access thereto, and control thereof, lets or hires out or contracts for work or labour to be done therein by any other person, and such other person engages or employs therein any workman, child, young girl, or woman in or for the carrying out or performing of such work or labour, or any part thereof, every such workman, child, young girl or woman shall, for all the purposes of this Act, be considered and taken as being in the service and employment of said owner, tenant or occupier, and in computing the number of persons employed in any place in order to ascertain if such place comes within the definition of a factory according to the meaning and intent of th s Act, every such workman, child, young girl, or woman shall be taken into account. 52 V. c. 43, s. 3 (4).

"Inspector."

2. "Inspector" shall mean the inspector appointed by order of the Lieutenant-Governor in Council under the authority of and for enforcing the provisions of this Act in and for the locality in reference to which such expression applies, and which locality shall be that designated in the order.

"Employer."

3. "Employer" shall mean any person who in his own behalf, or as the manager, superintendent, overseer or agent for any person, firm, company or corporation, has charge of any factory and employs persons therein.

"Week."

4. "Week" shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night.

"Child."

5. "Child" shall mean a person under the age of fourteen years.

"Young girl."

6. "Young girl" shall mean a girl of the age of fourteen years and under the age of eighteen years.

"Woman."

7. "Woman" shall mean a woman of eighteen years of age and upwards.

"Parent."

8. "Parent" shall mean a parent or guardian of, or a person having the legal custody of, or the control over, or having direct benefit from the wages of a child or young girl.

"Court of summary jurisdiction."

9. "Court of summary jurisdiction" shall mean the Justices of the Peace or Police Magistrate, as the case may be, to whom jurisdiction is given by this Act to hear and determine prosecutions under this Act.

"Mill gearing."

10. "Mill-gearing" shall comprehend every shaft, whether upright, oblique or horizontal, and every wheel, drum or pulley, by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process. R. S. O. 1887, c. 208, s. 2 (2-10); 52 V. c. 43, s. 2.

Child not to be employed except as in sec. 5.

3. No child shall be employed in any factory, except in the business of canning or desiccating fruits and vegetables and the work incidental thereto, as provided for in section 5 of this Act. 58 V. c. 50, s. 2.

Prohibiting employment of girls under 18 and boys under 16.

4. The Lieutenant-Govenor in Council may from time to time by Order in Council, notice of which shall be published in the *Ontario Gazette*, prohibit the employment of girls under the age of eighteen, and of boys under the age of sixteen in factories, the work in which is deemed by the Lieutenant-Governor in Council to be dangerous or unwholesome. 58 V. c. 50, s. 12.

Employment of children in gathering and preparing fruits and vegetables for canning purposes.

5. Boys and girls under fourteen years of age may be employed during the months of July, August, September and October in any year in such gathering in and other preparation of fruits or vegetables for canning or desiccating purposes as may be required to be done prior to the operation of cooking or other process of that nature requisite in connection with the canning or desiccating of fruits or vegetables. The place, room or apartment in which such boys or girls may be so employed, shall be separate from any other wherein the cooking or other process aforesaid, or the canning or desiccating of said fruits or vegetables is carried on. R. S. O. 1887, c. 208, s. 6 (6); 52 V. c. 43, s. 4 (2-3).

Evidence as to employment and age.

6.—(1) If a person is found in a factory, except at meal times or while all the machinery of the factory is stopped, or for the sole purpose of bringing food to the persons employed in the factory, such person shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory.

(2) Yards, playgrounds and places open to the public view, waiting rooms, and other rooms belonging to the factory in which no machinery is used or manufacturing process carried on, shall not be taken to be any part of the factory within the meaning of this section.

(3) Where a child or young girl is, in the opinion of the Court, apparently of the age alleged by the informant, it shall lie on the defendant to prove that the child or young girl is not of that age. R. S. O. 1887, c. 208, s. 3.

Child, young girl or woman who does any work in

7. A child, young girl, or woman who works in a factory, whether for wages or not, either in a manufacturing process or handicraft, or in cleaning any part of the factory used for any

manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, or connected with the article made, or otherwise the subject of the manufacturing process or handicraft therein shall, save as is otherwise provided by this Act, be deemed to be employed in such factory within the meaning of this Act, and for the purposes of this Act an apprentice shall be deemed to work for hire. R. S. O. 1887, c. 208, s. 4.

Factory to be deemed employed in factory.

8. It shall not be lawful to employ in a factory any child young girl or woman, so that the health of such child, young girl or woman is likely to be permanently injured, and whoever so employs any child, young girl or woman, shall upon summary conviction thereof incur and be liable to imprisonment in the common gaol of the county wherein the offence has been committed, for a period not exceeding six months, or to a fine of not more than $100, with costs of prosecution, and in default of immediate payment of such fine and costs, then to imprisonment as aforesaid. R. S. O. 1887, c. 208, s. 5.

Child, young girl or woman not to be employed where permanent injury to health likely.

9. To employ in a factory any child or any young girl or woman shall be deemed to be not lawful, and so that the health of such child, young girl or woman is likely to be permanently injured, if in that factory there is any contravention of the following provisions of this section, that is to say:

When employment of child, young girl or woman shall be deemed not lawful.

1. It shall not be lawful for a child, young girl or woman to be employed for more than ten hours in one day, nor more than for sixty hours in any one week, unless a different apportionment of the hours of labour per day has been made for the sole purpose of giving a shorter day's work on Saturday.

2. In every factory the employer shall allow every child and every young girl and woman therein employed not less than one hour at noon of each day for meals, but such hour shall not be counted as part of the time herein limited as respects the employment of children, young girls and women.

3. If the inspector so directs in writing, the employer shall not allow any child, young girl or woman to take meals in any room wherein any manufacturing process is then being carried on. And if the inspector so directs in writing the employer shall, at his own expense, provide a suitable room or place in the factory or in connection therewith, for the purposes of a dining and eating room for persons employed in the factory. R. S. O. 1887, c. 208, s. 6. (3-5).

10.—(1) Notwithstanding anything contained in this Act, women may, during the months of July, August, September and October in any year, be employed to a later hour than nine o'clock in the afternoon of any day in any factory wherein the only work or operations carried on relate to and are

Employment of women in factories for canning or desiccating fruit.

exclusively such as may be necessary for the canning or desiccating of fruits or vegetables, and the preparation thereof for being so canned or desiccated; but no woman shall be so employed during the said months to a later hour than nine o'clock in the afternoon of any day for more than twenty days in the whole, and in reckoning such period of twenty days, every day on which any woman has been so employed to a later hour than nine o'clock in the afternoon shall be taken into account.

(2) Where under the provisions of this section, any woman is employed on any day to a later hour than seven o'clock in the afternoon, she shall, on every such day and in addition to the hour for the noonday meal provided for by section 9 of this Act, be allowed not less than forty-five minutes for another or evening meal between five and eight of the clock in the afternoon. 52 V. c. 43, s. 10.

When inspector may grant exemption from foregoing provisions.

11.—(1) Subject to any regulations which may be made in that behalf by the Lieutenant-Governor in Council, it shall be lawful for the Inspector

(*a*) Where any accident which prevents the working of any factory happens to the motive power of any machinery; or

(*b*) Where from any other occurrence beyond the control of the employer the machinery, or any part of the machinery, of any factory cannot be regularly worked; or

(*c*) Where the customs or exigencies of certain trades require that the children, young girls or women working in a factory, or in certain processes in a factory, shall be employed for a longer period than as herein above provided,

on due proof to his satisfaction of such accident, occurrence, custom or exigency of trade, to give permission for such exemption from the observance of the foregoing provisions of the Act as will, in his judgment, fairly and equitably to the proprietors of, and to the women, young girls and children in, such factory, make up for any loss of labour from such accident or occurrence, or meet the requirements of such custom or exigency of trade:

(2) In the case of the inspector permitting such exemption,

(*a*) No woman, young girl or child shall be employed before the hour of six o'clock in the morning nor after the hour of nine o'clock in the evening; and

(*b*) The hours of labour for women, young girls and children shall not be more than twelve and a half in any one day, nor more than seventy-two and a half in any one week, and

(*c*) Such exemption shall not comprise more than thirty-six days, in the whole, in any twelve months; and

in reckoning such period of thirty-six days, every day on which any child, young girl, or woman has been employed overtime shall be taken into account; and

(*d*) During the continuance of such exemption there shall, in addition to the hour for the noon-day meal provided for by section 9 of this Act, be allowed to every woman, young girl, or child so employed in the factory on any day to an hour later than seven of the clock in the afternoon, not less than forty-five minutes for another or evening meal between five and eight of the clock in the afternoon; and

(*e*) In every factory to, or with respect to, which any such permission for exemption is so given, there shall, in compliance with the provisions of section 34 of this Act, be affixed a notice specifying the extent and particulars of such exemption. R. S. O. 1887, c. 208, s. 8; 52 V. c. 43, ss. 5 and 6.

Particulars to be recorded by employer in case of exemption.

12. When under the exemptions allowed herein any child, young girl or woman is employed in any factory on any day for a longer period than is allowed herein, the duration of such employment shall be daily recorded by the employer in a register, which shall be in such form as may be required by any regulations made in that behalf by the Lieutenant-Governor in Council. R. S. O. 1887, c. 208, s. 9.

Notice of hours of employment to be affixed in factory.

13. Notice of the hours between which children, young girls or women are to be employed, shall be made in such form as may be required by the regulations made in that behalf by the Lieutenant-Governor in Council, and shall be signed by the inspector and by the employer, and shall be hung up during the period affected by such notice, in such conspicuous place or places in the factory as the inspector requires. R. S. O. 1887, c. 208, s. 10.

Cleaning machinery while in motion.

14.—(1) A child shall not be allowed to clean any part of the machinery in a factory while the same is in motion by the aid of steam, water or other mechanical power.

(2) A young girl or woman shall not be allowed to clean such part of the machinery in a factory as is mill-gearing, while the same is in motion for the purpose of propelling any part of the manufacturing machinery.

(3) A child or young girl shall not be allowed to work between the fixed and traversing part of any self-acting machine while the machine is in motion by the action of steam, water, or other machinery power.

(4) A child, young girl, or woman, allowed by an employer to clean or to work in contravention of this section, shall be

deemed to be employed by him contrary to the provisions of this Act, and to have contravened said provisions. R. S. O. 1887, c. 208, s. 7.

Sanitary condition of factory.

15.—(1) Every factory shall be kept in a cleanly state and free from effluvia arising from any drain, privy or any other nuisance.

(2) A factory shall not be so overcrowded while work is carried on therein as to be injurious to the health of the persons employed therein.

(3) Every factory shall be ventilated in such a manner as to render harmless, so far as is reasonably practicable, all the gases, vapours, dust or other impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health.

(4) In every factory there shall be kept provided a sufficient number and description of privies, earth or water-closets, and urinals for the employees of such factory; such closets and urinals shall at all times be kept clean and well ventilated, and separate sets thereof shall be provided for the use of male and female employees, and shall have respectively separate approaches.

(5) A factory in which there is a contravention of this section or of the regulations made for the enforcement of this section, shall be deemed to be kept unlawfully, and so that the health of any person employed therein is likely to be permanently injured, and the employer shall, because thereof, be deemed to be guilty of a contravention of the provisions of this Act. R. S. O. 1887, c. 208, s. 11.

Employer to remedy omission, etc., on notice.

16.—(1) In every factory where, contrary to the provisions of this Act, there is any omission, act, neglect or default in relation to any overcrowding, ventilation, drain, privy, earth-closet, water-closet, ash-pit, water-supply, nuisance or other matter whereby the health of persons employed in the factory may be affected, the employer shall within a reasonable time take such action thereon as the inspector, acting under the regulations, if any, made in respect to such subjects, notifies the employer to be proper and necessary; and

(2) In every factory where any process is carried on by which dust is generated and inhaled by the workers to an injurious extent, if such inhalation can by mechanical means be prevented or partially prevented, the inspector may, subject to such regulations, if any, as may be made in that behalf, direct that such means shall be provided within a reasonable time, by the employer, who in such cases shall be bound so to provide them.

(3) A factory in which the provisions of this section are not complied with by the employer shall be deemed to be kept unlawfully and so that the health of any person therein employed is likely to be permanently injured, and such employer shall, because thereof, be deemed to be guilty of a contravention of the provisions of this Act. R. S. O 1887, c. 208, s. 12; 52 V. c. 43 s. 7.

Persons occupying same premises and employing five or more persons.

17. Where two or more persons occupy or use the same room or premises for carrying on any work or business within the meaning of this Act, and employ in the aggregate six persons or more, no one of such persons employing so many as six, each of the several employers shall be held responsible for providing proper and sufficient water-closets and the other requirements set forth in sections 15 and 16 of this Act; which said sections shall apply to each and every of such employers as if they were partners in all the work or business of the said room or premises. 58 V. c. 50, s. 4.

Inspector may take physician etc., into factory.

18. The inspector may, for the purposes of the next preceding three sections, take with him into any factory a physician, health officer, or other officer of the local sanitary authority. R. S. O. 1887, c. 208, s. 13.

Penalty for keeping factory so that safety of persons employed is endangered.

19. It shall not be lawful to keep a factory so that the safety of any person employed therein is endangered, or so that the health of any person employed therein is likely to be permanently injured, and whoever so keeps a factory shall, upon conviction thereof, incur and be liable to imprisonment within the common gaol of the county within which the offence was committed, for a period of not more than twelve months, or to a fine of not more than $500, with costs of prosecution, and in default of immediate payment of such fine and costs, then to imprisonment as aforesaid. R. S. O. 1887, c. 208, s. 14.

20.—(1) In every factory,

Guarding dangerous places.

(*a*) All dangerous parts of mill gearing, machinery, vats, pans, caldrons, reservoirs, wheel-races, flumes, water channels, doors, openings in the floors or walls, bridges, and all other like dangerous structures or places shall be as far as practicable securely guarded. 58 V. c. 50, s. 3.

(*b*) No machinery other than steam engines shall be cleaned while in motion if the inspector so directs by written notice.

(*c*) The openings of every hoistway, hatchway, elevator or well-hole shall be at each floor provided with and protected by good and sufficient trap-doors or self-closing hatches, and safety-catches, or by such other

safeguards as the inspector directs, and such trap-doors shall be kept closed at all times except when in actual use by persons authorized by the employer to use the same.

(*d*) All elevator cabs or cars, whether used for freight or passengers, shall be provided with some suitable mechanical device to be approved by the inspector, whereby the cab or car will be securely held in the event of accident to the shipper, rope or hoisting machinery, or from any similar cause. R.S.O. 1887, c. 208, s. 15 (2-4.)

Notice from inspector as to precaution against accidents.

(*e*) Any other particulars which any inspector from time to time considers dangerous, and in regard to which he gives notice to that effect to the employer, shall likewise as far as practicable be secured or securely guarded. 58 V. c. 50, s. 6.

(2) A factory in which there is a contravention of this section or of the regulations made for the enforcement of this section, shall be deemed to be kept unlawfully, and so that the safety of any person employed therein is endangered. R. S. O. 1887, c. 208, s. 15, *last part.*

Prevention of fire.

21.—(1) In every factory,

(*a*) There shall be such means of extinguishing fire as the inspector, acting under the regulations made in that behalf, directs in writing;

(*b*) The main inside and outside doors shall open outwardly, and any door leading to or being the principal or main entrance to the factory or to any tower stairways, or fire-escapes therein or belonging thereto, shall not be bolted, barred, or locked at any time during the ordinary and usual working hours in the factory. R. S. O. 1887, c. 208, s. 16 (1, 2).

Prevention of accidents by providing ropes.

(2) In the case of factories over two storeys in height, there shall be provided in every room which is above the ground floor, or in so many of the rooms above the ground floor as the inspector in writing certifies to be in his judgment sufficient, a wire or other rope for every window in the room, or for as many windows in the room as the inspector certifies in writing to be sufficient.

(*a*) Every such rope shall be not less than three-quarters of an inch in thickness, and of sufficient length to reach from the room in which it is kept to the ground below; and every such window of every room shall be provided with proper, convenient and secure fastenings and appurtenances to which one end of the rope may be safely secured or fastened.

(*b*) The said wire or other ropes shall be kept in a coil or other convenient position in the room. 58 V. c. 50, s. 5.

(3) Every factory three or more storeys in height, in which persons are employed above the second storey, unless supplied with a sufficient number of tower stairways with iron doors, shall be provided with a sufficient number of fire-escapes; such fire-escapes shall consist of an iron stairway with a suitable railing, and shall be connected with the interior of the building by iron doors or windows, with iron shutters, and shall have suitable landings at every storey above the first, including the attic if the attic is occupied as a workroom, and such fire-escapes shall be kept in good repair and free from obstruction or incumbrance of any kind; but any of the requirements of this subsection may be dispensed with in any factory if the inspector so directs.

(4) A factory or workshop in which there is a contravention of this section shall be deemed to be kept unlawfully and so that the safety of any person employed therein is endangered. R. S. O. 1887, c. 208, s. 16 (3).

Notice of accident to be given to inspector.

22. In case of a fire or accident in any factory occasioning any bodily injury to any person employed therein, whereby he is prevented from working for more than six days next after the fire or accident, a notice shall be sent to the inspector in writing by the employer forthwith after the expiration of the said six days, and if such notice is not so sent the employer shall be liable to a fine not exceeding $30. 58 V. c. 50, s. 7.

Notice of explosion.

23. In case of an explosion occurring in a factory, whether any person is injured thereby or not, the fact of such explosion having occurred shall be reported to the inspector in writing by the employer within twenty-four hours next after the explosion takes place. And if such notice is not so sent, the employer shall be liable to a fine not exceeding $30. 58 V. c. 50, s. 8.

Notification of death or fatal injury.

24. Where in a factory any person is killed from any cause, or is injured from any cause, in a manner likely to prove fatal, written notice of the accident shall be sent to the inspector within twenty-four hours after the occurrence thereof, and if such notice is not so sent, the employer shall be liable to a fine not exceeding $30. 58 V. c. 50, s. 9.

Who to be deemed employer of children, etc., in certain cases.

25. Where in a factory the owner or hirer of a machine or implement moved by steam, water, or other mechanical power, in or about or in connection with which machine or implement, children, young girls, or women are employed, is some person other than the employer as defined by this Act, and such children, young girls, or women are in the employment and pay of the owner or hirer of such machine or implement, in any such

case such owner or hirer shall, so far as respects any offence against this Act, which may be committed in relation to such children, young girls, or women, be deemed to be the employer. R. S. O. 1887, c. 208, s. 20.

Certain provisions not to apply to private house.

26.—(1) The provisions of this Act which relate

(*a*) To the cleanliness or to the freedom from effluvia, or to the overcrowding or ventilation of a factory; and

(*b*) To children, young girls and women being during any part of the times allowed for meals in a factory employed in the factory or being allowed to remain in any room; and

(*c*) To the affixing of any notice or abstract in a factory or specifying any matter in the notice so affixed, save and except where such notice is a notice of the name and address of the inspector; and

(*d*) To the sending notice of accidents;

shall not apply where persons are employed at home, that is to say, to a private house, room, or place which, though used as a dwelling, might by reason of the work carried on there be a factory within the meaning of this Act, and in which neither steam, water nor other mechanical power is used, and in which the only persons employed are members of the same family dwelling there.

Certain provisions not to apply to factories in which children or young girls are not employed.

(2) The provisions of this Act which relate

(*a*) To children, young girls and women being during any part of the times allowed for meals in a factory, employed in a factory or being allowed to remain in any room; and

(*b*) To the affixing of any notice or abstract in a factory or specifying any matter in the notice so affixed, save and except where such notice is a notice of the name and address of the inspector;

shall not apply to a factory which is conducted on the system of not employing children or young girls therein, and the occupier of which has served on the inspector notice of his intention to conduct his factory upon that system.

Notice to be given if system of employment changed.

(3) Where an employer has served on an inspector notice of his intention to conduct his factory on the system of not employing children or young girls therein, the factory shall be deemed for all the purposes of this Act to be conducted on the said system until the employer changes it, and no changes shall be made until the employer has served on the inspector notice of his intention to change the system, and until the change a child or young girl employed in a factory shall be deemed to be employed contrary to the provisions of this Act; a change in the said system shall not be made oftener than

once in every three months, unless for special cause allowed in writing by the inspector. 52 V. c. 43, s. 8.

27. Nothing in this Act shall extend to any person being a mechanic, artisan or labourer, working only in repairing either the machinery in, or any part of, a factory. R. S. O. 1887, c. 208, s. 23. Act not to apply to persons working only at repairs.

28. The Lieutenant-Governor in Council may from time to time, for the purpose of carrying out this Act— Regulations may be made by Lieut.-Governor in Council.

1. Make such rules, regulations and orders for enforcing its provisions, and for the conduct and duties of the inspector, as may be deemed necessary;

2. Appoint the inspector, who shall be paid such salary or compensation as from time to time may be appropriated for the purpose by the Legislature;

3. Designate and assign in the order appointing any inspector, the locality in and for which he is to be the inspector under this Act. R. S. O. 1887, c. 208, s. 24.

29. The Lieutenant-Governor in Council may from time to time appoint a female inspector for the purpose of carrying out this Act, in addition to the other inspectors by law directed. 58 V. c. 50, s. 10. Female inspector.

30.—(1) The inspector shall for the purposes of the execution of this Act, and for enforcing the regulations made under the authority thereof, have power to do all or any of the following things, namely, Powers of Inspector.

(*a*) To enter, inspect and examine at all reasonable times by day or night any factory and any part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory;

(*b*) To require the production of any register, certificate, notice or document required by this Act to be kept, and to inspect, examine, and copy the same;

(*c*) To take with him in either case a constable into a factory in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty;

(*d*) To make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are complied with, so far as respects the factory and the persons employed therein;

(*e*) To examine, either alone or in the presence of any other person, as he thinks fit, with respect to mat-

ters under this Act, every person whom he finds in a factory, or whom he has reasonable cause to believe to be, or to have been, within the two preceding months, employed in a factory, and to require such person to be so examined, and to sign a declaration of the truth of the matters respecting which he is so examined;

(*f*) For the purposes of any investigation, inquiry or examination made by him under the authority of this Act, to administer an oath to and to summon any person to give evidence;

(*g*) To exercise such other powers as may be necessary for carrying this Act into effect.

(2) The employer and his agents and servants, shall furnish the means required by the inspector as necessary for an entry, inspection, examination, inquiry, or the exercise of his powers under this Act in relation to such factory.

(3) Every person who wilfully delays the inspector in the exercise of any power under this section, or who fails to comply with a requisition or summons of the inspector in pursuance of this section, or to produce any certificate or document which he is required by or in pursuance of this Act to produce, or who conceals or prevents a child, young girl or woman from appearing before or being examined by the inspector, or attempts so to conceal or prevent a child, young girl or woman, shall be deemed to obstruct an inspector in the execution of his duties under this Act: but no one shall be required under this section to answer any question, or to give any evidence, tending to criminate himself.

(4) Where the inspector is obstructed in the execution of his duties under this Act, the person obstructing him shall be liable to a fine not exceeding $30; and where an inspector is so obstructed in a factory, the employer shall be liable to a fine not exceeding $30, or where the offence is committed at night, $100. R. S. O. 1887, c. 208, s. 25.

Inspector before entering dwelling without consent of occupier to obtain special authority.

31.—(1) The inspector, before entering, in pursuance of the powers conferred by this Act, without the consent of the occupier, any room or place actually used as a dwelling, as well as for a factory, shall, on an affidavit or statutory declaration of facts and reasons, obtain written authority to do so from the Lieutenant-Governor in Council, or such warrant as is hereinafter mentioned, from a Justice of the Peace or Police Magistrate.

(2) The affidavit or statutory declaration above mentioned may be inspected or produced in evidence, in all respects the same as an information on oath before a Justice.

(3) A Justice of the Peace or Police Magistrate, if satisfied, by information on oath, that there is reasonable cause to suppose

that any enactment of this Act is contravened in any such room or place as aforesaid, may, in his discretion, grant a warrant under his hand, authorizing the inspector named therein, at any time within the period named therein, but not exceeding one month from the date thereof, to enter, in pursuance of this Act, the room or place named in the warrant, and exercise therein the powers of inspection and examination conferred by this Act, and the fines and provisions of this Act, with respect to obstruction of the inspector, shall apply accordingly. R.S.O. 1887, c. 208, s. 26.

Inspector to be furnished with certificate and to produce same if demanded. Rev. Stat. c. 14.

32. Every inspector under this Act shall be furnished with a formal certificate of his appointment, under the hand and seal of the Minister of Agriculture, (or other member of the Executive Council to whom the duty of the administration of this Act may from time to time be assigned under *The Act respecting the Executive Council*) and on applying for admission to a factory shall, if required, produce to the employer the said certificate. R. S. O. 1887, c. 208, s. 27; 52 V. c. 43, s. 9.

Notice to be sent to Inspector by person occupying factory.

33.—(1) Every person shall, within one month after he begins to occupy a factory, serve on the inspector a written notice containing the name of the factory, the place where it is situated, the address to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power therein, and the name of the firm under which the business of the factory is to be carried on, and in default shall be liable to a fine not exceeding $30.

(2) In every factory the employer shall keep in the form and with the particulars prescribed by any regulation made by the Lieutenant-Governor in Council in that behalf, a register of the women, young girls and children employed in that factory and of their employment, and of other matters under this Act; and shall send to the inspector such extracts from any register kept in pursuance of this Act as the inspector from time to time requires for the execution of his duties under this Act, and in default thereof such employer shall be liable to a fine not exceeding $30. R. S. O. 1887, c. 208, s. 28.

Notices to be affixed in factory.

34. There shall be affixed at the entrance of a factory and in such other parts thereof as the inspector directs, and be constantly kept so affixed in the form directed by the inspector and in such position as to be easily read by the persons employed in the factory—

1. Such notices of the provisions of this Act, and of any regulations made thereunder as the inspector deems necessary to enable the persons employed in the factory to become acquainted with their rights, liabilities and duties under this Act;

2. A notice of the name and address of the inspector;

3. A notice of the clock (if any) by which the period of employment and times for meals in the factory are regulated;

4. Every other notice and document (if any) required by this Act to be affixed in the factory.

In the event of a contravention of any provision or requirement of this section in a factory the employer shall be liable to a fine not exceeding $20. R. S. O. 1887, c. 208, s. 29. *See sec.* 11 (2*e*).

Notice of name and address of inspector.

35. A notice of the name and address of the inspector shall, in compliance with such directions as the inspector may give under the provisions of section 34 of this Act, be affixed in every factory. 52 V. c. 43, s. 11.

Notices, etc., and mode of service.

36.—(1) Any notice, order, requisition, summons and document under this Act may be in writing or print, or partly in writing and partly in print.

(2) Any notice, order, requisition, summons, and document required, or authorized to be served or sent, for the purposes of this Act may be served and sent by delivering the same to or at the residence of the person on or to whom it is to be served or sent, or where that person is an employer, within the meaning of this Act, by delivering the same, or a true copy thereof, to his agent or to some person in the factory of which he is employer; it may also be served or sent by post by a prepaid letter, and if served or sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending, it shall be sufficient to prove that it was properly addressed and put into the post; and where it is required to be served on or sent to an employer it shall be deemed to be properly addressed, if addressed to him at the factory in respect of which he is employer, with the addition of the proper postal address, but without naming the person who is the employer. R. S. O. 1887, c. 208, s. 30.

Penalty in case of false entry, etc.

37. Every person who wilfully makes a false entry in any register, notice, certificate or document required by this Act to be left or served, or sent, or who wilfully makes or signs a false declaration under this Act, or who knowingly makes use of any such false entry or declaration shall, upon conviction thereof, be liable to imprisonment in the common gaol of the county wherein the offence was committed for a period not exceeding six months or to a fine of not more than $100, with costs of prosecution, and in default of immediate payment of such fine and costs, then to imprisonment as aforesaid R. S. O. 1887, c. 208, s. 22.

Parent of child or young girl employed

38. The parent of any child or young girl employed in a factory in contravention of this Act shall, unless such employ-

ment is without the consent, connivance or wilful default of such parent, be guilty of an offence in contravention of this Act, and shall for each offence on summary conviction thereof incur and pay a fine of not more than $50 and costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county wherein the offence was committed for a period not exceeding three months. R. S. O. 1887, c. 208, s. 17. contrary to Act liable to penalty.

39. If any of the provisions of this Act, or of any regulations, rules or orders made under the authority thereof by the Lieutenant-Governor in Council or by any inspector are contravened, and no other penalty is herein provided for such contravention, the employer guilty of such contravention, shall on summary conviction thereof incur and pay a fine of not more than $50 with costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county within which the offence was committed, for a period not exceeding three months. R. S. O. 1887, c. 208, s. 31. Penalty for contravention of Act where no express penalty provided.

40. If a factory is not kept in conformity with this Act, the Court of summary jurisdiction, in addition to, or instead of inflicting a fine, penalty or other punishment upon the employer, may order certain means to be adopted by the employer, within the time named in the order, for the purpose of bringing his factory into conformity with this Act; the Court may, also, upon application, enlarge the time so named, but if, after the expiration of the time as originally named or enlarged by subsequent order, the order is not complied with, the employer shall be liable to a fine not exceeding $10 for every day that such non-compliance continues. R. S. O. 1887, c. 208, s. 32. Power of court in addition to inflicting fine

41. Where the employer is charged with an offence against this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the Court or tribunal at the time appointed for hearing the charge; and if after the commission of the offence has been proved the employer proves to the satisfaction of the Court that he had used due diligence to enforce the execution of the Act, and that the said other person had committed the offence in question without the knowledge, consent or connivance of him the employer, the said other person shall be summarily convicted of such offence and the employer shall be exempt from any fine, penalty or punishment. R. S. O. 1887, c. 208, s. 33. Power of employer to exempt himself from fine on conviction of the actual offender.

42. Where it is made to appear to the satisfaction of the inspector at the time of discovering the offence that the employer had used all due diligence to enforce the execution of this Act, and also by what person such offence was committed, and also that it was committed without the knowledge, consent or connivance of the employer and in contraven- Inspector to proceed against actual offender.

tion of his orders, then the inspector shall proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the employer. R. S. O. 1887, c. 208, s. 34.

Fine on person committing offence for which employer is liable.

43. Where an offence for which an employer is liable under this Act to a fine has in fact been committed by some agent, servant, workman or other person, such agent, servant, workman or other person shall be liable to the same fine, penalty or punishment for such offence as if he were the employer. R. S. O. 1887, c. 208, s. 35.

Restraint on cumulative fines.

44. A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger fine, penalty or punishment than the highest fine, penalty or punishments fixed by this Act for the offence, except—

1. Where the repetition of the offence occurs after an information has been laid for the previous offence; or,

2. Where the offence is one of employing two or more children, young girls or women, contrary to the provisions of this Act. R. S. O. 1887, c. 208, s. 36.

Application of fines and penalties.

45. All fines or penalties in money imposed or recovered under or in pursuance of this Act, shall be paid by the convicting Justices or Police Magistrate, as the case may be, to the inspector, who shall forthwith pay the same over to the Treasurer of the Province to and for the use of the Province. R. S. O. 1887, c. 208, s. 37.

Prosecutions and procedure.

46. All prosecutions under this Act may be brought and heard before any two of Her Majesty's Justices of the Peace in and for the county where the penalty was incurred or the offence was committed or wrong done, and in cities and towns, in which there is a Police Magistrate, before such Police Magistrate; and save where otherwise provided by this Act the procedure shall be governed by *The Ontario Summary Convictions Act*. R. S. O. 1887, c. 208, s. 39.

Rev. Stat. c. 90.

Limitation of time and general provisions as to summary proceedings.

Limitation of prosecutions.

47. The following provisions shall have effect with respect to summary proceedings for offences and fines under this Act:

1. The information shall be laid within two months, or where the offence is punishable at discretion by imprisonment, within three months after the offence has come to the knowledge of the inspector. 58 V. c. 50, s. 11.

2. The description of an offence in the words of this Act, or in similar words, shall be sufficient in law.

3. Any exception, exemption, proviso, excuse or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant but need

not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant.

4. It shall be sufficient to allege that a factory is a factory within the meaning of this Act, without more.

5. It shall be sufficient to state the name of the ostensible employer or the title of the firm by which the employer employing persons in the factory is usually known.

6. A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a Court of summary jurisdiction against which a person is authorized by this Act to appeal, shall not be removed by *certiorari* or otherwise, either at the instance of the Crown or of any private person, into the High Court except for the purpose of the hearing and determination of a special case. R. S. O. 1887, c. 208, s. 38 (2-6).

Evidence of accused persons.

48. On the trial of any complaint, proceeding, matter or question under this Act, the person opposing or defending, or who is charged with any offence against or under any of the provisions of this Act, shall be competent and compellable to give evidence in or with respect to such complaint, proceeding, matter or question. 52 V. c. 43, s. 12.

Report of Inspector to be laid before Legislative Assembly.

49. Such annual or other report of the inspector as the Lieutenant-Governor from time to time directs, shall be laid before the Legislative Assembly. R. S. O. 1887, c. 208, s. 40.

Registers and notices.

50. Unless, and until otherwise ordered or directed by any regulation in that behalf made by the Lieutenant-Governor in Council,

(*a*) The register mentioned in and required by section 33 of this Act shall, so far as the same relates to children and young girls, be according to form A in Schedule B to this Act; and, so far as the same relates to women, be according to form B in the said Schedule;

(*b*) The register mentioned in and required by section 12 of this Act shall be according to form C in said Schedule;

(*c*) On the first page of any register kept by an employer, pursuant to this Act, or to any rule, order or regulation made in that behalf by the Lieutenant-Governor in Council, shall be printed the form D in the said Schedule, or one to the like effect; and the same shall be properly filled up and signed by the inspector and the employer, when such register is commenced to be kept;

(*d*) Notice of the hours between which children, young girls or women are to be employed in any factory, as required by section 13 of this Act, shall be according to form E in said Schedule;

(*e*) Notice to an inspector, under sections 22 to 24 of this Act, may be in the form F of said Schedule;

(*f*) Notice to an inspector, under section 26 of this Act, may be according to such of the forms G and H of said Schedule as the case requires; and

(*g*) Notice to an inspector, under section 33 of this Act, may be in the form I of said Schedule. 52 V. c. 43, s. 14.

SCHEDULE A.

(*Section* 2.)

Agricultural Implement Factories.
Auger Factories.
Axle and Spring Factories.
Bakehouses and Bakeshops.
Baking Powder and Yeast Factories.
Barb Wire Factories.
Barrel Factories.
Bell Factories.
Billiard Table Factories.
Bird Cage Factories.
Biscuit Factories.
Blacking Factories.
Blanket Factories.
Boiler Factories.
Bolt and Nut Factories.
Book-binding Factories.
Boot and Shoe Factories.
Box Factories.
Brass Foundries.
Breweries.
Broom Factories.
Brush Factories.
Bustle and Hoopskirt Factories.
Button Factories.
Canning Factories.
Cap Factories.
Carpet Factories.
Carriage Factories.
Carriage Goods (iron) Factories.
Carriage Woodwork Factories.
Cartridge Factories.
Car Shops.
Cheese Box Factories.
Chemical Works.
Child's Carriage Factories.
Cider Factories.
Cigar Factories.
Cigar Box Factories.
Clay Pipe Factories.
Clock Factories.
Clothing Factories.
Coffin Factories.
Confectionery Factories.
Coopers' Workshops,
Cork Factories.
Corset Factories.
Corset and Hoopskirt Steel Factories.
Cotton Factories.
Distilleries.
Domestic Utensils Factories.
Dress Shield Factories.
Drop Forging Factories.
Dye Works.
Edge Tool Factories.
Electric Machinery Factories.
Electrotype Foundries.
Emery Wheel Factories.
Envelope Factories.
Extracts and Essential Oil Factories.
Felt Factories.
File Works.
Flax Mills.
Foundries.
Fringe and Tassel Factories.
Fruit Desiccating Factories.
Furniture Factories.
Furriers' Workshops.
Galvanized and Pressed Ironwork Factories.
Glass Works.
Glove Factories.
Glucose Factories.

Gun and Small Arm Factories.
Hair Cloth Factories.
Hames Factories.
Hammer Factories.
Hat Factories.
Hinge Factories.
Horn Comb Factories.
Hobby Horse Factories.
Hosiery Factories.
Iron Bridge Works.
Jams, Jellies and Pickle Works.
Jewellery Factories.
Kaoka Factories.
Knitting Factories.
Knitting Machine Factories.
Knitting Needle Factories.
Lace Factories.
Lamp Goods Factories.
Last Factories.
Laundries.
Laundry, Bluing and Washing Crystal Factories.
Lead Pipe and Shot Factories.
Linen, Cotton, and Jute Bag Factories.
Lithographers' Workshops.
Lock Factories.
Locomotive Works.
Machine Shops.
Machine Screw Works.
Mantle Piece Factories.
Marble Works.
Match Factories.
Matting Factories.
Mattrass Factories.
Metallic Shingle Factories.
Mill Furnishing Works.
Mirror Factories.
Nail Works.
Necktie Works.
Oil Mills.
Oil Refineries.
Organ Factories.
Organ Reeds Factories.
Ornamental Moulding Factories.
Paint Works.
Paper Bag Factories.
Paper Box Factories.
Paper Collar Factories.
Paper and Pulp Mills.
Parafine Factories.
Patent Medicine Factories.
Piano Factories.
Piano and Organ Key-board Factories.
Picture Frame Works.
Pin Factories.
Planing Mills.
Plated Metal Works.
Potteries.
Printing Ink Factories.
Pulp Factories.
Rag-sorting Workshops.
Rattan Goods Factories.
Reaper Knife Factories.
Rivet Works.
Rolling Mills.
Rope Works.
Rubber Factories.
Saddlery Hardware Factories.
Safe Works,
Salt Drying Works.
Sash and Door Factories.
Saw Factories.
Saw Mills.
Scale Works.
Sewer Pipe Factories.
Sewing Machine Works.
Shirt Factories.
Shoddy Factories.
Shovel Factories
Show Case Factories.
Silk Factories.
Skate Works.
Soap Works.
Soda Water Factories.
Spice and Coffee Mills.
Spool Factories.
Stained Glass Factories.
Starch Factories.
Stave Factories.
Stay Factories.
Steel Wire Factories.
Straw Works.
Sugar Refineries.
Suspender Factories.
Syrup Factories.
Tanneries.
Terra Cotta Works.
Thread Spooling Factories.
Tin Stamping Works.
Tobacco Factories.
Toy Factories.
Trunk Factories.
Tub and Pail Works.
Type Foundries.
Varnish Works.
Velocipedes and Bicycle Factories.
Vinegar Works
Waggon and Sleigh Factories.
Wall Paper Factories.
Watch Case Factories.
Wax Paper Factories.
Whip Factories.
Window Shade Factories.
Wire Goods Factories.
Woodenware Factories.
Wood Pulley Factories.
Wood Screw Factories.
Woollen Factories.

52 V. c. 43, Schedule A ; 58 V. c. 50, s. 13.

SCHEDULE B.

(Schedule of Forms referred to in Section 50.)

FORM A.

(*Sections 33 and 50.*)

REGISTER OF CHILDREN AND YOUNG GIRLS EMPLOYED IN THIS FACTORY UNDER "THE ONTARIO FACTORIES' ACT."

No child can be employed in any factory except in the business of canning or desiccating fruits and vegetables and the work incidental thereto, as provided for in section 5 of "The Ontario Factories Act." (Sec. 3.)

Under "The Ontario Factories Act," the word "child" means a person under the age of fourteen years; the expression "Young Girl" means a girl of the age of fourteen years and under the age of eighteen years; the word "Woman" means a woman of eighteen years of age and upwards; and the word "Parent" means a parent or guardian of, or a person having the legal custody of, or the control over, or having direct benefit from, the wages of a child or young girl. (Subsecs. 5, 6, 7 and 8 of sec. 2).

Columns 1, 2, 3, 4 and 5 to be filled up by the employer before a child or young girl is allowed to work.

1		3	4	5	6	7
Name of child or young girl.	Name of Parent or Guardian.	Residence of Parent or Guardian.	Date of first employment.	Nature of employment.	Age of child or young girl.	REMARKS. When a person ceases to be employed insert in this column opposite his or her name, "Left." When a young girl becomes a woman within the meaning of the Act, insert opposite her name the word "Woman."

FORM B.

(*Sections 33 and 50.*)

REGISTER OF WOMEN OF 18 YEARS OF AGE AND UPWARDS EMPLOYED IN THIS FACTORY.

Under "The Ontario Factories Act," the word "Child" means a person under the age of fourteen years; the expression "Young Girl"

means a girl of fourteen years and under the age of eighteen years; the word "Woman" means a woman of eighteen years of age and upwards, and the word "Parent" means a parent or guardian of, or a person having the legal custody of, or the control over, or having direct benefit from the wages of a child or young girl. (Subsecs. 5, 6, 7 and 8 of sec. 2.)

1	2	3	4	5
Name.	Residence.	Date of first employment	Nature of employment	Remarks. When a woman ceases to be employed insert in this column opposite her name "Left."

FORM C.

(*Sections* 12 *and* 50.)

REGISTER OF THE CHILDREN, YOUNG GIRLS, AND WOMEN EMPLOYED IN THIS FACTORY ON ANY DAY FOR A LONGER PERIOD THAN IS ALLOWED BY "THE ONTARIO FACTORIES' ACT." (See Secs. 11 and 12.)

Dates when employed for a longer period, etc.			Name of child, young girl or woman so employed.	Time of the day when employment began.	Time of the day when employment ended.	Total of hours employed during day	Nature of employment.
Month.	Days.	Year.					

FORM D.

(*Section* 50.)

"THE ONTARIO FACTORIES' ACT."

FACTORY TO WHICH THIS REGISTER APPLIES.	TO THE OCCUPIER AND EMPLOYER IN THIS FACTORY.
1. Name (if any) of factory Situate in Post Office to which letters for this factory are to be directed	I hereby give you notice that the clock named under heading No. 4 on this page is the clock by which the hours of employment and times allowed for meals in this factory are to be regulated.
2. Nature of work carried on	Dated this day of
3. Nature and amount of moving power : (*a*) Steam-engine of about indicated horse-power, of which horse-power is employed in this factory. (*b*) Water wheel of about indicated horse-power, of which horse power is employed in this factory.	.... *Inspector.*
4. Clock	
5. Name of the occupier and employer	
.... (*Signature of occupier or agent.*	

FORM E.

(*Sections* 13 *and* 50.)

"THE ONTARIO FACTORIES ACT."

NOTICE.

It shall not be lawful for a child, young girl or woman to be employed for more than ten hours in one day, nor for more than sixty hours in any one week, unless a different apportionment of the hours of labour per day has been made for the sole purpose of giving a shorter day's work on Saturday. (Subsec. 1 of sec. 9.)

In every factory the employer shall allow every child and every young girl and woman therein employed not less than one hour at noon of each day for meals, but such hour shall not be counted as part of the time herein limited as respects the employment of children, young girls and women. (Subsec. 2 of sec. 9.)

Notice of the hours between which children, young girls or women are to be employed, shall be made in such form as may be required by the regulations made in that behalf by the Lieutenant-Governor in Council, and shall be signed by the Inspector and by the employer, and shall be hung up during the period affected by such notice, in such conspicuous place, or places in the factory as the Inspector requires. (Sec. 13.)

In accordance with the foregoing provisions of "The Ontario Factories Act," it is hereby notified to all concerned that the hours between which children, young girls and women are to be employed in this Factory are as follows :—

	Forenoon.		Afternoon.		Total hours each day.
	Commence at	Stop at	Commence at	Stop at	
Monday...	.....	....	.....	....	.....
Tuesday...	.....	.....	.....	.....	.....
Wednesday	.....	.....	.....	....	.....
Thursday..	.....	.....	.....	.....	.....
Friday	... .	.....	.....	.....	.....
Saturday ..	.....	.....	.....	.....	.....

Total of hours for the week.....

Dated this.....day of.....

(*Signature of Employer or Agent.*).....

(*Inspector's Signature.*).....

Form F.

(*Sections* 22-24 *and* 50.)

"THE ONTARIO FACTORIES ACT."

To..... .....

Factories Inspector.

You are hereby notified pursuant to section 22 (*or as the case may be*) of "The Ontario Factories Act," of the happening of an accident in the Factory hereunder mentioned, whereof the following are particulars :—

1. Name of person injured (or killed).
2. Factory in which accident happened.
3. Date of accident.
4. Age of person injured (or killed).
5. Residing on street in the of
6. Cause of injury (or death).
7. Extent of injury.
8. Where injured or killed person sent.
9. Remarks.

Dated this day of

(*Signature of Employer or Agent.*)..... .....

Form G.

(*Sections* 26 *and* 50.)

"THE ONTARIO FACTORIES ACT."

To.....

Factories Inspector.

"Whereas by "The Ontario Factories Act" it is in effect enacted, that a Factory shall not, within the meaning of the Act, be deemed to be

conducted on the system of not employing therein either children or young girls until the Occupier has served on an Inspector notice of his intention to conduct his factory on that system :

I hereby give notice that it is intended to conduct the Factory situated at in which is carried on the work following :

and of which
is the occupier, upon the system of not employing therein either children or young girls.

Dated this day of

.....
(*Occupier or Agent.*)

FORM H.

(*Sections* 26 *and* 50).

"THE ONTARIO FACTORIES ACT."

To.....
Factories Inspector.

It is intended after the date hereof, to discontinue to conduct the Factory situated at of which is the occupier, upon the system of not employing therein either children or young girls, within the meaning of "The Ontario Factories Act."

Dated this day of

.....
(*Occupier or Agent.*)

FORM I.

(*Sections* 33 *and* 50.)

"THE ONTARIO FACTORIES ACT."

To.....
Factories Inspector.

Pursuant to section 33 of "The Ontario Factories Act," I hereby give notice that I have begun to occupy a Factory as undermentioned :

Name under which the business is carried on.....

Name of the Factory .....

Locality of the Factory .....

Address to which letters are to be addressed .....

Nature of the work .....

Nature and amount of moving power .....

Dated this day of

.....
(*Occupier or Agent.*)

CHAPTER 257.

An Act respecting Shops and places other than Factories.

SHORT TITLE, s. 1.
Act not to affect Public Health Act, s. 2.

PART. I.

REGULATION OF EMPLOYMENT IN SHOPS.
Application of Act, s. 3.
Interpretation, ss. 4, 5.
Children under 10 not to be employed, s. 6.
Hours for children, girls and women, ss. 7-9.
Register, s. 10.
Seats for female employees, s. 11.
Eating room, s. 12.
Sanitary arrangements, ss. 13-14.
Fire escapes, s. 15.
Powers of inspector, ss. 16-19.
Notices, s. 20, 21.
OFFENCES AND PENALTIES, ss. 9, 11, 22-24.
Procedure and evidence, ss. 25-32.
EMPLOYMENT OF EMPLOYER'S FAMILY IN SHOP, s. 33.
BAKE SHOPS, ss. 34-41.
INSPECTION, ss. 42, 43.

PART II.

BY-LAWS AS TO CLOSING, s. 44.
EXCEPTIONS.
As to druggists, s. 44 (10).
As to supplying lodgers and vessels, s. 44 (11).
PENALTIES, s. 44 (16-18).

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PRELIMINARY.

Short title.

1. This Act may be cited as "*The Ontario Shops Regulation Act.*" 51 V. c. 33, s. 1.

Act not to affect Public Health Act.

2. Nothing in this Act shall in any way conflict or interfere with the powers and duties of local boards of health, or the officers appointed under *The Public Health Act.* 60 V. c. 51, s. 43.

PART I.

REGULATION OF EMPLOYMENT AND HOURS OF LABOUR IN SHOPS.

Part I. not to apply to places within Rev. Stat. c. 256.

3. Part I of this Act shall not apply to any place of business which is within the operation of *The Ontario Factories Act.* 60 V. c. 51, s. 1.

Interpretation.

4.—(1) Unless the context otherwise requires, the following words and expressions in Part I of this Act shall have the meaning hereby assigned to them respectively, that is to say:

"Shop."

(*a*) "Shop" shall mean any building or portion of a building, booth, stall, or place where goods are handled, or exposed or offered for sale, and any such building, or portion of a building, booth, stall or place where goods are manufactured and to which *The Ontario Factories Act* does not apply, and laundries wherein neither steam, water power, nor electric power is used in aid of the work carried on; but shall not include any place where the only trade or business carried on is that of a tobacconist, news-agent, hotel, inn, tavern, or any premises wherein under license, spirituous or fermented liquor is sold by retail for consumption on the premises.

Rev. Stat. c. 256.

"Inspector."

(*b*) "Inspector" shall mean the inspector appointed by order of the Lieutenant-Governor in Council under the authority of and for enforcing the provisions of this Act.

"Employer."

(*c*) "Employer" shall mean any person who in his own behalf, or as manager, superintendent, or agent for any person, firm, company, or corporation, has charge of any shop and employs children, young persons or women therein.

"Week."

(*d*) "Week" shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night.

"Child."

(*e*) "Child" shall mean a person under the age of fourteen years.

"Young girl."

(*f*) "Young girl" shall mean a girl of the age of fourteen years and under the age of eighteen years.

"Woman."

(*g*) "Woman" shall mean a female of eighteen years of age or upwards. 60 V. c. 51, s. 2.

Who to be deemed in the service of owner, tenant or occupier.

(2) Where any owner, occupier or tenant of any premises, building, workshop, structure, room, or place, who has the control thereof, or right of access thereto, lets or hires out or contracts for work or labour to be done therein by any other person and such other person engages or employs therein any workman, child, young girl or woman in or for the carrying out or performing of such work or labour, or any part thereof, every such workman, child, young girl or woman shall for all the purposes of Part I. of this Act, be taken as being in the service and employment of said owner, tenant or occupier. 60 V. c. 51, s. 10.

Part of a shop.

5. A part of a shop may for the purposes of this Act be taken to be a separate shop. 60 V. c. 51, s. 11.

Children under 10 years.

6. No person under ten years of age shall be employed in any shop. 60 V. c. 51, s. 4.

7.—(1) No child, young girl or woman, shall be employed in or about a shop on any day of the week, other than Saturday or the day next before a statutory holiday, before the hour of seven o'clock in the morning, or after the hour of six o'clock in the evening. Hours for children, young girls and women.

(2) No child, young girl or woman shall be employed in or about a shop on Saturday or on the day next before any statutory holiday before the hour of seven o'clock in the morning or after the hour of ten o'clock in the evening.

(3) There shall be allowed to every child, young girl or woman so employed not less than one hour for the noonday meal on each day, and when so employed after six o'clock in the evening not less than forty-five minutes for another or evening meal.

(4) Provided that a child, young girl or woman may be employed in a shop upon one day other than Saturday, and the day before a statutory holiday, in any week until the hour of ten o'clock in the evening, but in that case such child, young girl or woman shall not be so employed on Saturday in such week after the hour of six o'clock in the evening. Proviso.

5) Nothing in this section contained shall apply or be in force as to any shop from the 14th day of December to the 24th day of December, inclusive, in each year. 60 V. c. 51, s. 5. Exception as to days between 14th December and 24th December.

8. A child, young girl or woman who has been previously on any day employed in any factory as defined by *The Ontario Factories Act*, for the number of hours permitted by the said Act, shall not, to the knowledge of the employer, be employed on the same day in a shop, or shall not be employed therein for a longer period than will complete such number of hours. 60 V. c. 51, s. 6. Persons employed in factories. Rev. Stat. c. 256.

9. Where any child, young girl or woman is employed in or about a shop contrary to the provisions of Part I. of this Act, the employer shall, upon conviction thereof, be liable to a fine of not less than $10 nor more than $25 for each person so employed, with costs of the prosecution, and in default of immediate payment of such fine and costs, to be imprisoned in the common gaol of the county within which the offence was committed for a period of not less than one month nor more than three months. 60 V. c. 51, s. 7. Penalty for employment of persons contrary to Act.

10. In every shop in which any child, young girl or woman is employed, there shall be provided and kept a correct register of the name, age and place of residence of every such child, young girl or woman employed, and such register shall at all times, on demand, be open to the free inspection of the inspector. 60 V. c. 51, s. 9. Register of children, young girls and women employed.

Seats to be provided for female employees.

11.—(1) In any shop in which females are employed the employer shall at all times provide and keep therein a sufficient and suitable seat or chair for the use of every such female, and shall permit her to use such chair or seat when not necessarily engaged in the work or duty for which she is employed in such shop, nor shall the employer by any open or covert threat, rule, or other intimation, expressed or implied, or by any contrivance, prevent any such female employee from using such seat or chair as aforesaid.

(2) Any person offending against any of the provisions of this section shall, upon conviction thereof, be liable to a fine of not less than $10 nor more than $25, with costs of prosecution, and in default of immediate payment of such fine and costs to be imprisoned in the common gaol of the county within which the offence was committed for a period not less than one month nor more than three months. 60 V. c. 51, s. 8.

Eating room for employees.

12. If the inspector so directs in writing, the employer shall, at his own expense, provide a suitable room or place in the shop, or in connection therewith, for the purposes of a dining or eating room for persons employed in the shop, and no part of such expense shall be payable by or chargeable to the wages of any employee. 60 V. c. 51, s. 13.

Shops to be kept in proper condition.

13.—(1) Every shop shall be kept sufficiently ventilated and in a cleanly state and free from effluvia arising from any drain, privy or any other nuisance, and shall not be so overcrowded by employees while work is carried on therein as to be injurious to the health of the persons employed therein.

Sanitary arrangements.

(2) Every shop shall have in connection therewith, or within convenient distance and with convenient access thereto, a sufficient number and description of privies, earth or water-closets, and urinals for the employees of such shop; such closets and urinals shall at all times be kept clean and well ventilated, and separate sets thereof shall be provided for the use of male and female employees, and shall have respectively separate approaches. 60 V. c. 51, s. 14.

Employer to conform to directions of inspector.

14. In every shop where, contrary to the provisions of this Act, there is any omission, act, neglect or default in relation to any overcrowding, ventilation, drain, privy, earth-closet, water-closet, ash-pit, water supply, nuisance or other matter whereby the health of persons employed in the shop may be injuriously affected, the employer shall, within a reasonable time, take such action thereon as the Inspector, acting under the regulations, if any, made in respect to such subjects, notifies the employer to be proper and necessary. 60 V. c. 51, s. 15.

15.—(1) Besides the present requirement as to fire-escapes, there shall, in the case of shops over two storeys in height, be provided in every room which is above the ground floor, or in so many of the rooms above the ground floor as the inspector in writing certifies to be in his judgment sufficient, a wire or other rope for every window in the room, or for as many windows in the room as the Inspector certifies in writing to be sufficient. Fire escapes.

(2) Every such rope shall be not less than three-quarters of an inch in thickness, and of sufficient length to reach from the room in which it is kept to the ground below, and every such window of every room shall be provided with proper, convenient and secure fastenings and appurtenances to which one end of the rope may be safely secured or fastened.

(3) The said wire or other ropes shall be kept in a coil or other convenient position in the room.

(4) In cases of particular danger from fire in any shop more than three storeys in height, the Lieutenant-Governor in Council may by regulation require the construction of fire escapes, consisting of iron stairways on the outside of the building with suitable railings and with landings at every storey, including the attic when used as part of the shop, and with proper means of access to such stairway from the interior of the building. 60 V. c. 51, s. 16.

16. The inspector shall, for the purpose of the execution of this Act and for enforcing the regulations made under the authority thereof, have power to do all or any of the following things, namely: Powers of inspector.

1. To enter, inspect and examine at all reasonable times by day or night any shop or any part thereof when he has reasonable cause to believe that such shop requires inspection under the provisions of this Act.

2. To require the production of any register, certificate, notice or document required by this Act to be kept, and to inspect, examine and copy the same.

3. To make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are complied with, so far as respects the shop and the persons employed therein; and to require any person to be examined, and to sign a declaration of the truth of the matters respecting which he is so examined;

4. To exercise such other powers as may be necessary for carrying this Act into effect. 60 V. 51, s. 19.

17. The employer and his agents and servants shall furnish the means required by the inspector as necessary for an entry, Employer to furnish assistance to inspector.

inspection, examination, inquiry, or the exercise of his powers under this Act in relation to such shop. 60 V. c. 51, s. 20.

Inspector to produce certificate of appointment.

18. Every inspector under this Act shall be furnished with a formal certificate of his appointment, under the hand and seal of the Minister of Agriculture for Ontario, and on applying for admission to a shop shall, if required, produce to the employer the said certificate. 60 V. c. 51, s. 21.

Obstructing or hindering inspector.

19. Every person who wilfully hinders, obstructs, or interferes with an inspector in the discharge of his duties under this Act, after the inspector has exhibited his certificate of appointment, shall be liable to a fine not exceeding $20 and costs, and in default of immediate payment thereof, to imprisonment for any term not exceeding thirty days. 60 V. c. 51, s. 22.

Notice to be affixed in shop.

20.—(1) There shall be posted up in convenient places in every shop, and be constantly kept so posted up in the form directed by the inspector and in such position as to be easily read by the persons employed in the shop—

(*a*) Such notices of the provisions of this Act, and of any regulations made thereunder as the inspector deems necessary to enable the persons employed in the shop to become acquainted with their rights, liabilities and duties under this Act; and

(*b*) A notice of the name and address of the inspector.

(2) In the event of a contravention of this section in a shop, the employer shall be liable to a fine not exceeding $20 and costs. 60 V. c. 51, s. 23.

Notices, etc., and mode of service.

21. Any notice, under this Act shall be in writing and may be served by delivering the same to or at the residence of the person on or to whom it is to be served or sent, or where that person is an employer, within the meaning of this Act, by delivering the same, or a true copy thereof, to his agent or to some person in the shop of which he is employer. 60 V. c. 51, s. 24.

Penalty for falsifying register, certificates, etc.

22. Any person who wilfully makes a false entry in any register, notice, certificate or document required by this Act to be kept, left, served or sent, or who wilfully makes or signs a false declaration under this Act, or who knowingly makes use of any such false entry or declaration, shall upon conviction thereof, incur and be liable to imprisonment in the common gaol of the county wherein the offence was committed, for a period not exceeding six months nor less than one month, or to a fine of not more than $50 nor less than $20, with costs of prosecution, and in default of immediate payment of such fine and costs, then to imprisonment as aforesaid. 60 V. c. 51, s. 17.

Penalty for contravention of Act where no express penalty provided.

23. If any of the provisions of Part I of this Act, or of any regulations, rules or orders made under the authority thereof by the Lieutenant-Governor in Council, or by any Inspector are contravened, and no other penalty is herein provided for such contravention, the employer guilty of such contravention, shall on summary conviction thereof incur and pay a fine of not more than $50 with costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county within which the offence was committed, for a period not exceeding three months. 60 V. c. 51, s. 25.

Power of Court in addition to inflicting fine.

24. If a shop is not kept in conformity with this Act, the Court of summary jurisdiction, in addition to, or instead of inflicting a fine, penalty or other punishment upon the employer, may order certain means to be adopted by the employer, within the time named in the order, for the purpose of bringing his shop into conformity with this Act; the Court may, also, upon application, enlarge the time so named, but if, after the expiration of the time as originally named or enlarged by subsequent order, the order is not complied with, the employer shall be liable to a fine not exceeding $5 for every day that such non-compliance continues. 60 V. c. 51, s. 26.

Inspector to proceed against actual offender.

25. Where it is made to appear to the satisfaction of the Inspector at the time of discovering the offence that the employer had used all due diligence to enforce the execution of this Act, and also by what person such offence was committed, and also that it was committed without the consent or connivance of the employer and in contravention of his orders, then the inspector shall proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the employer. 60 V. c. 51, s. 27.

Employer may have actual offender brought into Court.

26. Where an employer is charged with an offence against any of the provisions of Part I of this Act, he shall be entitled, upon information duly laid by him, to have any other person whom he charges to be the actual offender, brought before the Court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the said employer proves that he used due diligence to enforce the execution of the provisions of this Act, and that the said other person committed the offence in question without his knowledge, consent or connivance, or wilful neglect or default, the said employer shall be exempt from any fine, penalty or punishment; but the said other person shall thereupon be summarily convicted of such offence, and shall be liable to the same fine, penalty or punishment therefor as if he were the employer. 60 V. c. 51, s. 3.

Fine on person committing offence for which employer is liable.

27. Where an offence for which an employer is liable under Part I of this Act to a fine has in fact been committed by some agent, servant, workman or other person, such agent, servant, workman or other person shall be liable to the same fine, penalty or punishment for such offence as if he were the employer. 60 V. c. 51 s. 28.

Prosecution and procedure.

28. All prosecutions under this Act may be brought and heard before any two of Her Majesty's Justices of the Peace in and for the the county where the penalty was incurred or the offence was committed or wrong done, and in cities and towns, in which there is a Police Magistrate, before such Police Magistrate; and save where otherwise provided by this Act the procedure shall be governed by *The Ontario Summary Convictions Act.* 60 V. c. 51, s. 32.

Rev. Stat. c. 90.

Onus of proof of age.

29. Where a child or young girl is, in the opinion of the Court, apparently of the age alleged by the informant, it shall lie on the defendant to prove that the child or young person is not of that age. 60 V. c. 51, s. 12.

Restraint on cumulative fines.

30. A person shall not be liable, in respect of a repetition of the same kind of offence from day to day, to any larger fine, penalty or punishment than is fixed by this Act for the offence, except—

1. Where the repetition of the offence occurs after an information has been laid for the previous offence; or

2. Where the offence is one of employing two or more children, young girls or women, contrary to the provisions of this Act. 60 V. c. 51, s. 29.

Application of fines and penalties.

31. All fines or penalties in money imposed and recovered, under or in pursuance of this Act, shall be paid by the convicting Justices or Police Magistrate, as the case may be, to the Inspector, who shall forthwith pay the same over to the Treasurer of the Province to and for the use of the Province. 60 V. c. 51, s. 30.

Limitation of time and general provisions as to summary proceedings.

32. The following provisions shall have effect with respect to summary proceedings for offences and fines under Part I of this Act:

1. The time for laying an information shall be within two months, or where the offence is punishable at discretion by imprisonment, within three months, after the offence has come to the knowledge of the Inspector

2. The description of an offence in the words of this Act, or in similar words, shall be sufficient in law.

3. Any exception, exemption, proviso, excuse or qualification whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant but need

not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant.

4. It shall be sufficient to allege that a shop is a shop within the meaning of this Act, without more.

5. It shall be sufficient to state the name of the ostensible employer or the title of the firm by which the employer employing persons in the shop is usually known.

6. A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form; and a conviction or order made by a Court of summary jurisdiction against which a person is authorized by this Act to appeal, shall not be removed by *certiorari* or otherwise, either at the instance of the Crown or of any private person, into the High Court except for the purpose of the hearing and determination of a special case. 60 V. c. 51, s. 31.

Employment of employer's family in shop.

33. Nothing in the preceding sections of this Act shall apply to a shop where the only persons employed therein are at home, that is to say, are members of the same family dwelling there, or to members of the employer's family dwelling in a house to which the shop is attached. 60 V. c. 51, s. 33.

BAKE SHOPS.

34. In the next seven sections of this Act the following words shall have the meaning hereinafter expressed, unless a contrary intention appears:

"Bake shop."

1. "Bake shop" shall mean any building, premises, workshop, structure, room or place wherein is carried on the manufacture or sale of confectionery, or of bread, biscuits, cakes, or any other food product made from flour, or from meal or from both, in whole or in part, and the said bake shop shall include also any room or rooms used for storing the confectionery, bread, cakes, biscuits, and other food products.

"Inspector."

2. "Inspector" shall mean any Inspector appointed under the provisions of this Act, or under the provisions of *The Ontario Factories Act*.

"Employer."

3. "Employer" shall mean any person who in his own behalf, or as the manager, superintendent, overseer, or agent for any person, firm, company or corporation, has charge of any bake shop, or employs any person or persons therein.

"Week."

3. "Week" shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night. 60 V. c. 51, s. 35.

To be constructed and kept in a sanitary condition.

35. All bake shops to which this Act applies shall be constructed as to lighting, heating, ventilating and draining in such a manner as not to be detrimental or injurious to the health of any person working therein, and shall also be kept, at all times, in a clean and sanitary condition, so as to secure the production and preservation of all the food products therein in a good and wholesome condition. 60 V. c. 51, s. 36.

Conveniencies for employees.

36. Every bake shop shall be provided with a proper wash room, closet, and other conveniences necessary for the health and comfort of the persons employed therein, the wash-room, closets and other conveniences to be separate from the bake shop, and such wash-room, closets and other conveniences shall be kept clean and in a sanitary condition. 60 V. c. 51, s. 37.

Sleeping places not to be in bake shop.

37. The sleeping place or places of the employees of every bake shop shall be entirely separate from the bake shop and no person shall be allowed to sleep in such bake shop. 60 V. c. 51, s. 38.

Fire escapes.

38. Every bake shop shall be provided with proper means and facilities of escape in case of fire, such means or facilities to be to the satisfaction of the inspector. 60 V. c. 51, s. 39.

Hours of labour.

39. No employer shall require, permit or suffer any employee in any bake shop to work on Sunday, nor more than twelve hours on any one day, or more than sixty hours in any one week, except by permission of the inspector giving in writing to the employer; and a copy of such permission shall be posted in a conspicuous place in the bake shop. 60 V. c. 51, s. 40.

Persons affected with certain diseases not to work in bake shop.

40. No employer shall knowingly require, permit or suffer any person to work in his bake shop who is affected with consumption of the lungs, or with scrofula, or with any venereal disease, or with any communicable skin disease, and every employer is hereby required to maintain himself and his employees in a clean and healthy condition while engaged in the manufacture, handling or sale of such food products. 60 V. c. 51, s. 41.

Penalties.

41. Any employer who violates any of the provisions contained in sections 35 to 40 inclusive of this Act, or who refuses the inspector admittance to his bake shop, or who neglects or refuses to comply with any lawful requirements of the inspector in connection with the enforcement of this Act respecting bake shops, shall, for the first offence, on conviction thereof, forfeit and pay a penalty of not less than $20, besides costs, and not more than $50, besides costs, and for the second offence, on conviction thereof, such person shall forfeit and pay a penalty of not less than $50, besides costs, and not more than $100, besides costs, and in default of payment thereof he shall be imprisoned in the county gaol of the county

in which the offence is committed, for a period not less than thirty days nor more than six months, and to be kept at hard labour, at the discretion of the convicting magistrate; and for the third and subsequent offence, on conviction thereof, such person shall be imprisoned in such gaol for a period of not less than six months nor more than one year, to be kept at hard labour, in the discretion of the convicting magistrate. 60 V. c. 51, s. 42.

RULES AND REGULATIONS.—INSPECTIONS.

Regulations—appointment of inspectors.

42, The Lieutenant-Governor may from time to time for the purpose of carrying out Part I. of this Act:—

1. Appoint the inspector or inspectors, who may be male or female, as may be deemed necessary, who shall be paid such salary or compensation as from time to time may be appropriated for the purpose by the Legislature.

2. Make such rules, regulations and orders for enforcing the provisions of Part I. of this Act, and for the conduct and duties of the inspector or inspectors, as may be deemed necessary. 60 V. c. 51, s. 18.

Report of inspector to be laid before Legislative Assembly.

43. Such annual or other report of the inspector as the Lieutenant-Governor from time to time directs, shall be laid before the Legislative Assembly. 60 V. c. 51, s. 34.

PART II.

MUNICIPAL BY-LAWS AS TO CLOSING OF SHOPS.

Interpretation.

44.—(1) Unless the context otherwise requires, the following words and expressions in this section and in any by-law passed under the provisions of this section shall have the meaning hereby assigned to them respectively, that is to say:

(*a*) "Shop" shall mean any building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail; but not where the only trade or business carried on is that of a tobacconist, news agent, hotel, inn, tavern, victualling house or refreshment house, nor any premises wherein, under license, spirituous or fermented liquor is sold by retail for consumption on the premises.

(*b*) "Closed" shall mean not open for the serving of any customer; provided that nothing in this section or in any by-law passed under authority thereof shall be deemed to render unlawful the continuance in a shop after the hour appointed for the closing thereof, of any customers who were in the shop

immediately before that hour, or the serving of such customers during their continuance therein.

(*c*) "Unincorporated village" shall mean any unincorporated village or settlement lying wholly within the limits of a township, and which, by by-law, the council of the township in which the same is situate, under a name and with boundaries to be declared and defined in and by such by-law, sets apart from the remaining portion of the township in which the same is situate, for the purposes of this Act, and with the intent that such unincorporated village or settlement may be brought under the operation hereof.

(*d*) "Local Council" shall mean the municipal council of a city, town or incorporated village, or the municipal council of any township within which is situate any unincorporated village, as the case may be.

(*e*) "Municipality" shall mean the city, town or incorporated village, the municipal council whereof, either upon application made in that behalf or otherwise, passes any by-law under the provisions of this section; and shall also mean any unincorporated village situate within any township, the municipal council of which township, either upon application made in that behalf or otherwise, passes any by-law under the provisions of this section. 52 V. c. 44, s. 2.

By-law determining hours of closing.

(2) Any local council may by by-law require that during the whole or any part or parts of the year, all or any class or classes of shops within the municipality shall be closed, and remain closed on each or any day of the week at and during any time or hours between seven of the clock in the afternoon of any day and five of the clock in the forenoon of the next following day. 52 V. c. 44, s. 4.

Council to pass by law on application of occupiers of shops.

(3) If any application is received by or presented to a local council, praying for the passing of a by-law requiring the closing of any class or classes of shops situate within the municipality, and the council is satisfied that such application is signed by not less than three-fourths in number of the occupiers of shops within the municipality and belonging to the class or each of the classes to which such application relates, the council shall, within one month after the receipt or presentation of such application, pass a by-law giving effect to the said application and requiring all shops within the municipality, belonging to the class or classes specified in the application, to be closed during the period of the year, and at the times and hours mentioned in that behalf in the application.

Regulations as to form and proof of applications.

(4) A local council may by by-law make regulations as to the form of any application to be made under the preceding

subsection, and as to the evidence to be produced respecting the proportion of persons signing such application, and as to the classification of shops for the purposes of this section, and it shall not be compulsory upon a local council to pass a by-law under said preceding subsection unless and until, with respect to the application made therefor, all such regulations have been duly observed.

Presentation of application.

(5) If the application mentioned in the next preceding two subsections is delivered to the clerk of a council, it shall be deemed to have been presented to and received by the council within the meaning of said preceding subsections.

Commencement and publication of by-laws.

(6) Every such by-law shall take effect at a date named therein, being not less than one nor more than two weeks after the passing thereof, and shall before that date be published in such manner as to the local council passing the by-law may appear best fitted to insure the publicity thereof.

By-laws to be repealed only as provided in subsection 8.

(7) A local council shall not have the power to repeal a by-law passed pursuant to subsection 3 of this section, except as provided in the next following subsection.

When by-law may be repealed.

(8) If at any time it is made to appear to the satisfaction of a local council that more than one-third in number of the occupiers of shops to which any by-law passed by the council under the authority of subsection 3 of this section relates, or of any class of such shops, are opposed to the continuance of such by-law, the local council may repeal the said by-law, or may repeal the same in so far as it affects such class of shops as aforesaid, but any such repeal shall not affect the power of the council to thereafter pass another by-law under any of the provisions of this section.

Closing of shops in which several trades are carried on.

(9) A shop in which trades of two or more classes are carried on, shall be closed for the purpose of all such trades at the hour at which it is by any such by-law required to be closed for the purpose of that one of such trades which is the principal trade carried on in said shop.

Exception as to sales by druggists.

(10) A pharmaceutical chemist, or chemist and druggist shall not nor shall any occupier of or person employed in or about a shop in any village be liable to any fine, penalty or punishment under any such by-law, for supplying medicines, drugs or medical appliances after the hour appointed by such by-law for the closing of shops; but nothing herein contained shall be deemed to authorize any person whomsoever to keep open shop after the said hour. 51 V. c. 33, s. 2 (3-10).

Supplying articles to lodgers, &c.

(11) Nothing in any such by-law contained shall render the occupier of any premises liable to any fine, penalty or punishment for supplying any article to any person lodging in such premises, or for supplying any article required for immediate use by reason or because of any emergency arising from sickness, ailment or death, or for supplying or selling any article

to any person for use on, or in, or about, or with respect to any steamboat or sailing vessel which at the time of such supplying or selling is either within or in the immediate neighbourhood of the municipality in which said premises are situate, or for use by or with respect to any person employed or engaged on, or being a passenger on or by any such steamboat or sailing vessel; but nothing herein contained shall be deemed to authorize any person whomsoever to keep open shop after the hour appointed by such by-law for the closing of shops. 51 V. c. 33, s. 2 (11); 52 V. c. 44, s. 3.

Powers of township councils.

(12) The municipal council of every township shall, with respect to any portion of such township which, by by-law, such council has set apart as an unincorporated village under the provisions of this Act, have all the rights and powers conferred by this Act on the council of a city, town or incorporated village, and may under this Act pass by-laws which shall apply exclusively and only to that portion of the township so set apart as an unincorporated village.

Local councils may pass by-laws containing different provisions for different localities.

(13) A by-law passed under this section for the closing of all or any class or classes of shops within an unincorporated village may as to any or all of its terms and provisions differ from any other by-law passed by the same local council for the closing of all or any class or classes of shops in any other unincorporated village within the same township.

By-law invalid as to one class may be good as to others.

(14) Notwithstanding that the occupiers of any class of shops required to be closed by a by-law passed, or purporting to be passed, under or pursuant to the provisions of subsection 3 of this section may not have presented an application, as required by said subsection, for the passing of such by-law, every such by-law shall, nevertheless, and to all intents and for all purposes, be held and deemed to be valid and effectual as respects any other, and the occupiers of any other class of shops thereby required to be closed in conformity with any application in that behalf made or presented to the council by the requisite number of occupiers of said last mentioned class of shops.

Burden of proof.

(15) The onus of proving that an application in compliance with subsection 3 of this section was not presented to a local council by the requisite number of the occupiers of any class of shops required to be closed by a by-law passed or purporting to be passed under or pursuant to the provisions of said subsection shall, in all cases and for all purposes, be upon the person asserting that such application was not so presented. 52 V. c. 44, s. 5.

Agent or servant to be liable to penalty.

(16) Where an offence for which the occupier of a shop is liable under any such by-law to any fine, penalty or punishment, has in fact been committed by some agent or servant of such occupier, such agent or servant shall be liable to the same fine, penalty or punishment as if he were the occupier.

(17) Where the occupier of a shop is charged with an offence against any such by-law, he shall be entitled, upon information duly laid by him, to have any other person whom he charges to be the actual offender, brought before the Court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the said occupier proves to the satisfaction of the Court that he has used due diligence to enforce the execution of the provisions of the by-law, and that the said other person committed the offence in question without his knowledge, consent or connivance, or wilful neglect or default, the said occupier shall be exempt from any fine, penalty or punishment; but the said other person shall thereupon be summarily convicted of such offence and shall be liable to the same fine, penalty or punishment therefor as if he were the occupier. Power of occupier to exempt himself on conviction of actual offender.

(18) Subject to the provisions in this section contained, any by-law passed by a local council under the authority of this Act shall for all purposes whatsoever be deemed and taken to have been passed under and by authority of *The Municipal Act* and as if this section had formed part of *The Municipal Act*; and this section shall be read and construed as if it formed part of *The Municipal Act*. 51 V. c. 33, s. 2 (12-14). By-laws to be deemed to have been passed under Rev. Stat. c. 223.

CHAPTER 258.

An Act to regulate Maternity Boarding Houses and for the Protection of Infant Children.

PART I.

RESTRICTIONS ON RECEIVING INFANTS TO BE NURSED FOR HIRE, s. 1.
REGISTRATION OF HOUSES UNDER THIS ACT, s. 2.
Refusal of registration, s. 3.
Removal from register, s. 7.
REGISTER OF INFANTS, ss. 4, 5.
OFFENCES, s. 6.
NOTICE OF DEATH OF INFANTS, s. 8.
INSPECTION OF REGISTERED HOUSES, s. 9.
PENALTIES, s. 10.
TRIAL OF OFFENCES, s. 11.
EXPENSES OF ENFORCING ACT, s. 12.
APPLICATION OF ACT, s. 13.

PART II.

BY-LAW TO BRING PART II INTO FORCE, s. 14.
MATERNITY BOARDING HOUSES NOT TO BE KEPT UNLESS REGISTERED, s. 15.
RESTRICTIONS ON RECEIVING INFANTS TO BE NURSED FOR HIRE, s. 16
REGISTRATION OF HOUSES, ss. 17-19.
Refusal of registration, s. 18.
Cancelling registration, s. 19.
REGISTER OF INMATES, ss. 20, 21.
RECORD OF ANTECEDENTS OF INMATES, s. 22.
NOTIFICATION OF BIRTHS, s. 23.
NOTIFICATION OF DEATHS, s. 24
INSPECTION OF REGISTERED HOUSES, s. 25.
ADOPTION OF CHILDREN, s. 26.
OFFENCES AND PENALTIES, ss. 27-30.
EXPENSES OF ENFORCING ACT, s. 31.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PART I.

Restrictions as to receiving infants to be nursed for hire.

1. It shall not be lawful for any person to retain or receive for hire or reward more than one infant, and in case of twins more than two infants, under the age of one year, for the purpose of nursing or maintaining such infants apart from their parents for a longer period than twenty-four hours, except in a house which has been registered as herein provided. R. S. O. 1887, c. 209, s. 1.

Registration of houses for reception of infants.

2. The municipal council of every local municipality shall keep a register of the names of persons applying to register for

the purposes of Part I of this Act, and therein shall cause to be registered the name and house of every person so applying, and the situation of the house; and the council shall from time to time make by-laws for fixing the number of infants who may be received into any and every house so registered. The registration shall remain in force for one year. No fee shall be charged for registration. Every person who receives or retains any infant in contravention of the provisions of Part I of this Act, shall be guilty of an offence against Part I of this Act. R. S. O. 1887, c. 209, s. 2.

Authority to refuse registration.

3. The municipal council may refuse to register any house unless satisfied that the house is suitable for the purposes for which it is to be registered, and unless satisfied by the production of the certificates that the person applying to be registered is of good character, and able to maintain such infants. R. S. O. 1887, c. 209, s. 3.

Register of children.

4. The person registered as aforesaid, shall immediately enter, in a register to be kept by him, the name, sex and age of every infant under his care, and the date at which, and the names and addresses of the persons from whom, they were received, and shall also enter in the said register the time when, and the names and addresses of the person by whom every such infant received and retained as aforesaid is removed, immediately after the removal of the infant, and shall produce the register when required to do so by the municipal council; and in the event of his refusing so to produce the register, or neglecting to enter in a register the name, sex, and age of every infant, and the date at which, and the names and addresses of the persons from whom, they were received, and by whom they were removed respectively, shall be liable to a penalty not exceeding $20. R. S. O. 1887, c. 209, s. 4.

Forms of registration to be supplied.

5. The person registered shall be entitled to receive gratuitously from the municipal council, a book of forms for the registration of infants. The register may be according to Form B contained in the Schedule to this Act. The book shall contain a printed copy of Part I of this Act. R. S. O. 1887, c. 209, s. 5.

Offences.

6. If any person makes false representations with a view to being registered under Part I of this Act, or forges any certificate for the purposes of said Part I, or makes use of any forged certificate knowing it to be forged, or falsifies any register kept in pursuance of Part I of this Act, he shall be guilty of an offence against Part I of this Act. R. S. O. 1887, c. 209, s. 6.

Removal from register.

7. If it is shewn to the satisfaction of the municipal council that a person whose house has been so registered as aforesaid has been guilty of serious neglect, or is incapable of providing the infants intrusted to his care with proper food and atten-

tion, or that the house specified in the register has become unfit for the reception of infants, it shall be lawful for the municipal council to strike his name and house off the register. R. S. O. 1887, c. 209, s. 7.

Notice of death of infant.

8. The person registered as aforesaid, shall within twenty-four hours after the death of every infant so retained or received, cause notice thereof to be given to the coroner for the district within which the infant died, and the coroner shall hold an inquest on the body of the infant unless a certificate under the hand of a registered medical practitioner is produced to him by the person so registered certifying that such registered medical practitioner has personally attended or examined the infant, and specifying the cause of its death, and the coroner is satisfied by certificate that there is no ground for holding an inquest. If the person so registered neglects to give notice as aforesaid, he shall be guilty of an offence against Part I of this Act. R. S. O. 1887, c. 209, s. 8.

Inspection.

9. It shall be the duty of the municipal council to provide for the visiting and inspecting, from time to time of every house registered under Part I of this Act; and the persons or person appointed to inspect shall be entitled to enter the house at any time and to examine every part thereof, and to call for and examine the register which is required to be kept by the person registering the house; and to inquire into all matters concerning the house and the inmates thereof, and it shall be the duty of the person registered to give all reasonable information to persons making the inspection, and to afford them every reasonable facility for viewing and inspecting the premises, and seeing the inmates thereof. R. S. O. 1887, c. 209, s. 9.

Penalties.

10. Every person guilty of an offence against Part I of this Act shall, on conviction thereof, forfeit and pay a penalty not exceeding $20 and costs, and in default of payment thereof, he shall be imprisoned in the common gaol of the county in which the offence was committed for a period of not less than six calendar months, and be kept at hard labour, in the discretion of the Police Magistrate or other convicting Justices, and shall, in addition, be liable to have his name and house struck off the register. R. S. O. 1887, c. 209, s. 10.

Trial of offences.

11. Every offence against Part I of this Act shall be tried summarily under *The Ontario Summary Convictions Act* before a Police Magistrate or any two Justices of the Peace having jurisdiction in the municipality in which the offence takes place. R. S. O. 1887, c. 209, s. 12.

Rev. Stat. c. 90.

Expenses of enforcing Act.

12. All expenses incurred in and about the execution of Part I of this Act and the trial of offenders thereunder, shall be borne by the municipality in which the registered house is situated. R. S. O. 1887, c. 209, s. 11.

13. The provisions of Part I of this Act shall not extend to the relatives or guardians of any infant retained or received as aforesaid, nor to benevolent and charitable institutions established for the protection or care of infants, and receiving aid from the Province or authorized by the Lieutenant-Governor to exercise the powers conferred by *The Act respecting Apprentices and Minors*. R. S. O. 1887, c. 209, s. 13. Application of Act. Rev. Stat. c. 161.

PART II.

14. The council of any municipality may by by-law declare that from and after the passing of such by-law, Part II this Act shall be in force in the municipality, and thereupon, and not otherwise, the following sections of this Act shall take effect and be in force in such municipality, and thereupon Part I of this Act shall not be in force in such municipality. 60 V. c. 52, s. 1. By-law bringing Part II into force.

15. It shall not be lawful for any person to retain or receive for hire or reward any woman or girl for accouchement, or to keep women or girls (being mothers of infants and not being married) with infants for board or lodging, or to keep a maternity boarding house except in a house which has been registered as herein provided. 60 V. c. 52, s. 2. Maternity boarding houses not to be kept unless registered.

16. It shall not be lawful for any person to retain or receive for hire or reward one or more infants under the age of one year, for the purpose of nursing or maintaining such infant or infants, for a longer period than twenty-four hours, except in a house which has been registered as herein provided.

Provided, however, that any person may be exempted from the provisions of this section by the mayor of the city or by the Superintendent of Neglected and Dependent Children on proof that only one child is thus cared for. 60 V. c. 52, s. 3. Home for infant children not to be kept unless registered.

17. The board of health of every municipality or any officer specially appointed for that purpose shall keep a register of the names of persons applying to register for the purposes of Part II this Act, and therein shall cause to be registered the names and house of every person so applying and the situation of the house ; and the board or officer shall from time to time make by-laws or regulations for fixing the number of women or girls or infants who may be received into any and every house so registered. The registration shall remain in force for one year. A fee of not more than ten dollars shall be charged for registration. Every person who receives or retains any woman or girl or infant in contravention of the provisions of Part II of this Act shall be guilty of an offence against Part II of this Act. 60 V. c. 52, s 4. Register of maternity boarding houses and infants' homes.

Discretion as to registration

18. The board of health or municipal officer may refuse to register any house unless satisfied that the house is suitable for the purposes for which it is to be registered, and unless satisfied by the production of certificates that the person applying to be registered is of good character and able to maintain, keep and properly lodge such women or girls or infants 60 V. c. 52, s. 5.

Cancelling registration.

19. If it is shown to the satisfaction of the board of health or medical health officer or the municipal officer that a person whose house has been so registered as aforesaid has been guilty of serious neglect or is incapable of providing the women or girls or infants intrusted to his care with proper food and attention, or that the house specified in the register has become unfit for the reception of women or girls or infants, it shall be lawful for such board or officer to strike the name and house off the register. 60 V. c. 52, s. 12.

Register to be kept by keeper of boarding house or home

20. The person registered as aforesaid shall immediately enter in a register to be kept by him the name and age of every woman or girl or infant and also the place from which such woman or girl or infant came before entering such house, and shall also enter in the said register the name of the doctor who attended at any birth which may take place in such house or any infant who may be sick, and when such woman or girl or infant leaves the said house, the place to which they are removed, and the date of such removal; also whether the infant was taken away with the mother or how otherwise disposed of, or how children boarded without their mothers are disposed of and shall produce the register when required by the board of health, the medical health officer or any other person appointed by the board or municipal council and in the event of his refusing so to produce the register or neglecting to enter in a register the particulars hereinbefore required, shall be liable to a penalty not exceeding twenty dollars. 60 V. c. 52, s. 6.

Forms for registration to be furnished to keepers.

21. The person registered shall be entitled to receive gratuitously from the board of health or municipal officer a book of forms for the registration of persons received into such house, This register may be according to the forms contained in the Schedule to this Act. The book shall contain a printed copy of Part II of this Act. 60 V. c. 52, s. 7.

Record of antecedents of inmates.

22. It shall be the duty of managers of maternity hospitals, infants' homes or other refuges for women, to ascertain and record the antecedents of women coming under their care, and furnish such information as may be called for from time to time. 60 V. c. 53, s. 15, *part.*

Births in houses to be attended by physician.

23. Every birth which takes place in such a house or hospital shall be attended by a legally qualified medical prac-

titioner who shall forthwith report the fact of such birth having taken place to the medical health officer, and he shall also register the same under *The Act respecting the Registration of Births, Marriages and Deaths.* 60 V. c. 52, s. 8. Rev. Stat. c. 44.

Registered persons to give notice of all deaths occurring in house to Medical Health Officer.

24. The person registered as aforesaid shall within twenty-four hours after the death of any inmate of such house, whether a woman or girl or an infant born therein, or brought thereto as a boarder, cause notice thereof to be given to the medical health officer, and such medical health officer shall immediately call a coroner for the district within which the said person died to hold an inquest on the body of such person, unless a certificate under the hand of a registered medical practitioner is produced to him by the person so registering that such medical practitioner had personally attended or examined the person so dying and also specifying the cause of death, and the medical health officer is satisfied by certificate that there is no ground for holding an inquest. If the person so registered neglects to give notice as aforesaid, he shall be guilty of an offence against Part II this Act. 60 V. c. 52, s. 13.

Visiting and inspecting maternity boarding houses and homes for infants.

25. It shall be the duty of the board of health or municipal council to provide for the visiting and inspecting, from time to time, of every house registered under Part II of this Act; and the person or persons appointed to inspect shall be entitled to enter the house at any time and examine every part thereof, and to call for and examine the register which is required to be kept by the person registering the house, and to inquire into all matters concerning the house and the inmates thereof; and it shall be the duty of the person registered to give all reasonable information to persons making the inspection, and to afford them every reasonable facility for viewing and inspecting the premises, and seeing the inmates thereof. 60 V. c. 52, s. 14.

Adoption of children from homes.

26. No child under one year old, whether an inmate of such house or hospital or born therein or brought thereto or otherwise, shall be given out for adoption except by and with the consent of a children's aid society, or other duly incorporated benevolent or charitable institution or society or of the Superintendent of Neglected and Dependent Children of Ontario, under such rules and regulations in that behalf as may be approved of by the Lieutenant-Governor in Council. 60 V. c. 52, s. 9.

Penalties for advertising for children for adoption.

27. It shall be an offence against Part II of this Act for anyone registered as herein provided to advertise that he will adopt children or to hold out inducements to parents to put with their offspring; and when such children are transferred by their parents or are given out for adoption to other persons, such transfer shall be with the knowledge and consent of the agent or secretary of the children's aid society. 60 V. c. 52, s. 10.

Securing registration or certificates by false representation or forgery.

28. If any person makes false representations with a view to being registered under Part II of this Act or forges any certificate for the purpose of said Part II, or makes use of any forged certificate knowing it to be forged, or falsifies any register kept in pursuance of Part II of this Act, he shall be guilty of an offence against Part II of this Act. 60 V. c. 52, s. 11.

Penalty for violation of Act.

29. Every person guilty of an offence against Part II of this Act shall on conviction thereof forfeit and pay a penalty not exceeding $20 and costs, and in default of payment thereof, he shall be imprisoned in the common gaol of the county in which the offence was committed for a period of not less than six calendar months, and be kept at hard labour, in the discretion of the Police Magistrate or other convicting Justices, and shall in addition be liable to have his name and house struck off the register. 60 V. c. 52, s. 15.

Trial of offences against Act.
Rev. Stat. c. 90.

30. Every offence against Part II of this Act shall be tried summarily under *The Ontario Summary Convictions Act* before a Police Magistrate or any two Justices of the Peace having jurisdiction in the municipality in which the offence takes place. 60 V. c. 52, s. 17.

Expenses of Act to be borne by municipality.

31. All expenses incurred in and about the execution of Part II of this Act and the trial of offenders thereunder shall be borne by the municipality in which the registered house is situated. 60 V. c. 52, s. 16.

SCHEDULE.

FORM A.

(*Section* 21.)

REGISTER OF PERSONS RECEIVED.

No.	Date.	Name.	Place from which person came.	Name of doctor who attended at confinement.	Date of birth.	Destination of person after leaving.	Date of same.	Infant, how disposed of.	Remarks.

60 V. c. 52, *Sched.* A.

FORM B.

(*Sections* 5, 21.)

REGISTER OF INFANTS.

Date at which received.	Name.	Sex.	Age.	Name and address of person from whom received.	Date at which removed.	Name and address of person by whom removed.

60 V. c. 52, *Sched.* B.

CHAPTER 259.

An Act for the Protection and Reformation of Neglected Children.

SHORT TITLE, s. 1.
INTERPRETATION, s. 2, 26 (3).
SUPERINTENDENCE OF NEGLECTED CHILDREN—
- Superintendent of neglected children, s. 3.
- Refuges and Homes for children, s. 4.
- Children's visiting committees, s. 5.
- Maintenance of children in temporary homes, s. 6.

INVESTIGATIONS—
- Constables to enforce Act, s. 7.
- Apprehension of children in evil surroundings, s. 7.
- Proceedings thereon, s. 8.
- Inquiries to prevent spread of disease, s. 9.
- Duties of Children's Aid Societies as Guardians, s. 10.
- Term of Guardianship, s. 11.
- Application for production of children in temporary homes, s. 12.
- Parents surrendering custody of children not to have further custody or control, s. 13.
- Complaints by parents against treatment of children by Societies, s 14.

VISITORS OF SOCIETIES—
- Visiting committees, s. 15.
- Ministers of religion, s. 16.
- Other visitors *ex officio*, s. 17.
- The visitors' book, s. 18.
- Transferring of children from orphanages, homes, etc., to Children's Aid Societies, s. 19.
- Discharge by Lieut.-Governor of children in any custody, s. 20.

"CURFEW" BY-LAWS—
- Curfew By-laws, s. 21.

OFFENCES AND PENALTIES—
- Neglecting or ill treating children, ss. 22 and 23.
- Causing children to beg in streets or sing in public places, s. 24.
- Power of search to investigate neglect or ill treatment, s. 25.
- Arrest by constables without warrant, s. 26.
- Custody of children against whom offence is committed, s. 27.
- Inducing children to leave charitable institutions, s. 28.

JUVENILE OFFENDERS—
- Custody of juvenile offenders pending trial, s. 29.
- Investigation of surroundings of offenders and committal to Industrial School, etc., s. 30.
- Adoption or apprenticeship of juvenile offenders, s. 31.
- Not to be committed to gaol, s. 32.
- Commissioners for trial of juvenile offenders, s. 33.
- Expense of maintaining in an institution to which a child committed, s. 36.

EVIDENCE—
- Evidence by children, s. 34.
- Presumption of age of child, s. 35.

GENERAL PROVISIONS—
- Punishment for offences against this Act when otherwise punishable, s. 37.
- Committal of children to institutions of the religion of child, s. 38.
- Right of parents, etc., to inflict punishment not affected, s. 39.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as "*The Children's Protection Act of Ontario.*" Short title.

2.—(1) In this Act, Interpretation:

(*a*) "Children's Aid Society" shall mean any duly incorporated and organized society having among its objects the protection of children from cruelty and the care and control of neglected and dependent children, such society having been approved by the Lieutenant-Governor in Council for the purposes of this Act;

(*b*) "Court of Summary Jurisdiction" shall mean and include any Police or Stipendiary Magistrate or two Justices of the Peace acting together; "Court of summary jurisdiction."

(*c*) "Inspector" shall mean The Inspector of Prisons and Public Charities; "Inspector."

(*d*) "Judge" shall mean a Judge of the High Court of Justice, or a Judge of the County Court, or a retired Judge of the High Court or County or District Court, or a Stipendiary or a Police Magistrate, or a Justice of the Peace specially appointed as a commissioner for the trial of juvenile offenders, or two Justices of the Peace acting together; 51 V. c. 40, s. 1, *part*; 56 V. c. 45, s. 1, *part*; 58 V. c. 52, s. 2; "Judge."

(*e*) "Minister" shall mean the Provincial Secretary or such other member of the Executive Council as may from time to time, by order of the Lieutenant-Governor, have control over the administration of the provisions of this Act; 56 V. c. 45, s. 1, *part*; "Minister."

(*f*) "Municipality" shall mean a county, city or town separated from the county; 60 V. c. 15 (*Sched.* B) (20);

(*g*) "Parent," when used in relation to a child, shall include guardian and every person who is by law liable to maintain the child; "Parent."

(*h*) "Place of safety" shall include any industrial school or house of industry for boys or girls, or any shelter or temporary home established by any children's aid society or society for the protection of children, approved of by the Lieutenant-Governor in Council for the purposes of this Act, or any other institution subject to the inspection of the Inspector of Prisons and Public Charities, or any suitable charitable society authorized to exercise the powers conferred by *The Act respecting Apprentices and Minors*, but not a gaol, prison or police cell; "Place of safety." Rev. Stat. c. 161.

(*i*) "Street" shall include any highway or public place, whether a thoroughfare or not; "Street."

(*j*) "Superintendent" shall mean the Provincial officer appointed under the provisions of this Act. 56 V. c. 45, s. 1, *part*. "Superintendent."

(2) A Judge or retired Judge of the High Court shall have jurisdiction under this Act in any part of the Province. Any Jurisdiction of a Judge.

other Judge, Stipendiary Magistrate, Police Magistrate, or Justice of the Peace specially appointed as aforesaid, shall have jurisdiction in the county or other locality for which he holds his office. A retired Judge shall have jurisdiction in the Province, county or district for which he was Judge at the time of his retirement. 51 V. c. 40, s. 1, *part.*

SUPERINTENDENCE OF NEGLECTED CHILDREN.

Appointment and duties of superintendent.

3. The Lieutenant-Governor in Council may appoint an officer who shall be known as the Superintendent of Neglected and Dependent Children, and whose salary shall be paid out of such moneys as may be from time to time set apart for the purpose by the Legislative Assembly of the Province; and it shall be the duty of such officer,

To assist in establishing children's aid societies.

(*a*) To encourage and assist in the organization and establishment in various parts of the Province of children's aid societies for the protection of children from cruelty, and for the due care of neglected and dependent children in temporary homes or shelters, and the placing of such children in properly selected foster homes, and to have and exercise by virtue of his office the powers conferred upon children's aid societies in municipalities where no such society exists, with power from time to time to appoint, subject to the approval of the Minister, any person or committee to act for him as occasion may require; 56 V. c. 45, s. 9 (*a*); 58 V. c. 52, s. 4;

Inspection of industrial schools, shelters, etc.

(*b*) To visit and inspect industrial schools and temporary homes or shelters as often as occasion may require, and not less often than may be directed by Order in Council or departmental regulation in that behalf;

Special inspections.

(*c*) When specially directed, to visit any home or place where any child is boarded out or placed pursuant to the provisions of this Act;

Advising visiting committees.

(*d*) To advise children's visiting committees and to instruct them as to the manner in which their duties are to be performed;

Records of committals.

(*e*) To see that a record of all committals is kept by the various children's aid societies, and of all children placed out in foster homes under this Act, and of all particulars connected with each case;

Inspection of houses registered under Rev. Stat. c. 258.

(*f*) To inspect houses registered for the reception of children under Part I of *The Act to regulate Maternity Boarding Houses and for the Protection of Infant Children,* and to instruct local children's aid societies and visiting committees as to the proper supervision of such houses;

(*g*) To prepare and submit an annual report on the various matters dealt with by him under the provisions of this Act; Annual report.

(*h*) To perform such other duties as may be prescribed by the Lieutenant-Governor in Council. 56 V. c. 45, s. 9 (*b-h*). Other duties.

4.—(1) For the better protection of neglected children, there shall be provided in every city or town having a population of over 10,000 one or more places of refuge for such children only, to be known as temporary homes or shelters. Such homes shall be entirely distinct and separate from any penal or pauper institution, and no pauper or convict shall be permitted to live or labour therein, and they shall not be used as a permanent provision or residence for any child, but for its temporary protection for so long a time only as shall be absolutely necessary for the placing of the child in a well selected foster home. Children demented, idiotic or suffering from incurable or contagious diseases shall not be taken into such temporary homes. 56 V. c. 45, s. 10 (1); 58 V. c. 52, s. 5. Shelters for young children in cities and towns.

(2) Orphan asylums or other children's homes now in operation in any municipality may, with the consent of the trustees or governing bodies thereof, be used as temporary homes or shelters under this section; and when desirable for economical reasons, not being inconsistent with the welfare of the children to be provided for, such temporary homes or shelters may be established in desirable private families; but in no instance shall such home or shelter be under the same care or management as a poor house or any penal institution. Existing asylums may be used as shelters.

(3) When in any municipality a children's aid society has been duly organized and has been approved by the Lieutenant-Governor in Council, such children's aid society shall have the supervision and management of any such children in the temporary home or shelter provided by or at the expense of such municipality; but this provision shall not apply to any orphan asylum or other children's home mentioned in subsection 2 of this section without the consent of the trustees or governing bodies thereof. 56 V. c. 45, s. 10 (2-3). Powers of children's aid societies.

5.—(1) For each electoral district within the Province of Ontario there shall be appointed a committee consisting of six persons or more, not less than half of whom shall be women, who shall be known as the "Children's Visiting Committee" for such electoral district. The said committee shall co-operate with the children's aid societies, and shall serve without compensation. They shall have the right at all times to visit any temporary home or shelter in the electoral district, and to suggest from time to time such provisions, changes or additions as they may think desirable. They shall also assist, under the direction and advice of the superintendent, in the careful Appointment and duties of children's visiting committee.

selection of foster homes for the children in the temporary homes or shelters, and in the visitation of children when placed in selected families, and such visitation shall be made for each child at least once in every three months; and the said committee shall have power to remove any child from the family in which it may be placed to a temporary home or to another family at their discretion, subject to any rules or regulations in that behalf to be approved by the Lieutenant-Governor in Council. The said committee shall also have the right at any time to visit and inspect any house registered under Part I of *The Act to regulate Maternity Boarding Houses and for the Protection of Infant Children*, and to exercise the powers given by section 9 of said Act. 56 V. c. 45, s. 11 (1); 58 V. c. 52, s. 6.

Rev. Stat. c. 258.

Who to appoint.

(2) The said children's visiting committee for each electoral district shall be appointed by the County Judge, the Sheriff and the Warden of the county of which such electoral district forms a part, and in the case of a city forming a separate electoral district, by the County Judge, the Sheriff and the Mayor of such city, and such committee shall hold office for a period of three years. The member of the Legislative Assembly for each electoral district shall be one of the said visiting committee for such electoral district.

Selection of homes by committee.

(3) The said committee shall, in the selection of homes, endeavour to secure homes where children may be received to be cared for without remuneration, and shall aim at promoting and encouraging a philanthropic sentiment on behalf of neglected, abandoned and destitute children, and adopt such methods as they may think best for securing voluntary subscriptions of money to be devoted to the effective carrying out of the objects of this Act.

Reports to be made by committee.

(4) The said committee shall from time to time report to the superintendent the homes which they select and recommend for the care of children, with full particulars in each case; and shall also annually report to the superintendent as to their visitations and as to each child placed out in their district, and as to all other matters coming within their sphere of duty as such committee. They shall also from time to time report to children's aid societies with reference to children placed out by such societies respectively, to the end that such societies may at all times have accurate knowledge regarding the care, oversight, education and general welfare of such children. 56 V. c. 45, s. 11 (2-4).

Maintenance of children in homes.

6.—(1) A Judge may, upon the application of any society to whose custody or control a child is committed, make an order for the payment, by the municipality to which the child belongs, of a reasonable sum, not being less than $1 weekly, for the expense of supporting the child by the society, or in any temporary home, or in any foster home where such child-

ren are not cared for without compensation, in which the child may be placed by the society, until the child reaches the age of twelve years in the case of a girl and fourteen years in the case of a boy. The placing of children with the lowest bidder is hereby prohibited. 60 V. c. 15, *Sched.* B (24), *part.*

When child deemed to belong to a municipality.

(2) For the purposes of this section any child shall be deemed to belong to the municipality in which such child has last resided for the period of one year; but in the absence of evidence to the contrary, residence for one year in the municipality in which such child was taken into custody, shall be presumed.

Recovery by one municipality of expenses from another municipality.

(3) A municipality having made any payment under this section for the maintenance of a child in respect of whom some other municipality is liable to make such payment, shall be entitled to recover the amount so paid from such other municipality.

Recovery of expenses by municipalities from parents.

(4) Every municipality incurring expenditure hereunder may recover the amount of such expenditure from the parent of the child in respect of whom such expenditure is made. 56 V. c. 45, s. 12 (2-4).

Order of committal may direct weekly payment.

(5) The order of committal of any child under this Act may direct payment by the municipality to which the child belongs to any society or person to whose custody or control the child is committed, of a reasonable sum not being less than $1 weekly for the expense of supporting such child, and any such order may also direct payment to the municipality by the parent of the child of the amount so directed to be paid by the municipality. 60 V. c. 15, *Sched.* B (24), *part.*

Application for order for maintenance.

(6) At any time after committal of a child the municipality or the children's aid society may apply to the Judge of the Division Court of the division in which the parent resides, according to the form in the manner and with the force and effect provided by section 27 of *The Industrial Schools Act* for such order for payment of maintenance or of additional maintenance as the circumstances may justify, and any parent may also make application to the Judge of the Division Court in like manner for an order reducing the amount payable under any order, or revoking such order, or varying or suspending in whole or in part the operation of the same. 56 V. c. 45, s. 12 (6).

Rev. Stat. c. 304.

(7) Any order made under this section may be enforced in the same manner as an order made by a County Court Judge may be enforced under *The Act respecting the enforcement of Judges' Orders in matters not in Court.* 60 V. c. 15, *Sched.* B (24).

Rev. Stat. c. 76.

When officers of children's aid societies may act as constables and apprehend children.

7.—(1) Officers of any children's aid society duly approved by the inspector or superintendent may, in cities and towns, be authorized by the Board of Commissioners of Police and in towns having no Board of Commissioners of Police and in other muni-

cipalities may be authorized by the County Judge to act as constables for the purpose of enforcing the provisions of this Act and of *The Industrial Schools Act*. 60 V. c. 15, *Sched.* B (25).

Rev. Stat c. 304.

Apprehension of neglected children in evil surroundings.

(2) Any constable so appointed or any chief constable or inspector of police may apprehend without warrant and bring before the Judge as neglected any child apparently under the age of fourteen years if a boy, or sixteen years if a girl, who comes within any of the following descriptions, namely:

(*a*) Who is found begging or receiving alms or thieving in any street, thoroughfare, tavern or place of public resort, or sleeping at night in the open air;

(*b*) Who is found wandering about at late hours and not having any home or settled place of abode, or proper guardianship;

(*c*) Who is found associating or dwelling with a thief, drunkard or vagrant, or who by reason of the neglect or drunkenness or other vices of its parents or guardians is suffered to be growing up without salutary parental control and education, or in circumstances exposing such child to an idle and dissolute life;

(*d*) Who is found in any house of ill-fame, or in company of a reputed prostitute;

(*e*) Who is found destitute, being an orphan or deserted by its parents or having a surviving parent who is undergoing imprisonment for crime. 56 V. c. 45, s. 13; 58 V. c. 52, s. 7; 60 V. c. 15, *Sched.* B (25).

Powers and duty of Judge on apprehension of child.

8.—(1) Any child apprehended under the next preceding section of this Act shall be brought before the Judge for examination within one week after such apprehension, and it shall thereupon be the duty of the Judge to investigate the facts of the case and ascertain whether such child is dependent and neglected, its age, and the name and residence of parents, and the said Judge shall have power to compel the attendance of witnesses, and may, in his discretion, request the attendance of the Crown Attorney for such examination, and if requested it shall be the duty of the Crown Attorney to attend accordingly. The parents or person having the actual custody of such child shall be duly notified of such examination, and any friend may appear in behalf of any child, and in his discretion the Judge may request the duly authorized representative of the local children's aid society to appear in behalf of any child; and if on such examination the Judge finds that any child is dependent or neglected within the meaning of the next preceding section or so as to be in a state of habitual vagrancy or mendicancy, or ill treated so as to be in peril of life, health or morality by continued personal injury or by grave misconduct or habitual intemperance of the parents or guardian, he shall

enter such finding by a proper order in that behalf, and may order delivery of such child to the children's aid society, and the children's aid society may send such child to their temporary home or shelter to be kept until placed in an approved foster home pursuant to the provisions of this Act. The Judge shall deliver to the children's aid society procuring such examination a certified copy of the order made in the case, which shall contain, besides the said finding, a statement of the facts so far as ascertained as to the age of such child, name, nationality and residence, and occupation of parents or either of them, and whether either of them is dead or has abandoned the child, and in the case of the examination of two or more children at the same time only one order need be made. 56 V. c. 45, s. 14 (1); 58 V. c. 52, s. 8.

Committal of children on proof of vicious or immoral conduct.

(2) If, in the opinion of the Judge, a child apprehended in pursuance of the provisions of this section has been leading an immoral or depraved life, or is not a fit subject to be dealt with under the next preceding subsection, the Judge may order such child to be committed to any industrial school or refuge for boys or girls or other institution subject to the inspection of the Inspector of Prisons and Public Charities or to any suitable charitable society authorized to exercise the powers conferred by *The Act respecting Apprentices and Minors,* and willing to receive such child to be there kept, cared for and educated for a period not extending beyond the period at which such child shall attain the age of eighteen years, or for any period not exceeding two years, and thereafter to be delivered to the children's aid society for the purpose of being placed in an approved foster home until such child arrives at the age of eighteen years. 56 V. c. 45, s. 14 (2).

Rev. Stat. c. 161.

Inquiry as to health of children received by societies.

9. Every society or institution receiving the care or control of a child under the provisions of this Act shall make inquiry into the condition of health of the child so received, and if it be found to be suffering from any disease or bodily infirmity, due provision shall be made for the temporary care or disposal of the child with a view to guarding against its continued ill-health or the spread of any infectious or contagious malady. 58 V. c. 52, s. 9.

Duties of children's aid societies as guardians.

10—(1) The children's aid society to the care of which any child may be committed under the provisions of this Act, shall, subject to the provisions of sections 11 and 12 of this Act, be the legal guardian of such child, and it shall be the duty of such society to use special diligence in providing suitable homes for such children as may in the said manner be committed to their care; and such society is hereby authorized to place such children in such families on a written contract during minority, or until 18 years of age, in the discretion of such society, providing for their education in the public schools (or in the case of Roman Catholic children in the separate

schools) where they may reside, for teaching them some useful occupation, for kind and proper treatment as members of the family where placed, and for payment on the termination of such contract to the said society for the use of the child of any sum of money that may be provided for in said instrument. All such contracts shall contain a clause reserving the right to withdraw the child from any person having the custody of such child when in the opinion of the society placing out such child the welfare of the child requires it.

Powers as to guardianship.

(2) The children's aid society to which any child is committed may at any time during the period of their control or guardianship of such child exercise all the powers conferred by sections 2 and 6 of *The Act respecting Apprentices and Minors* upon the charitable societies therein mentioned. 56 V. c. 45, s. 15.

Rev. Stat. c. 161.

Term of guardianship.

11.—(1) Where a child is maintained by any children's aid society, or in any foster home, having been placed out by proper authority in that behalf, and the child was deserted by its parents, the children's aid society may at any time resolve that the child shall be under the control of such society until it reaches the age of twenty-one years or such earlier age as may be thought sufficient, and thereupon until the child reaches that age all the powers and rights of the parent in respect of that child shall, subject as in this Act mentioned, vest in the said society;

(2) The society may rescind such resolution if they think that it will be for the benefit of the child that it should be rescinded, or may permit the child to be either permanently or temporarily under the control of its parent, or of any other relative or of any friend. 56 V. c. 45, s. 17 (1).

Order for return of child to parent.

(3) A Judge, or retired Judge of the High Court of Justice or a Judge of the County Court or the superintendent with the Minister's approval, if satisfied on complaint made by a parent of the child, that the child has not been maintained by the society, or was not deserted by such parent, or that it is for the benefit of the child that it should be either permanently or temporarily under the control of such parent, or that the resolution of the society should be determined, may make an order accordingly, and any such order shall be complied with by the society, and if the order determines the resolution, the resolution shall be thereby determined as from the date of the order, and the society shall cease to have the rights and powers of the parent as respects such child. 56 V. c. 45, s. 17 (2); 58 V. c. 52, s. 10; 60 V. c. 15, *Sched.* B (26).

What to be deemed maintenance by children's aid societies.

(4) For the purposes of this Act a child shall be deemed to be maintained by a children's aid society if it is wholly or partly maintained by them, either in any shelter or temporary home or other institution conducted by such society, or is

boarded out under the provisions of this or any other Act in that behalf.

(5) Where the parent is imprisoned on a criminal charge, or in respect of an offence committed against a child, this section shall apply as if the child had been deserted by that parent. Imprisonment of parent to be deemed desertion.

(6) Nothing in this section shall relieve any person from any liability to contribute to the maintenance of a child, but the fact of such contribution being made shall not deprive any society of any of the powers and rights conferred on them by this section. 56 V. c. 45, s. 17 (3-5). Persons not relieved from liability for maintenance.

12.—(1) Where the parent of a child applies to any court having jurisdiction in that behalf, for a writ or order for the production of the child, and the court is of opinion that the parent has abandoned or deserted the child, or that he has otherwise so conducted himself that the court should refuse to enforce his right to the custody of the child, the court may, in its discretion, decline to issue the writ or make the order. When court may refuse writ for production of child.

(2) If at the time of the application for a writ or order for the production of the child, the child is being brought up by another person, or is boarded out by a children's aid society duly authorized in that behalf, the court may, in its discretion, if it orders the child to be given up to the parent, further order that the parent shall pay to such person or such society the whole of the costs properly incurred in bringing up the child, or such portion thereof as may seem to the court to be just and reasonable, having regard to all the circumstances of the case. Liability of parent on return of child.

(3) Where a parent has— When parent must show fitness to exercise parental duties.

(*a*) Abandoned or deserted his child, or

(*b*) Allowed his child to be brought up by another person at that person's expense, or by any children's aid society, for such time and under such circumstances as to satisfy the court that the parent was unmindful of his parental duties,

the court shall not make an order for the delivery of the child to the parent unless the parent satisfies the court that having regard to the welfare of the child he is a fit person to have the custody of the child.

(4) Upon any application by the parent for the production or custody of a child, if the court is of opinion that the parent ought not to have the custody of the child and that the child is being brought up in a different religion from that in which the parent has a legal right to require that the child shall be brought up, the court shall have power to make such order as it may think fit to secure that the child be brought up in the religion in which the parent has a legal right to require that the child shall be brought up. Nothing in this section con- Order as to religious training of child.

tained shall interfere with or affect the power of the court to consult the wishes of the child in considering what order ought to be made, or diminish the right which any child now possesses to exercise of its own free choice. 56 V. c. 45, s. 18.

Parents surrendering custody of children to charitable institutions.

13. No parent or guardian or other person, who by instrument in writing surrenders or has heretofore surrendered the custody of a child to any children's aid society, incorporated boys' or girls' home, orphans' home or asylum, or children's or infants' home inspected by the Inspector of Prisons and Public Charities and in respect of which aid is paid out of the funds of the Province under the provisions of *The Charity Aid Act*, shall thereafter, contrary to the terms of such instrument, be entitled to the custody of or any control or authority over or any right to interfere with any such child. 58 V. c. 52, s. 13 (2).

Complaints by parents as to treatment of children by societies.

14. Any parent or guardian claiming that a child is improperly or unjustly detained by any of the charitable institutions in section 13 referred to, or any other person believing that in the case of any child in any of the said institutions a real grievance or just cause of complaint exists, may make complaint to the Judge or superintendent, and the Judge or, with the Minister's approval, the superintendent may make such order as to the disposition of the child as, having regard to the welfare of the child, may under all the circumstances of the case appear to be just and reasonable. 58 V. c. 52, s 13 (3).

Societies or persons having custody of children to be liable to inspection.

15. Every society or person to whose care any child is committed under the provisions of this Act, and every person intrusted with the care of any such child by any such person or institution shall from time to time permit such child to be visited, and any place where such child may be, or reside, to be inspected by the superintendent or any of the members of the local children's visiting committee, or any person authorized by or under regulations approved by Order of the Lieutenant-Governor in Council for the time being in force in that behalf. 56 V. c. 45, s. 19.

Right of ministers of religion to visit children in homes and shelters.

16. Subject to such regulations as may be hereafter provided and approved of as aforesaid, all ministers of religion or any person being duly authorized by the recognized head of any religious denomination, shall have admission to every temporary home or shelter and access to such of the children placed or detained therein as belong to their respective denominations, and may give instruction to them on the days and at the times allotted by such regulations for the religious education of such children of their respective denominations. 56 V. c. 45, s. 21.

Visitors, who may be.

17. All members of the Parliament of Canada and of the Legislative Assembly of Ontario, all heads of municipal

councils, and all Judges and Justices of the Peace shall be entitled to visit every temporary home or shelter, and shall have admission to the same accordingly. 56 V. c. 45, s. 22.

Visitors' Book.

18. Every person entitled to visit any such temporary home or shelter as aforesaid, and every minister of religion may inscribe in a book (to be for that purpose provided, and kept in such temporary home or shelter by the superintendent or matron thereof) any remarks or observations which he may think fit to make touching or concerning such temporary home or shelter, and the superintendent, matron, teachers, officers or servants, or the children placed or detained therein, or any of them, and such book shall be produced to the inspector or superintendent whenever he visits such temporary home or shelter. 56 V. c. 45, s. 23.

Transferring children from care of certain institutions to children's aid societies.

19. Notwithstanding the provisions of any by-laws, rules or regulations for the government or control of any duly incorporated orphanage, children's home, infants' home or industrial school, it shall be lawful for the trustees or governing body of such orphanage or children's home or infants' home or industrial school to take advantage of the provisions of section 10 of this Act by transferring from time to time, children under their care to the Superintendent or to the children's aid society in the locality of such orphanage or home, to be placed out by the Superintendent or by such children's aid society in pursuance of the provisions of this Act, and in such case it shall be the duty of the visiting committee to visit any child so placed out, as by this Act provided, and in all respects such child shall be treated as having been placed out and shall continue subject to the provisions of this Act. 58 V. c. 52, s. 1.

Discharge of child by Lieutenant-Governor or Minister.

20. The Lieutenant-Governor in Council or the Minister may at any time discharge a child from the custody of any person or society to whom it is committed under this Act, either absolutely, or on such conditions as may be approved of and may from time to time make, alter, or revoke rules in relation to the procedure of societies operating under the provisions of this Act. 56 V. c. 45, s. 6 (3); 58 V. c. 52, s. 3 60 V. c. 15 *Sched.* B (22).

CURFEW BELL.

By-laws to prevent children being on the streets after nightfall.

21.—(1) Municipal councils in cities, towns, and incorporated villages shall have power to pass by-laws for the regulation of the time after which children shall not be in the streets at nightfall without proper guardianship and the age or apparent age, of boys and girls respectively, under which they shall be required to be in their homes at the hour appointed, and such municipal council shall in such case cause a bell or bells to be rung at or near the time appointed as a warning, to be called the "curfew bell," after which the children so required

to be in their homes or off the streets shall not be upon the public streets except under proper control or guardianship or for some unavoidable cause.

Children after warning may be taken home.

(2) Any child so found after the time appointed shall be liable to be warned by any constable or peace officer to go home, and if after such warning the child is found loitering on the streets such child may be taken by such constable to its home.

Summoning parents, etc., permitting children to break the law.

(3) Any parent or guardian may be summoned for permitting his child to habitually break said by-law after having been warned in writing, and may be fined for the first offence $1, without costs, and for the second offence $2, and for a third, or any subsequent offence, $5. 56 V. c. 45, s 31.

OFFENCES AND PENALTIES.

Penalty for neglecting or ill-treating children.

22. Any person over sixteen years of age who, having the care, custody, control or charge of a child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, wilfully ill-treats, neglects, abandons, or exposes such child, or causes or procures such child to be ill-treated, neglected, abandoned, or exposed, in a manner likely to cause such child unnecessary suffering, or serious injury to its health, shall be guilty of an offence under this Act, and, on conviction thereof by a court of summary jurisdiction, shall be liable, at the discretion of the court, to a fine not exceeding $100, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months. 56 V. c. 45, s. 2.

Increased penalty on proof of interest in death of child.

23. If upon the trial of any person under the preceding section it is proved that such person was interested in any sum of money accruing or payable in the event of the death of the child, and had knowledge that such sum of money was accruing or becoming payable, the court may, in its discretion, increase the amount of the said fine so that the fine shall not exceed $250, or increase the imprisonment, with or without hard labour to any term not exceeeding nine months. 56 V. c. 45, s. 3.

24.—(1) Any person who—

Causing children to beg in streets,

(*a*) Causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, to be in any street for the purpose of begging or receiving alms, or of inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale, or otherwise; or

(*b*) Causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, to be in any street, or in any premises licensed for the sale of any intoxicating liquor for the purpose of singing, playing, or performing for profit, or offering anything for sale, between ten p. m. and six a. m.; or

or to sing, etc., in streets or taverns between 10 p. m. and 6 a. m.,

(*c*) Subject to the provisions of subsection 2 of this section, causes or procures any boy under the age of 14 years or any girl under the age of 16 years to be at any time in any circus or other place of public amusement to which the public are admitted by payment, for the purpose of singing, playing, or performing for profit, or offering anything for sale;

or to sing or perform in public places when under ten years of age.

shall, on conviction thereof by a court of summary jurisdiction, be liable, at the discretion of the court, to a fine not exceeding $100, or alternatively, or in default of payment of the said fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months. 56 V. c. 45, s. 4 (1); 60 V. c. 15 *Sched.* B (21.)

Penalty.

(2) But in the case of any entertainment, or series of entertainments, to take place in premises used for public entertainment, or in any circus or other place of public amusement as aforesaid, where it is satisfactorily shown that proper provision has been made to secure the health and kind treatment of any children proposed to be employed thereat, it shall be lawful for the Police Magistrate or the head of the municipality, anything in this Act notwithstanding, to grant a license for such time, and during such hours of the day, and subject to such restrictions and conditions as he may think fit, for any child exceeding seven years of age of whose fitness to take part in such entertainment or series of entertainments without injury the said Police Magistrate or municipal officer aforesaid is satisfied; and such license may at any time be varied, added to, or rescinded by the same authority upon sufficient cause being shewn; and such license shall be sufficient protection to all persons acting under or in accordance with the same.

License for employment of child over seven years of age in circuses, etc., in certain cases.

(3) The municipal council shall assign to some officer of the municipality, or other person, the duty of seeing whether the restrictions and conditions of any license under this section are duly complied with, and such officer or person shall have the same power to enter, inspect, and examine any place of public entertainment at which the employment of a child is for the time being licensed under this section, as an inspector has to enter, inspect, and examine a factory or workshop under *The Ontario Factories Act.* This duty shall be discharged by the chief constable of the municipality until some

Municipal officers to see to compliance with conditions of license.

Rev. Stat., c. 256.

other officer or person is appointed by the municipal council as aforesaid. 56 V. c. 45, s. 4 (2-3.)

Power of search.

25.—(1) If it appears to any Police Magistrate, or to any two Justices of the Peace, on information made before him or them on oath by any person who, in the opinion of the Magistrate or Justices, is *bona fide* acting in the interest of any child, that there is reasonable cause to suspect that such child, being a boy under the age of fourteen years, or a girl under the age of sixteen years, has been or is being ill-treated or neglected in any place within the jurisdiction of such Magistrate or Justices in a manner likely to cause the child unnecessary suffering, or to be injurious to its health, such Magistrate or Justices may issue a warrant authorizing any person named therein to search for such child, and if it is found to have been or to be ill-treated or neglected in manner aforesaid, to take it to and detain it in a place of safety until it can be brought before a Judge, and the Judge before whom the child is brought may cause it to be dealt with in the manner provided by section 27;

(2) The powers hereinbefore conferred on any two Justices may be exercised by any one Justice, if upon the information the case appears to him to be one of urgency.

Issuing warrant for arrest in addition to said warrant.

(3) The Magistrate or Justices or Justice issuing such warrant may by the same warrant cause any person accused of any offence in respect of the child to be apprehended and brought before a Judge, and proceedings to be taken for punishing such person according to law.

Power to enter and remove child.

(4) Any person authorized by warrant under this section to search for any child, and to take it to and detain it in a place of safety may enter (if need be, by force) any house, building or other place specified in the warrant, and may remove the child therefrom.

Warrants, who may execute.

(5) Where there is no superior officer of police, the warrant may be addressed to and executed by any policeman or constable approved of for that purpose by the head of the municipality or by any such society as mentioned in the first section of this Act.

Not necessary to specify child.

(6) It shall not be necessary in any information or warrant for the purpose of this section to specify any particular child. 56 V, c. 45, s. 7.

Powers of constable as to arresting without warrant or removing child.

26.—(1) Any constable may take into custody without warrant any person who, within view of such constable, commits an offence under section 22 of this Act, where the name and residence of such person are unknown to and cannot be ascertained by such constable; and any constable may take to a place of safety any child in respect of whom an offence under section 22 or clause (*a*) of subsection 1 of section 24 of

this Act has been committed, and the child may there be detained until it can be brought before a court of summary jurisdiction, and such court may cause the child to be dealt with as circumstances may admit and require until the charge made against any person in respect of the said offence has been determined by the committal for trial, or conviction, or discharge of such person.

Release of person arrested without warrant on bail being given.

(2) Where a constable arrests any person without warrant in pursuance of this section the officer or constable in charge of the station to which such person is conveyed shall, unless in his belief the release of such person on bail would tend to defeat the ends of justice, or to cause injury or danger to the child against whom the offence is alleged to have been committed, release the person arrested on his entering into such a recognizance, with or without sureties, as may in his judgment be required to secure the attendance of such person upon the hearing of the charge. 56 V. c. 45, s. 5.

"Constable."

(3) The word "Constable," in this section shall include the agent or officer of any children's aid society, or any other society for the protection of children from cruelty, approved by the Lieutenant-Governor in Council for the purposes of this Act, such agent or officer having been duly commissioned by the mayor of any city or town, or other chief officer of any municipality, to act as a police officer within the limits of such city or town or other municipality, whether with or without salary, payable by such city, town or other municipality. 56 V. c. 45, s. 1, *part.*

Disposal of child by order of court.

27.—(1) Where a person having the custody or control of a child, being a boy under the age of fourteen, or a girl under the age of sixteen years, has been

(*a*) Convicted of committing in respect of such child an offence under section 22 of this Act,

(*b*) Committed for trial for any such offence, or

(*c*) Bound over to keep the peace towards such child,

any person may bring such child before a Judge, and the Judge, if satisfied on inquiry that it is expedient so to deal with the child, may order that the child be taken out of the custody of such person and committed to the charge of a relative of the child, or some other fit person named by the Judge, such relation or other person being willing to undertake such charge until it attains the age of fourteen years, or in the case of a girl sixteen years, or in either case for any shorter period, or to the charge of any duly authorized children's aid society, and may of his own motion, or on the application of any person, from time to time renew, vary, and revoke any such order; but no order shall be made under this section unless a parent of the child is under committal for trial for having been, or has been proved to have been, party or

privy to the offence, or has been bound over to keep the peace towards such child.

Power and duties of person or societies having custody of child.

(2) Any person or society to whom a child is so committed shall, whilst the order is in force, have the like control over the child as if such person or society were its parent, and shall be responsible for its maintenance, and the child shall continue under the control of such person or society, notwithstanding that it is claimed by its parent; and any Judge having power so to commit a child shall have power to make the like orders on the parent of the child to contribute to its maintenance during such period as aforesaid as if the child were detained under *The Industrial Schools Act*, and as a Division Court Judge might make under section 27 of the said Act, and such orders may be made on the complaint or application of the person or society to whom the child is for the time being committed, and the sums contributed by the parent shall be paid to such person or society as the Judge may name, and be applied for the maintenance of the child. In determining on the person or society to whom the child shall be so committed, the Judge shall endeavour to ascertain the religious persuasion to which the child belongs, and shall, if possible, select a person or society of the same religious persuasion, and such religious persuasion shall be specified in the order; and in any case where the child has been placed pursuant to such order with a person or society not of the same religious persuasion as that to which the child belongs, the Judge shall, on the application of any person in that behalf, and on its appearing that a fit person or society of the same religious persuasion is willing to undertake the charge, make an order to secure his being placed with a person or society of the same religious persuasion.

Rev. Stat. c. 304.

Proviso.

Provided that if the order to commit the child to the charge of some relation or other person is made in respect of any person having been committed for trial for an offence, as specified in subsection (1) (*b*) of this section, the Judge shall not be empowered to order the parent of the child to contribute to its maintenance prior to the trial of such person; and if he is acquitted of such charge, or if such charge is dismissed for want of prosecution, then any order that may have been made under this section shall forthwith be void, except with regard to anything which may have been lawfully done under it. 56 V. c. 45, s. 6 (1-2).

Taking children out of custody of charitable institutions.

28. It shall be unlawful for any person to induce any child to leave the building or premises or custody or control of any children's aid society or of any duly incorporated boys' or girls' home or orphans' home or asylum or children's or infants' home inspected by the Inspector of Prisons and Public Charities, and in respect of which aid is paid out of the funds of the Province under the provisions of *The Charity Aid Act*, or to induce or to attempt to induce a child to leave or quit any

Rev. Stat. c. 320.

service or apprenticeship or any place in which or where the child has been or may be lawfully placed for the purpose of being nursed, supported, educated or adopted, or to induce, or attempt to induce any child to break any articles of apprenticeship or agreement lawfully entered into by or with the authority of the trustees or directors or governing body of any such home, children's aid society or asylum respecting any such child, or to detain or harbour any such child after demand made by or on behalf of any officer of any such institutions for delivery up of such child; and any person who violates the provisions of this section shall be liable, upon summary conviction before a Justice of the Peace, to a fine not exceeding $20 and costs, and, in default of payment thereof, to imprisonment not exceeding thirty days. 58 V. c. 52, s. 13 (1); 60 V. c. 15, *Sched.* B (30). Penalty.

JUVENILE OFFENDERS.

29.—(1) In cities and towns with a population of more than ten thousand, children under the age of sixteen years who are charged with offences against the laws of this Province, or who are brought before a Judge for examination under any of the provisions of this Act shall not before trial or examination be confined in the lock-ups or police cells used for ordinary criminals or persons charged with crime, nor, save as hereinafter mentioned, shall such children be tried or have their cases disposed of in the police court rooms ordinarily used as such. It shall be the duty of such municipalities to make separate provision for the custody and detention of such children prior to their trial or examination, whether by arrangement with some member of the police force or other person or society who may be willing to undertake the responsibility of such temporary custody or detention, on such terms as may be agreed upon, or by providing suitable premises entirely distinct and separated from the ordinary lock-ups or police cells; and it shall be the duty of the Judge to try all such children or examine into their cases and dispose thereof, where practicable, in premises other than the ordinary police court premises, or, where this is not practicable, in the private office of the Judge, if he have one, or in some other room in the municipal buildings, or, if this be not practicable, then in the ordinary police court room, but only in such last mentioned case when an interval of two hours shall have elapsed after the other trials or examinations for the day have been disposed of. Custody of children pending trial. Place of trial.

(2) Where any children's aid society possesses premises affording the necessary facilities and accommodation, children, apparently under the age of twelve years, may, after apprehension under the provisions of this Act, be temporarily taken charge of by such society until their cases are disposed of; and the Judge may hold the examination into the case of such children in the premises of the said society. Temporary charge of children until trial by Judge.

Preliminary examination into charge of cruelty may be held in house.

(3) The Judge may, if he thinks fit, hold the preliminary examination or, the trial of any case against any parent for any offence in respect of a child under this Act or for any alleged neglect of or cruelty to a child in the house where the parent resides, but only at the request of such parent.

Private trial of children.

(4) The Judge shall exclude from the room or place where any child under sixteen years of age, or any parent charged with any offence in respect of a child under this Act or otherwise with neglect of or cruelty to his child, is being tried or examined, all persons other than the counsel and witnesses in the case, officers of the law or of any children's aid society and the immediate friends or relatives of the child or parent. 56 V. c. 45, s. 30: 60 V. c. 15, *Sched.* B (28).

Trial of children for offences against Provincial laws.

30. Wherever a complaint is made or pending against any boy under the age of 12 years or girl under the age of 13 years for the commission of any offence against the laws of this Province, before any Court or Magistrate of competent jurisdiction, it shall be the duty of such Court or Magistrate at once and before any proceedings are had in the case to give notice in writing to the executive officer of the children's aid society, if there be one in the county, who shall have opportunity allowed him to investigate the charge or charges, and upon receiving such notice the officer may proceed to inquire into and make full examination as to the parentage and surroundings of the child and of all the facts and circumstances of the case and report the same to the Court or Magistrate, who may advise and counsel with the said officer of the said society; and if upon consultation after full investigation and proof of the offence charged it appears to the Court that the public interest and the interest of the child will be best served thereby, an order may be made for the return of such child to his or her parents, guardian or friends, or the Court may authorize the said officer to take such child and bind him or her out to some suitable person until he or she attains the age of 21 years, or for any less time, or impose a fine, or suspend sentence for a definite or indefinite period, or if the child is found guilty of the offence charged, or is wilfully wayward and unmanageable, the Court may cause him or her to be sent to an industrial school, and in such cases the report of the officers of the society shall be attached to the warrant of commitment. 56 V. c. 45, s. 24; 60 V. c. 15, *Sched.* B (27).

Adoption of or apprenticing children on conviction.

31. Any Court or Magistrate in lieu of committing to prison any child under the age of 14 years convicted before him of any offence against the laws of this Province may hand over such child to the charge of any home for destitute and neglected children or industrial school or children's aid society and the managers of such home or school or society may permit its adoption by a suitable person, and may apprentice it to any

suitable, trade, calling or service, and the transfer shall be as valid as if the managers were parents of such child. The parents of such child shall have no right to remove or interfere with the said child so adopted or apprenticed except by the express permission in writing of the Minister. 56 V. c. 45, s. 28.

Children not to be committed to gaols.

32. No child under 16 years of age held for trial or under sentence in any gaol or other place of confinement shall be placed or allowed to remain in the same cell or room in company with adult prisoners. It shall be the duty of the officer in charge of such place of confinement to secure, as far as the construction of such place will admit, the exclusion of such children from the society of adult prisoners during their confinement. 56 V. c. 45, s. 29.

Appointment of commissioners to try juvenile offenders.

33. The Lieutenant-Governor may, upon the request of any municipal council, appoint a commissioner or commissioners, each with the powers of a Police Magistrate, to hear and determine complaints against juvenile offenders, apparently under the age of sixteen years. 51 V. c. 40, s. 7.

Evidence of children.

34.—(1) Where, in any proceeding against any person for an offence under this Act, the child in respect of whom the offence is charged to have been committed, or any other child of tender years who is tendered as a witness, does not, in the opinion of the Judge, understand the nature of an oath, the evidence of such child may be received, though not given upon oath, if in the opinion of the Judge such child is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth.

Corroboration.

(2) A person shall not be liable to be convicted of an offence unless the testimony admitted by virtue of this section and given on behalf of the prosecution, is corroborated by some other material evidence implicating the accused. 56 V. c. 45, s. 8 (1, 2); 60 V. c. 15, *Sched.* B (23).

Presumption of age of child.

35. Where a person is charged with an offence under this Act in respect of a child who is alleged to be under any specified age, and the child appears to the Judge to be under that age, such child shall for the purposes of this Act be deemed to be under that age, unless the contrary is proved. 56 V. c. 45, s. 25.

MISCELLANEOUS.

Order of committal to designate municipality chargeable with maintenance.

36. Upon an order being made by any Judge, Stipendiary or Police Magistrate or Justice of the Peace, for the committal of any child to any industrial school, or refuge for boys or girls, or other institution subject to the inspection of the Inspector of Prisons and Public Charities, or to any suitable

Rev. Stat. c. 161. Rev. Stat. c. 304.

charitable society authorized under this Act or under *The Act Respecting Apprentices and Minors*, or under *The Industrial Schools Act*, such order shall specify the municipality or municipalities chargeable with the maintenance of such child, and a copy of the order with a copy of the depositions upon which the child has been committed shall be forwarded by registered letter to the clerk of the municipality chargeable under such committal with the maintenance of the child and unless the municipality moves before such Judge or magistrate to set aside the order in respect of maintenance within one month after receiving copy of such order the municipality shall be deemed to have consented to the order and shall be estopped from denying liability thereunder. Such Judge or Magistrate may at any time vary the order and charge any other municipality, upon which order like proceedings may be taken. 53 V. c. 76, s. 5.

Prosecutions when offence is a contravention of other provisions.

37. Where an offence against this Act is also punishable under any other Act, or at common law, it may be prosecuted and punished either under this Act, or under the other Act, or at common law, but no person shall be punished twice for the same offence. 56 V. c. 45, s. 27.

Protestant children not to be committed to Roman Catholic home and *vice versa*.

38.—(1) Notwithstanding anything in this Act contained, no Protestant child shall be committed to the care of any Roman Catholic children's aid society or institution, nor shall any Roman Catholic child be committed to a Protestant children's aid society or institution, and in like manner no Protestant child shall be placed out in any Roman Catholic family as its foster home, nor shall any Roman Catholic child be placed out in any Protestant family as its foster home.

(2) This section shall not apply to the care of children in a temporary home or shelter, as in this Act provided, in a municipality in which there is but one children's aid society. 56 V. c. 45, s. 20.

(3) The certificate of one of the Inspectors of Prisons and Public Charities shall be sufficient as to the character of a society or institution for the purposes of this section. 51 V. c. 40, s. 5, *part*.

Right of inflicting punishment not affected.

39. Nothing in this Act contained shall be construed to take away or affect the right of any parent, teacher or other person having the lawful control or charge of a child to administer punishment to such child as if this Act had not been passed. 56 V. c. 45, s. 26.

CHAPTER 260.

An Act for the Protection of Female Patients and Prisoners in Certain Public Institutions.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Protection of persons confined in asylums. Rev. Stat. c. 321.

1. No person shall at any time or place within the precincts of any institution to which *The Prison and Asylum Inspection Act* applies, unlawfully and carnally know any female who is capable in law of giving her consent to such carnal knowledge while she is a patient or is confined in such institution. R. S. O. 1887, c. 249, s. 1.

Penalty.

2. Whosoever violates section 1 of this Act is guilty of an offence, and shall be liable to be imprisoned in any gaol or place of confinement, other than the Penitentiary, for any term less than two years, with or without hard labour. R. S. O. 1887, c. 249, s. 2.

Accused a competent witness.

3. The person charged shall be a competent witness in his own behalf. R S. O. 1887, c. 249, s. 3.

Civil remedy not affected.

4. Nothing in this Act contained nor any conviction obtained in pursuance thereof shall deprive any person of the right to maintain an action for damages against the person so charged. R. S. O. 1887, c. 249, s. 4.

CHAPTER 261.

An Act respecting the Sale of Tobacco to Minors.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Supplying tobacco to persons under 18.

Penalty.

1. Any person who either directly or indirectly sells or gives or furnishes to a minor under eighteen years of age, cigarettes, cigars, or tobacco in any form, shall on summary conviction thereof before a Justice of the Peace be subject to a penalty of not less than $10, nor more than $50, with or without costs of prosecution, or to imprisonment, with or without hard labour, for any term not exceeding thirty days, or to both fine, with or without costs, and imprisonment to the said amount and for the said term, in the discretion of the convicting Magistrate. And in case of a fine, or a fine and costs being awarded, and of the same not being upon conviction forthwith paid, the Justice may commit the offender to the common gaol, there to be imprisoned for any term not exceeding thirty days, unless the fine and costs are sooner paid. 55 V. c. 52, s. 1.

Where child purchases for parent or guardian.

2. This Act shall not apply to a sale to the minor for his parent or guardian under a written request or order of the parent or guardian. 55 V. c. 52, s. 2.

Presumption as to age.

3. A person who appears to the Magistrate to be under 18 years of age, shall be presumed to be under that age unless it is shewn by evidence that he is in fact over that age. 55 V. c. 52, s. 3.

CHAPTER 262.

An Act to regulate the Immigration into Ontario of Certain Classes of Children.

INTERPRETATION, s. 1.
SOCIETIES FOR BRINGING CHILDREN INTO ONTARIO.
Societies to be authorized, ss. 2, 3.
Records to be kept by societies, s, 4.
Certificate of examiner before children sent out, s. 5.
Duties as to children brought into Ontario, ss. 6-10.
Investigation of complaints as to treatment of children, s. 11.
Return of children who become a public charge, s. 12.
PENALTIES.
Bringing in children unlawfully, s. 13.
Bringing in defective or criminal children, s. 14.
NOTICE OF CHILDREN COMMITTED TO GAOL, s. 15.
INVESTIGATION AS TO VIOLATIONS OF ACTS, s. 16.
REVISED STATUTE c. 157 NOT AFFECTED, s. 17.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned unless a contrary intention appears: Interpretation.

1. "Child" shall mean a person under 18 years of age. "Child."

2. "Society" shall mean any individual or association of individuals, whether incorporated or unincorporated, undertaking the care, training, reformation or education of orphan, neglected or dependent children, or the bringing of such children into the Province, or the placing out of such children in foster homes, or the apprenticing of such children to any trade or industry, or other work of a similar character, and shall include a branch or agency of any society. "Society."

3. "Agent" shall include the superintendent or other officers of any society to which this Act applies, and also any person who undertakes for reward or otherwise to bring such children into the Province, or to place children in foster homes or as apprentices to any trade or calling or to procure them to be so placed. "Agent."

4. "Inspector" shall mean the Superintendent of Neglected and Dependent Children or any officer specially appointed by "Inspector."

the Lieutenant-Governor in Council to inspect the work, books and records of societies and agents.

"Examiner." 5. "Examiner" shall mean the agent of the Province of Ontario in Great Britain or any officer appointed by the Lieutenant-Governor in Council to inspect and examine in Great Britain or Ireland, children who are to be brought into the Province of Ontario. And any officer of the Government of the Dominion of Canada may, with the consent of the Government of Canada, be appointed by the Lieutenant-Governor in Council to perform the duties of an examiner under this Act. 60 V. c. 53, s. 1.

Authority of Lieutenant-Governor for bringing children into Ontario. **2.** The Lieutenant-Governor in Council may authorize any society or agent to carry on the work of bringing into this Province, indigent, neglected or dependent children, for the purpose of providing for such children in this Province by placing them out in foster homes, or binding them as apprentices, or otherwise. 60 V. c. 53, s. 2.

Societies and agents to be subject to inspection. **3.** Every such society or agent, after such authority has been given, shall, as to operations in Ontario, be subject to the inspection and supervision of the inspector, who shall, at least four times in every year, or oftener, if required to do so by the Minister in charge, inspect the work of every such society or agent, and shall report thereon to the Lieutenant-Governor in Council. 60 V. c. 53, s. 3.

Record of operations of society. **4.** Every society or agent authorized to carry on work in Ontario as aforesaid, shall keep a record in writing showing:

(*a*) The full name of every child brought, or procured to be brought into this Province by the society or agent;

(*b*) The name and address of the parents or guardians, or other persons from whom the society or agent received such child;

(*c*) The date on which the child was brought into this Province;

(*d*) The age and date of birth of the child;

(*e*) The name and place of residence of every person from time to time having the custody of the child;

(*f*) The more important terms and conditions of the agreement entered into on placing out or binding as an apprentice any child;

(*g*) Such other particulars as the inspector may, with the approval of the Minister in charge, from time to time require to be kept on record;

and every examiner before giving the certificate provided for in section 5, shall be furnished with such information as to the particulars hereinbefore set out, as the society or agent

proposing to bring or send any child into the Province of Ontario as aforesaid, shall be able to give. 60 V. c. 53, s. 4.

Certificate of examiner to be obtained before child leaves Britain.

5.—(1) No child shall be brought, or caused, or procured to be brought into the Province of Ontario by any society or agent, or by any person other than the parent, or a person standing in *loco parentis* to such child, from any port in Great Britain or Ireland, unless before the vessel upon which the child is to be a passenger, sails, a certificate has been obtained from an examiner stating that he has satisfied himself by personal examination or inquiry, and by such sufficient evidence as may be produced that the child named in the certificate has not been convicted of any crime or misdemeanour or displayed criminal or vicious tendencies, and is in other respects a child who may lawfully be brought into this Province as aforesaid.

(2) The said certificate may include any number of children forming members of the same party of immigrants, and in charge of the same person or persons.

(3) Regulations may be made with the approval of the Lieutenant-Governor in Council authorizing the examiner to accept as sufficient evidence in whole or in part for the purposes of this section information received from any emigration agent or other officer of the Government of Canada whose duty it may be to officially inspect the children before being allowed to be brought into Canada. 60 V. c. 53, s. 11.

Duties of societies and agents as to children brought into Ontario.

6.—(1) Every society or agent shall maintain careful supervision over every child brought, or caused or procured to be brought into the Province by such society or agent, until such child attains the age of 18 years; and it shall be the duty of such society or agent to cause a personal visit by an agent specially appointed for that purpose, to be made to each such child at least once in every year, until the child has attained the said age, and for the purposes of this Act, and for the protection of the person and earnings of the child, the society or agent, until the child attains the age of 18 years shall have all the powers, and shall perform all the duties by law provided in the case of the guardian of an infant.

(2) A certificate in writing, signed by an examiner or inspector, stating the age of any person admitted into this Province under this Act at the date when such person was so admitted or left Great Britain or Ireland for that purpose, together with a further certificate signed by the Provincial Secretary declaring that the person signing such first mentioned certificate was at the time of signing the same a duly authorized examiner or inspector under this Act, shall in any prosecution, action, or other proceeding instituted, brought or taken under any Act of this Legislature, on account of or by,

or against, or on behalf of any person so admitted, be conclusive evidence as to the age of such person. 60 V. c. 53, s. 5.

Homes or shelters to be provided.

7. Every such society or agent shall provide a permanent home or shelter to which any child brought, or caused, or procured to be brought into the Province as aforesaid, by such society or agent, may be returned after having been placed out in a foster home or apprenticed as aforesaid, if the person with whom the child has been placed is unable or unwilling to retain the custody or control of the child; and the address of such shelter shall be specified in every agreement made with persons receiving children into foster homes or as apprentices. 60 V. c. 53, s. 6.

Persons with whom children placed to give information to society.

8. Every person receiving from any society or agent, any child brought into the Province of Ontario as aforesaid, shall, whenever required by the society or agent so to do, furnish to the society or agent, full particulars as to the health, conduct, progress and welfare of the child. 60 V. c. 53, s. 7.

Return of child to home when employer is unwilling to retain child.

9.—(1) In case any person who has received from a society or agent, a child brought into the Province of Ontario as aforesaid, is unable or unwilling to carry out the agreement entered into by him with the society or agent, he shall, at his own expense, return the child safely to the home or shelter provided by the society or agent; and any such person who abandons a child so received, or refuses to maintain the child, and neglects or refuses to return him to the home or shelter provided by the society or agent as aforesaid, shall, on summary conviction thereof, before two or more Justices of the Peace, be liable to a fine of not more than $100, nor less than $10, or to imprisonment for any term not exceeding three months. Provided, however, that nothing in this section contained shall be deemed to relieve any person or to entitle any person to relief as a matter of right in respect of a child received by him from any society or agency or in respect of any contract or agreement entered into in respect of such child, until he obtains the written consent of such society or agent in that behalf.

Penalty for abandonment of child.

Proviso.

Society or agent to state cause of return of child to subsequent applicant.

(2) Wherever a child has been so returned after having been placed out or apprenticed, the society or agent shall ascertain as far as possible the true cause of such return, and if it shall appear that such return was caused by any act of immorality or serious misconduct or misdemeanour on the part of the child, the society or agent shall, before the child is again placed out or apprenticed to any person, state to such person the true cause of such return as so ascertained, under penalty of forfeiture of the license held by such society or agent, and of the sum of not more than $100 to be recovered in any court of competent jurisdiction at the suit of the Crown or of the person aggrieved. 60 V. c. 53, s. 8.

Society or agent to be notified when child leaves master or guardian.

10.—(1) Where a child who has been received by any person as aforesaid, of his own accord deserts the home or employment of any person in whose home he has been placed, or to whom he has been apprenticed, or is wrongfully taken from the custody of such person, with or without the consent of the child, before attaining the age of 18 years, the person from whose custody the child has been taken or has escaped, shall immediately notify the society or agent from whom the child was received, and shall give all reasonable assistance in recovering and restoring to the guardianship of the society or agent the child, under penalty in case of default of not more than $20 and not less than $5, besides costs, to be recovered on summary conviction before two or more Justices of the Peace.

(2) It shall not be lawful for any person to entice a child away from a foster-home or situation, or to encourage or aid a child to leave the home in which such child has been placed for adoption or apprenticeship. Any person so interfering with a child may be prosecuted by a society or agent and may on conviction thereof be fined any sum not exceeding $25 or imprisoned for any period not exceeding three months. 60 V. c. 53, s. 9.

Society or agent to investigate complaints as to ill-treatment of children placed out.

11.—(1) In case any person resident in the Province gives notice to a society or agent, that a child brought into the Province by the society or agent and placed out or apprenticed by the society or agent, is being ill-treated or over-worked, or is not being properly educated, or is being otherwise neglected, such society or agent shall immediately cause the complaint to be investigated, and shall take all necessary steps to protect the child from further ill-treatment or neglect.

(2) Any person with whom a child has been placed out or apprenticed, who ill-treats or over-works, or neglects to provide for the proper maintenance and education of such child, shall, upon summary conviction thereof, before two or more Justices of the Peace, be liable to a fine not exceeding $50, or to imprisonment, with or without hard labour, for any term not exceeding six months.

(3) Every society, agent or person having the custody of any child heretofore or hereafter brought into the Province of Ontario shall be entitled to send such child to the public or separate schools of the municipality or school section in which the child resides in the same manner as the child of any ratepayer in the municipality or school section, and every such society, agent or person having custody of any such child shall be subject to *The Act respecting Truancy and Compulsory School Attendance*, and to the penalties imposed by the said Act in the same manner and to the same extent as any ratepayer. 60 V. c. 53, s. 14.

Rev. Stat. c. 296.

Where child brought into Province becomes a public charge.

12. If any child hereafter so brought, or caused or procured to be brought into the Province of Ontario, by any society or agent, within three years thereafter, becomes a charge upon the funds of any municipality, or upon the Province, or dependent upon private charity, such society or agent shall, if so ordered by the Inspector, pay to the municipality or the Province, or to any person maintaining the child, as the case may be, the cost of the maintenance of the child, and may be required to return the child to the place from which he came into this Province, if, in the opinion of the Inspector, such a course is advisable; Provided that the Inspector may exempt any society or agent from the operation of this section upon production of the certificate of an examiner to the effect set forth in section 5 of this Act unless it is made to appear that such certificate was granted on false statements or representations made by or on behalf of the society. 60 V. c. 53, s. 13.

Proviso.

Penalty for bringing children into Province unlawfully.

13. Any person who, without the authority conferred by the Lieutenant-Governor under section 2 of this Act, brings, causes or procures to be brought into this Province, after the 1st day of September, 1897, any indigent, neglected or dependent child not being his own child, or a child for whom he is acting as guardian, or one towards whom he stands *in loco parentis*, shall, on summary conviction thereof, before two or more Justices of the Peace, be liable to a fine of not more than $100 nor less than $10, besides costs, and in default of payment of such fine and costs, to imprisonment for any period not exceeding three months. 60 V. c. 53, s. 10.

Penalty for bringing defective or criminal children, etc., into Ontario.

14.—(1) Any society or agent, or person acting on behalf of any society or agent, who brings, or causes or procures to be brought into the Province of Ontario, any child who, from defective intellect, or disease, or physical infirmity, or any other defect, is unable to follow any trade or calling, or any child of known vicious tendencies, or any child who is known to be an habitual criminal, or who has been reared, or who had resided amongst habitual criminals, or any child whose parents have been habitual criminals, lunatics, or idiots, or weak minded or defective constitutionally, or confirmed paupers, or diseased, or without having the certificate provided for in section 5 of this Act, shall, on summary conviction thereof, before two or more Justices of the Peace, be liable to a penalty of not more than $100, nor less than $10, besides costs, and in default of payment of said fine and costs, to imprisonment for any period not exceeding 3 months.

(2) No proceedings against any person under this section shall be taken after the expiration of two years from the date on which the child was brought into the Province as aforesaid.

(3) The provisions of sections 5 and 13 and of this section shall not apply in the case of any person not acting as an agent or on behalf of any society or agent, and who is

specially entrusted with the custody of the child by the parent or persons standing in *loco parentis* to such child, for the purpose of bringing the said child into the Province and delivering him to the custody of some person in the Province; provided that the person to whom the child is to be delivered is in the opinion of the Superintendent of Neglected and Dependent Children a fit and proper person to be entrusted with the custody of the child. 60 V. c. 53, 12.

Sheriff to notify superintendent of committal or detention of child.

15. Whenever any child admitted to the Province under this Act is committed to or detained in the common gaol of a county, it shall be the duty of the Sheriff of the county to notify the Superintendent of Neglected and Dependent Children of the name and age of the child, and the date and cause of such committal or detention. 60 V. c. 53, s. 15, *part*.

Inspector to investigate complaints made of violations of the Act.

16. The Inspector may direct proceedings to be taken against any person for violating the provisions of this Act, and he shall, for this purpose, inquire into all the complaints made to him against any person, society or agent, and report thereon to the Minister in charge of the Department to which he is attached; and the Inspector may, in his report, recommend that the authority conferred by the Lieutenant-Governor in Council under section 2 of this Act, shall be revoked, and the Lieutenant-Governor may thereupon by order revoke such authority. 60 V. c. 53, s. 16.

Provisions of Rev. Stat. c. 157, as to certain contracts not affected.

17. Nothing in this Act shall affect the provisions of *The Act respecting Master and Servant* with regard to agreements made with persons resident out of Canada for the performance of labour or service or having reference to the performance of labour or service by such persons in the Province of Ontario. 60 V. c. 53, s. 17.

CHAPTER 263.

An Act to regulate the means of Egress from Public Buildings.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Doors of churches, etc., to be hung so as to open outwards.

1. In all churches, theatres, halls or other buildings heretofore or hereafter constructed or used for holding public meetings, or for places of public resort or amusement, all the doors shall be so hinged that they may open freely outwards, and all the gates of outer fences, if not so hinged, shall be kept open by proper fastenings during the time such buildings are publicly used, to facilitate the egress of people, in case of alarm from fire or other cause. R. S. O. 1887, c. 210, s. 1.

Congregations incorporated and trustees holding for congregations under Rev. Stat. c. 307, and rectors, etc., holding under 3 V. c. 74, liable for neglecting the provisions of this Act.

2. Congregations possessing corporate powers, and all trustees holding churches or buildings used for churches under *The Act respecting the property of Religious Institutions*, and incumbents and churchwardens holding churches, or buildings used for churches under the Act of the Parliament of the late Province of Upper Canada, passed in the 3rd year of the reign of Her Majesty, Queen Victoria, chapter 74, intituled *An Act to make provision for the management of the Temporalities of the United Church of England and Ireland in this Province, and for other purposes therein mentioned*, and all other persons holding churches or buildings used for churches, under any other Act, shall be severally liable, as trustees for such societies or congregations, to the provisions of this Act. R. S. O. 1887, c. 210, s. 2.

Individuals, companies and corporations liable to fine for neglecting the provisions of this Act.

3. Any persons owning or possessing public halls, churches or other buildings used for public meetings, who violate the provisions of this Act, shall be liable to a fine not exceeding $50, recoverable on information before any two of Her Majesty's Justices of the Peace, or before the Mayor or Police Magistrate of any city or town; one moiety of such fine shall be paid to the party laying the information, and the other moiety to the municipality within which the case arises: and persons so complained against shall be liable to a further fine of $5 for every week succeeding that in which the complaint is laid, if the necessary changes are not made. R. S. O. 1887, c. 210, s. 3.

4. In cities, towns and incorporated villages, it shall be the duty of the high bailiff, chief constable, or chief of police, to enforce the provisions of this Act, and such officers neglecting the performance of such duties shall be liable to a fine not exceeding $50, recoverable in the manner and before the Justices of the Peace, and payable to the parties mentioned in the preceding section. R. S. O. 1887, c. 210, s. 4. Duties of municipal officers.

5. County and township municipalities may, by by-law appoint an officer to enforce the provisions of this Act. R. S. O. 1887, c. 210, s. 5. Officer to enforce this Act.

6. This Act shall not be construed to apply to convents or private chapels connected therewith. R. S. O. 1887, c. 210, s. 6. Not to apply to convents.

See Cap. 223, sec. 541 (2).

CHAPTER 264.

An Act for the prevention of Accidents by fire in Hotels and other Like Buildings.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation.

1. In the construction of this Act an hotel shall include and be taken to mean any inn, tavern, public house or place of refreshment where lodgings are let, furnished or provided for the public, and the words "License District" and the word "Inspector" shall have the same meaning as in *The Liquor License Act.* 51 V. c. 34, s. 1.

Rev. Stat. c. 245.

Outside ladders or stairways.

2.—(1) Every owner, lessee, or proprietor of an hotel exceeding two storeys in height, shall erect or cause to be erected at least one permanent outside stairway or ladder, from the landings or floors, landing or floor above the first storey of such hotel and extending to at least said first storey, such stairway or ladder to be built of iron and to be firmly attached to the wall of the building and to be supplied with a hand rail on either side, and to be of sufficient strength to sustain the weight of at least six full grown persons at the same time; and every such lessee or proprietor shall at all times keep the way or passage to such stairway or ladder unobstructed and free of access.

(2) If by reason of the default of any owner, upon reasonable notice in this behalf, any lessee or proprietor is compelled to erect a ladder or stairway under the provisions of this Act, then said lessee or proprietor shall have a right of action or set-off against the owner for all actual necessary and reasonable disbursements by him made or incurred by reason of the default of the owner. 51 V. c. 34, s. 2.

Fire escapes to be kept in all bed-rooms.

3.—(1) The keeper of every hotel shall, where the same is more than two storeys in height, provide and keep in each of the sleeping apartments or bed-rooms which are situate above the ground floor, a fire escape for the use of guests occupying the same.

What deemed a sufficient fire escape.

(2) Such fire escape shall be sufficient within the meaning of this Act if it consists of a rope not less than three-quarters of an inch in thickness, and of sufficient length to reach from

the room or apartment in which it is kept to the ground below, and is kept in a coil or other convenient position in each of the said bed-rooms or sleeping apartments; and if the outside window or opening of such sleeping apartments or bed-rooms is provided with proper, secure and convenient fastenings or appliances to which one end of the rope may be safely secured or fastened. 51 V. c. 34, s. 3.

Outside fire escapes.

4. In case any hotel is provided with outside stationary or other fire escapes, differing from what is herein provided for, by means of which, in the opinion of the inspector of the license district in which any such hotel is situated, a reasonably safe and convenient means of egress from the sleeping apartments or bed-rooms is provided in case of fire, the same shall be deemed a compliance with this Act, so far as relates to all sleeping apartments or bed-rooms from the outside windows or openings of which there is access to the said fire escapes: but the keeper of such hotel shall procure a certificate from the inspector, certifying to the sufficiency of such stationary or other fire escapes; and a copy of such certificate shall be transmitted by the inspector to the clerk of the municipality in which the hotel is situate. 51 V. c. 34, s. 4.

Notice as to fire escapes to be posted in rooms.

5. The keeper of every hotel shall, in addition to the notices which he is now required by law to keep posted up in each of his sleeping apartments or bed-rooms, also keep posted up therein a notice calling attention to the said fire escapes, and containing full directions for the use of the same, as well as a description of the outside stairway and the situation and means of egress to the same. 51. V. c. 34, s. 5.

Penalty.

6. In case the owner, lessee or proprietor of any hotel neglects to observe any of the provisions of this Act, he shall on summary conviction thereof incur a fine for each offence of not less than $20 or more than $200, with costs of prosecution, and in default of immediate payment of such fine and costs, and there being no distress found out of which such fine and costs can be levied, shall be liable to be committed to the common gaol of the county wherein such offence was committed, for a period not exceeding three months, and such conviction shall not be a bar to a prosecution for any continuance of such neglect subsequent to such conviction, but such continued neglect shall from time to time constitute a new offence. 51 V. c. 34, s. 6.

Enforcement of Act.

7. It shall be the duty of the inspector for the license district in which the hotel is situated to take all necessary proceedings to compel the enforcement of this Act. 51 V. c. 34, s. 7.

CHAPTER 265.

An Act to require the owners of Threshing and other Machines to guard against Accidents.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain machines to be so protected as to prevent injury to persons near them.

1. All persons owning or running any threshing machine, wood-sawing or other machine, which is connected to a horse-power by means of a tumbling rod or line of shafting, shall cause each of the knuckles, couplings or joints and jacks of such tumbling rod or line of shafting to be safely boxed or secured while running, with wood, leather or metal covering, in such manner as to prevent injury to persons passing over or near such tumbling rod, and the knuckles, couplings or joints and jacks thereof; and shall cause all oiling cups attached to arbors or journals to which driving belts are attached, to be furnished with tubes of tin or other material, which shall extend above the belts in such manner as shall prevent damage from oiling when the machine is in motion; and shall further cause a driver's platform to be placed on any horse-power used for driving machinery, of such size as to cover the gearing constituting said horse-power, and in such manner as to prevent accident arising to any person from contact with said gearing. R. S. O. 1887, c. 211, s. 1.

Penalty for non-compliance with provisions of this Act.

2. Any person owning or running any threshing, wood-sawing or other machine, connected to a horse power by means of a tumbling rod or line of shafting, who neglects or refuses to comply with the provisions of this Act, shall on summary conviction, on information or complaint before one or more Justices of the Peace, be liable to a fine of not less than $1 nor more than $20, over and above the costs of prosecution, and in default of payment of such fine and costs, the offender shall be imprisoned in the nearest common gaol for a period of not less than two or more than twenty days, at the discretion of such Justice or Justices of the Peace. R. S. O. 1887, c. 211, s. 2.

No action for services rendered if provisions of this Act are not complied with.

3. No action shall be maintained, nor shall any legal liability exist, for services rendered by or with any machine, such as is mentioned in section 1 of this Act, when it is made to appear that the said section has not been complied with. R. S. O. 1887, c. 211, s. 3.

4. All fines imposed and collected under this Act shall be paid, one-half to the complainant or prosecutor, and the other half to the treasurer of the school section in which the offence was committed, for the use of the public school in such section. R. S. O. 1887, c. 211, s. 4. Disposition of fines.

5. All proceedings against any person for any violation of section 1 of this Act shall be commenced within thirty days after the commission of the offence. R. S. O. 1887, c. 211, s. 5. Proceedings to be commenced within thirty days.

6. No conviction under this Act shall be quashed for any defect in the form thereof, or for any omission or informality in any summons or other proceeding under this Act, so long as no substantial injustice results therefrom. R. S. O. 1887, c. 211, s. 6. Convictions defective in form.

CHAPTER 266.

An Act to make provision for the safety of Railway Employees and the Public.

SHORT TITLE, s. 1.
APPLICATION OF ACT, s. 2.
INTERPRETATION, ss. 2, 3.
BRIDGES, s. 4.
SPECIAL PROVISIONS AGAINST ACCIDENT, s. 5.
LIABILITY OF COMPANY FOR DEFAULT, ss. 6, 7.
Limit of compensation, s. 8.
Limitation of actions, s. 9.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Railway Accidents Act.*" R. S. O. 1887, c. 212, s. 1.

Application of Act.

Interpretation.

2. This Act shall apply to every railway and railway company in respect of which the Legislature of Ontario has authority to enact such provisions respectively: and in this Act the expression "Railway Company" shall include the owner or lessee of any such railway, and the contractor or person working or operating the same. R. S. O. 1887, c. 212, s. 2.

"Packing," meaning of.

3. In this Act the word "packing" shall mean a packing of wood or metal, or some other equally substantial and solid material, of not less than two inches in thickness, and the same where by this Act required to be filled in, shall extend to within one and a-half inches of the crown of the rails in use on any such railway, shall be neatly fitted so as to come against the web of such rails, and shall be well and solidly fastened to the ties on which such rails are laid. R. S. O. 1887, c. 212, s. 3.

Where new bridges are built or old ones re-built, space of 7 feet

4. Wherever a highway bridge or any other erection or structure is constructed over a railway, or wherever it becomes necessary to reconstruct any highway bridge,

or other erection or structure built over a railway, or to make large repairs to the same, the lower beams or members of the superstructure of such highway or overhead bridge, or of any other erection or structure over any railway, and the approaches thereto, shall be constructed or reconstructed by and at the cost of the railway company or of the municipality or other owner of the bridge, erection or structure, as the case may be, and shall at all times be maintained at a sufficient height from the surface of the rails of the railway to admit of an open and clear headway of not less than seven feet between the top of the highest freight cars then running on the railway and the lower beams or members of such bridge or other erection; and thereafter, any railway company, before using higher freight cars than those running on their railway at the time of the construction or reconstruction of, or large repair to, such bridge or other erection or structure, shall, after having first obtained the consent of the municipality, or of the owners of such highway bridge, or other erection or structure, raise the said bridge or other erection or structure, and the approaches thereto, if necessary, at the cost and charges of the railway company, so as to admit, as aforesaid, an open and clear headway of not less than seven feet over the top of the highest freight car then about to be used on the railway. R. S. O. 1887, c. 212, s. 4.

to be left between such bridges and the tops of freight cars.

5. To make further provision against accidents, it is hereby further enacted that:

Special provisions against accident.

1. On every railway aforesaid, and at all times, the space between the rails in each railway frog extending from the point thereof backward to where the heads of such rails are not less than five inches apart, shall be filled in with packing;

2. On every such railway, and at all times during every month of April, May, June, July, August, September, October and November, the space between any wing-rail and railway frog, and between any guard-rail and any other rail fixed and used alongside thereof as aforesaid, and between all wing-rails where no other rail intervenes, shall (save only where the space between the heads of such wing-rail and railway frog as aforesaid, or between the heads of any such guard-rail and other rail fixed and used alongside thereof as aforesaid, or between the heads of any such wing-rails where no other rail intervenes as aforesaid, is either less than one and three-quarters of an inch or more than five inches in width), be filled in with packing;

3. The running-board on the roof of each box car used for freighting purposes on such railway shall, at all times, be of a sufficient thickness and strength, and not less than thirty inches in width, and shall, with proper and safe supports,

extend the whole length of the car and beyond each end thereof to a point not more than two inches less than that to which the dead-wood or bumpers at each end of such car likewise extend;

And every railway company owning, working or operating within this Province such railway shall on and throughout the railway so make, arrange and construct and rearrange, reconstruct and maintain all railway frogs, wing-rails, guard-rails and other rails forming part of the railway or used therewith, and every such space as aforesaid, and the filling in thereof with packing as aforesaid, and the running-board on every such box car as aforesaid, in such manner and at such time that the same shall respectively conform to and comply with the requirements of this section in that behalf. R. S. O. 1887, c. 212, s. 5; 60 V. c. 14, s. 93 (3).

Railway company neglecting provisions of the preceding sections to be liable for injury occasioned by such neglect.

6. Where, within this Province personal injury is caused to a railway servant, whilst in the employment or service of a railway company, on any railway owned, worked or operated by the railway company, or to any other person lawfully in, upon or about the railway, or any train or car thereon, and the personal injury has been occasioned or arose either wholly or partly:

1. By reason of the lower beams or members of the superstructure of any highway, or other overhead bridge, or any other erection or structure over the railway, not being at all times, of a sufficient height from the surface of the rails to admit of an open and clear headway of at least seven feet between the top of the highest freight cars running on such railway, and the bottom of such lower beams or members; or,

2. By reason of the space between the rails in any railway frog, extending from the point of the frog backward to where the heads of the rails are not less than five inches apart, not being, at all times, filled in with packing; or,

3. By reason of the space between any wing-rail and any railway frog, and between any guard-rail and any other rail fixed and used alongside thereof as aforesaid, and between all wing-rails where no other rail intervenes (save only where the space between the heads of such wing-rail and railway frog as aforesaid, or between the heads of such guard rail and other rail fixed and used alongside thereof as aforesaid, or between the heads of such wing-rails where no other rail intervenes as aforesaid, is either less than one and three-quarters of an inch or more than five inches in width), not being at all times during every month of April, May, June, July, August, September, October and November, filled in with packing; or,

4. By reason of the running-board on the roof of any box car used for freighting purposes on any such railway, not being

of a sufficient thickness and strength, and at least thirty inches in width, and with proper and safe supports, extending the whole length of the car and beyond each end thereof to a point not more than two inches less than that to which the dead-wood or bumpers at each end of such car are then likewise extending—

such railway servant or other person, or, in case the injury results in death, the legal personal representatives of such servant or other person, and any persons entitled in case of death, shall be entitled to recover from the railway company compensation for all damages and loss sustained from or by reason of such injury; and where such injury has been so caused to or suffered by such railway servant, the right of compensation and the remedies against the railway company shall be the same as if the railway servant had not been a servant of, nor in the employment of the railway company, nor engaged in its work. R. S. O. 1887, c. 212, s. 6.

When railway not liable for default.

7. A railway servant, his legal personal representatives and any person, entitled in case of his death, shall not be entitled under this Act to any right of compensation or remedy against the railway company of which he is the servant, in any of the following cases, that is to say:

1. Unless the default, matter, or thing wholly or partly occasioning the personal injury as mentioned in section 6 of this Act, arose from or had not been discovered or remedied, owing to the negligence of such railway company, or of some person in the service of and entrusted by the railway company with the duty of seeing that such default, matter or thing did not happen, occur or exist;

2. In any case where the railway servant knew of the matter, default or negligence which caused the injury, and failed within a reasonable time to give, or cause to be given, information thereof to the railway company or some person superior to himself in the service of the railway company, unless he was aware that the railway company or such superior already knew of the said matter, default or negligence;

3. In any case where the matter, default or negligence was occasioned by his own act, omission or negligence; but a railway servant shall not by reason only of his continuing in the employment of the railway company with knowledge of the matter, default or negligence which caused the injury, be deemed to have voluntarily incurred the risk of the injury. R. S. O. 1887, c. 212, s. 7; 60 V. c. 14, s. 93 (1); c. 45, s. 82.

Limit of compensation for injury.

8. The amount of compensation recoverable under this Act, in the case of injury to any railway servant as aforesaid, shall not exceed such sum as may be found equivalent to the estimated earnings, during the three years preceding the injury, of

a person in the same grade, employed during those years in the like employment, and within this Province, or the sum of five hundred dollars whichever is the larger; and such compensation shall not be subject to any deduction or abatement by reason, or on account, or in respect of any matter or thing whatsoever save such as is specially provided for in section 12 of *The Workmen's Compensation for Injuries Act* R. S. O. 1887, c. 212, s. 8; 60 V. c. 14, s. 93 (2).

Rev. Stat. c. 160.

Limitation actions.

9. An action for the recovery under this Act of compensation for an injury shall not be maintainable unless the action is commenced within six months from the occurrence of the accident causing the injury, or, in case of death, within twelve months from the time of death. R. S. O. 1887, c. 212, s. 9.

10. *PROTECTION OF PROPERTY.*

CHAPTER 267.

An Act to preserve the Forests from destruction by Fire.

PROCLAMATION OF FIRE DISTRICT, ss. 1-3.
RESTRICTIONS AS TO STARTING FIRES, s. 4.
PRECAUTIONS AS TO FIRES FOR CLEARING LAND, s. 5.
Fire for cooking, s. 6.
Matches, cigars, fire-arms, s. 7.
ACT TO BE READ TO EMPLOYEES BY SURVEYORS, ETC., s. 8.
LOCOMOTIVE ENGINES, MANAGEMENT OF, ss. 9, 10.
PENALTY, s. 11.
LIMITATION OF ACTIONS, s. 12.
DISPOSAL OF FINES, s. 13.
ENFORCING ACT, s. 14.
RIGHT TO DAMAGES NOT AFFECTED, s. 15.
APPOINTMENT OF TIMBER AGENTS, ETC., AS JUSTICES TEMPORARILY, s. 16.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lt.-Governor may proclaim a fire district.

1. The Lieutenant-Governor, may, by proclamation to be made by him from time to time, issued by and with the advice and consent of the Executive Council, declare any part of the Province of Ontario to be a fire district. R. S. O. 1887, c. 213, s. 1.

Publication of fire district.

2. Every proclamation under this Act shall be published in the *Ontario Gazette*, and such portion or part of the Province as is mentioned and declared to be a fire district in and by the said proclamation, shall, from and after the said publication, become a fire district within the meaning and for the purposes of this Act. R. S. O. 1887, c. 213, s. 2.

Revocation.

3. Every part of the Province mentioned in the proclamation shall cease to be a fire district upon the revocation by the Lieutenant-Governor in Council of the proclamation by which it was created. R. S. O. 1887, c. 213, s. 3.

Fires not to be started except for certain

4. No person shall set out, or cause to be set out or started, any fire in or near the woods within any fire district between

purposes and in certain per

the 1st day of April and the 1st day of November in any year, except for the purpose of clearing land, cooking, obtaining warmth, or for some industrial purpose; and in cases of starting fires for any of the above purposes, the obligations and precautions imposed by the following sections shall be observed. R. S. O. 1887, c. 213, s. 4.

Precautions to be taken in case of clearing land.

5. Every person who, between the 1st day of April and the 1st day of November, makes or starts a fire within a fire district for the purpose of clearing land, shall exercise and observe every reasonable care and precaution in the making and starting of such fire, and in the managing of and caring for the same after it has been made and started, in order to prevent the fire from spreading and burning up the timber and forests surrounding the place where it has been so made and started. R. S. O. 1887, c. 213, s. 5.

Precautions in case of cooking, etc.

6. Every person who, between the 1st day of April and the 1st day of November, makes or starts within such a district a fire in the forest, or at a distance of less than half a mile therefrom, or upon any island, for cooking, obtaining warmth, or for any industrial purpose, shall—

1. Select a locality in the neighbourhood in which there is the smallest quantity of vegetable matter, dead wood, branches, brushwood, dry leaves, or resinous trees;

2. Clear the place in which he is about to light the fire by removing all vegetable matter, dead trees, branches, brushwood, and dry leaves from the soil within a radius of ten feet from the fire;

3. Exercise and observe every reasonable care and precaution to prevent such fire from spreading and carefully extinguish the same before quitting the place. R. S. O. 1887, c. 213, s. 6.

Precautions in cases of matches, burning substances, etc.

7. Any person who throws or drops any burning match ashes of a pipe, lighted cigar or any other burning substance, or who discharges any fire-arm within such fire district, shall be subject to the pains and penalties imposed by this Act if he neglects completely to extinguish before leaving the spot the fire of such match, ashes of a pipe, cigar, wadding of the fire-arm or other burning substance. R. S. O. 1887, c. 213, s. 7.

Act to be read to employees by heads of surveys, lumberers, etc.

8. Every person in charge of any drive of timber, survey or exploring party, or of any other party requiring camp-fires for cooking or other purposes, within a fire district, shall provide himself with a copy of this Act, and shall call his men together and cause the Act to be read in their hearing, and explained to them at least once in each week during the continuance of such work or service. R. S. O. 1887, c. 213, s. 8.

Precautions as to locomotives.

9. All locomotive engines used on any railway which passes through any fire district or any part of a fire district, shall, by the company using the same, be provided with and have in use all the most approved and efficient means used to prevent the escape of fire from the furnace or ash-pan of such engines; and the smoke-stack of each locomotive engine so used shall be provided with a bonnet or screen of iron or steel wire netting, the size of the wire used in making the netting to be not less than number nineteen of the Birmingham wire gauge, or three sixty-fourth parts of an inch in diameter, and shall contain in each inch square at least eleven wires each way at right angles to each other, that is in all twenty-two wires to the inch square. R. S. O. 1887, c. 213, s. 9.

Duty of engine drivers.

10. It shall be the duty of every engine driver in charge of a locomotive engine passing over a railway within the limits of any fire district, to see that all such appliances as are above mentioned are properly used and applied, so as to prevent the unnecessary escape of fire from any such engine as far as it is reasonably possible to do so. R. S. O. 1887, c. 213, s. 10.

Penalty.

11. Whosoever unlawfully neglects or refuses to comply with the requirements of this Act in any manner whatsoever shall be liable, upon conviction before any Justice of the Peace, to a penalty not exceeding $50 over and above the costs of prosecution, and in default of payment of such fine and costs the offender shall be imprisoned in the common gaol for a period not exceeding three months; and any railway company permitting a locomotive engine to be run in violation of the provisions of section 9 of this Act shall be liable to a penalty of $100 for each offence, to be recovered with costs in any Court of competent jurisdiction. R. S. O. 1887, c. 213, s. 11.

Limitation of actions.

12. Every action for any contravention of this Act shall be commenced within three months immediately following such contravention. R. S. O. 1887, c. 213, s. 12.

Disposal of fines.

13. All fines and penalties imposed and collected under this Act shall be paid one half to the prosecutor and the other half to Her Majesty for the public use of the Province. R. S. O. 1887, c. 213, s. 13.

Government agents to enforce this Act.

14. It shall be the special duty of every Crown Land agent, woods and forest agent, free grant agent and bush ranger to enforce the provisions and requirements of this Act, and in all cases coming within the knowledge of any such agent or bush ranger to prosecute every person guilty of a breach of any of the provisions and requirements of the same. R. S. O. 1887, c. 213, s. 14.

Act not to interfere with right of action for damages occasioned by fire.

15. Nothing in this Act contained shall be held to limit or interfere with the right of any person to bring and maintain a civil action for damages occasioned by fire, and such right shall remain and exist as though this Act had not been passed. R. S. O. 1887, c. 213, s. 15.

Temporary appointment of justices of the peace for the enforcement of this Act.

16. The Lieutenant-Governor may by special commission appoint any duly appointed Crown timber agent, or wood or fire ranger, a Justice of the Peace for a temporary or limited period, for the purpose of taking cognizance of offences under this Act: and such person so appointed by commission shall, during the time named therein, have all the powers, rights and privileges for the purpose of enforcing this Act, or of inflicting fines, penalties or imprisonment thereunder and otherwise of a Justice of the Peace; and the person so appointed may, by writing, under his hand, appoint any person a constable for a temporary or limited period, for the purpose of this Act, and he shall have all the powers, rights and privileges for the purposes aforesaid of a constable under *The Act respecting Constables*. 59 V. c. 12, s. 5.

Rev. Stat. c. 99.

CHAPTER 268.

An Act to authorize the appointment of Fire Guardians, and for the Prevention of Bush Fires.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Appointment of fire guardians.

1.—(1) The council of a township municipality may, on the petition of one-third of the ratepayers of the municipality, at any meeting to be held before the 1st day of April in any year, appoint by by-law not less than two resident freeholders for each polling subdivision within the municipality to carry out the provisions of this Act.

(2) The persons so appointed shall be called and known as "fire guardians," and shall hold office until the first meeting of a new council elected after their appointment, and until their successors are appointed. 52 V. c. 46, s. 1; 53 V. c. 63, s. 1.

Leave to be obtained before setting out fires.

2. No person shall, after the passing of a by-law appointing fire guardians under this Act, in any township, set out or set fire to any brush heap or other combustible material in any field, clearance or place in such township where the same would be likely to spread, between the first day of July and the first day of October in any year, without having first obtained leave in writing from one of the fire guardians. 52 V. c. 46, s. 2.

Leave not to be relied on in actions for negligence.

3. The obtaining of such leave in writing of the proper fire guardian shall not be pleaded or given in evidence in any action for negligently setting out fire, or in extenuation of, or in mitigation of damages; but the absence of such leave or permission shall, in such an action, be deemed *prima facie* evidence of negligence. 52 V. c. 46, s. 3.

Inspection by fire guardian before granting leave.

4. It shall be the duty of a fire guardian appointed as aforesaid, on being requested to grant leave to set out fire, to examine the place at which it is intended to set out the fire and the adjoining lands, and the timber trees and other property thereon, and to refuse such request, and decline to grant leave if, in his opinion, it would not be safe by reason of the danger of fire spreading therefrom or otherwise. 52 V. c. 46, s. 4.

Matters to be provided for in the by-law.

5. The council of any township municipality may, in and by the by-law, make provisions for the payment to the fire guardian for his services, and fix the penalty to be imposed upon fire guardians and others refusing to perform or neglecting their duties under this Act or the by-law, or contravening any provision thereof. 52 V. c. 46, s. 5.

Penalty.

6. Any person setting out fire as aforesaid without leave and permission as aforesaid, shall be subject to a penalty not exceeding $100 for each offence, which penalty may be imposed and recovered on information of any resident ratepayer in the municipality before a Police Magistrate or two Justices of the Peace sitting together, and in default of payment of the fine or penalty and costs, the offender shall be liable to be committed to the common gaol of the county with hard labour, for any period not exceeding six months, unless the fine or penalty and the costs of enforcing the same are sooner paid.. 52 V. c. 46, s. 6.

Application of penalty.

7. The plaintiff or complainant shall be entitled to one moiety of the penalty, and the other moiety shall be paid over to the treasurer of the municipality. 52 V. c. 46, s. 7.

Application of Act.

8. This Act shall not apply to any portion of the Province which under chapter 267 of these Revised Statutes may have been declared a fire district. 52 V. c. 46, s. 8.

CHAPTER 269.

An Act to provide means of Extinguishing Forest Fires.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Persons liable for statute labour may be called upon to work to extinguish forest fires.

1.—(1) The county council of each county may provide by by-law that fire guardians, fenceviewers, overseers of highways or pathmasters, appointed by township councils, whenever the woods or prairies in any township are on fire, so as to endanger property, shall order as many of the inhabitants of such township liable to work on the highways and residing in the vicinity of the place were such fire is, as they may severally deem necessary, to repair to the place where such fire prevails, and there to assist in extinguishing the same, or in stopping its progress.

(2) In portions of the Province where there are no county councils the council of any township may pass the by-law mentioned in the foregoing subsection. 53 V. c. 64, s. 1.

Work done to be allowed for as statute labour.

2. Such fire guardians, fenceviewers, overseers of highways or pathmasters, may give to such persons as may be employed by them respectively in so doing, certificates of having performed statute labour to the amount of the days' work done, and such work shall be allowed for to such persons in their next year's statute labour, or, if such persons are not liable to perform statute labour, the council may direct that such work shall be paid for out of the funds of the municipality, and such persons shall be entitled to be paid the amount of such certificate by the township treasurer, and the county council may also provide for the application by the township councils of so much of the commutation of statute labour fund as may be required for assisting to extinguish or stop the progress of such fires within their respective municipalities. 53 V. c. 64, s. 2.

Upon default of townships, county may provide for payment of work.

3. In case a township council neglects to provide for the application of so much of the commutation of statute labour fund, or for payment of such amount, as may be required for the purposes mentioned in the next preceding section of this Act, the county council shall be entitled to do so, and to pay the amount of the said certificates, and to impose upon the township so in default a rate sufficient for that purpose, and such

rate shall be levied and collected in the manner provided by *The Assessment Act* as to the collection of county rates. 53 V. c. 64, s. 3.

Rev. Stat. c 224.

Penalty for refusing to assist in extinguishing fires.

4. Any person who is liable to perform statute labour and refuses or neglects to turn out and work under any fire guardian, fenceviewer, overseer of highways or pathmaster, who warns him out for that purpose under the authority of this Act, shall be liable to a fine not exceeding $20 nor less than $1, over and above costs, and in case of non-payment, to imprisonment for a term not exceeding twenty-one days. 53 V. c. 64, s. 4.

CHAPTER 270.

An Act to protect against Depredation the Beaches and Shores of the Province, and the Beds of certain Rivers and Streams.

SHORT TITLE, s. 1.
APPLICATION OF ACT, s. 2.
BEACHES AND SHORES:
Removal of sand, gravel or stones, ss. 3-5.
Landing with intent to remove sand, etc., s. 4.
Possession of sand, etc., with intent to remove, s. 5.
Search warrant and proceedings thereon, ss. 6-9.
Penalties, s. 10.
RIVERS AND STREAMS:
Removal of stones, etc., prohibited, s. 11 (1).
Penalty, s 11 (2).
PROSECUTIONS:
Procedure for recovery of penalties, ss. 12-14.
Evidence of consent, s. 15.
Amendments, s. 16.
Appeals, s. 17.
Forms, s. 18.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Beach, Shore and River Bed Protection Act.*" 52 V. c. 8, s. 1.

Act not to affect Dominion property

2. This Act shall apply only to property within the legislative jurisdiction of this Province, and nothing in this Act contained shall be construed to apply to any property belonging to the Dominion of Canada under *The British North America Act, 1867*, or otherwise. 52 V. c. 8, s. 2.

BEACHES AND SHORES.

Removal of sand, stones, etc., from beaches forbidden.

3.—(1) No person shall take or carry away in any vessel, boat, scow, raft or other craft, or otherwise transport by water, any sand, gravel or stones from the beach, shore or waters of Lakes Erie, Ontario or Huron, so far as they are within the legislative jurisdiction of this Province, or from any bar or flat (within such jurisdiction) adjoining any channel or entrance to such lakes unless such sand, gravel or stone is taken from a locality distant three rods or more beyond low water mark; or, in case the same is taken within that distance, unless such person has the written consent in that behalf

of the owner of the beach, shore, bar or flat; or, in case the said beach, shore, bar or flat belongs to the Province, unless such person has the consent of either the Lieutenant-Governor in Council or the owner of the land to which such beach, shore, bar or flat so belonging to the Province is adjacent.

(2) The consent of the Lieutenant-Governor in Council in respect of land belonging to the Province, shall be sufficient without the consent of the owner of the adjacent beach, shore, bar or flat; and such consent of the Lieutenant-Governor in Council in respect of land belonging to the Province shall be necessary, in case the Lieutenant-Governor issues a proclamation so declaring with reference to any locality described in the proclamation. All Courts, Magistrates and Justices of the Peace shall take judicial notice of every such proclamation. 52 V. c. 8, s. 3.

Landing on beaches, etc., with intent to remove sand, etc., forbidden.

4. No person, without the consent aforesaid, shall land or go upon any such beach, bar, flat or shore, with intent to remove, or take or carry away, or to assist in removing or taking or carrying away any gravel, sand or stones therefrom. 52 V. c. 8, s. 4.

Possession of sand, etc., with intent to remove forbidden.

5. No person shall have on board his vessel, boat, scow, raft or other craft, or on a vessel, boat, scow, raft or other craft in his possession, any sand, gravel or stones, taken without the consent aforesaid, from any such beach, bar, flat or shore, with intent to carry the same away. 52 V. c. 8, s. 5.

Issue of search warrant.

6. If any person makes oath or affirmation before a Stipendiary Magistrate, Police Magistrate or Justice of the Peace, that he has reason to believe and does believe that stone, gravel or sand, in respect to which a violation of the provisions of sections 3, 4 or 5 of this Act has been committed, is on board of any vessel, boat, scow, raft or other craft, or at any place, the Magistrate or Justice of the Peace shall issue a search warrant directed to any sheriff, police officer, constable or bailiff, who shall forthwith proceed to search the vessel, boat, scow, raft or craft; and if any stone, gravel or sand is found therein or thereon, he shall seize as well the stone, gravel or sand, as the vessel, boat, scow, raft or craft described in the search warrant, and shall keep the same secure until final action is had thereon. 52 V. c. 8, s. 9.

Issue of summons.

7. The owner, master, or person in possession of the vessel, boat, scow, raft or craft shall be summoned forthwith by the Magistrate or Justice who issued the search warrant, to appear before the said Magistrate, or before two Justices of the Peace, of whom the Justice who issued the search warrant may be one; and if such owner, master, or person in possession of the vessel, boat, scow, raft or craft, fails to appear, or if it is shewn

to the satisfaction of the Magistrate or Justices of the Peace that a violation of section 5 of this Act has been committed, the Magistrate or Justice, without any further information laid, or trial had, may convict the said owner, master, or person in possession of the vessel, boat, scow, raft or craft, of such offence; and he shall be liable to the penalty mentioned in section 10 of this Act; such penalty, if not paid within ten days after conviction, may be levied by the sale of the vessel, boat, scow, raft or craft, as well as by distress and sale of the goods and chattels of the offender, under the warrant of the Magistrate or Justices having cognizance of the case in like manner as provided by section 12 of this Act. 52 V. c. 8, s. 10.

Sale in default.

8. If any question arises as to the place where the sand, gravel or stone was taken on board of the vessel, boat, scow, raft or craft whereon the same was found and seized, the burden of proving the right to take the same shall be upon the owner, master or person in possession of the vessel, boat, scow, raft or craft. 52 V. c. 8, s. 11.

Burden of proof.

9. Upon return being made of said sale after satisfying the amount of the penalty and costs of said sale, the balance, if any, shall be paid to the owner of the vessel, boat, scow, raft or craft, or goods and chattels seized. 52 V. c. 8, s. 12.

Payment of balance after satisfying penalty and costs.

10. Any person violating any of the preceding provisions of this Act shall forfeit a sum of not less than $10 and of not more than $40 and costs for every offence, a moiety of which penalty shall belong to the informer or prosecutor, and the other moiety thereof shall belong to the owner of the land, or if there is no informer or prosecutor other than the owner, then wholly to the owner. 52 V. c. 8, s. 6.

Penalty.

BEDS OF RIVERS AND STREAMS.

11.—(1) No person shall remove any stones, gravel, earth or sand from the bed of any river, stream or creek running between two municipalities, or over which bridges have been erected, or through or under which drainage pipes or water mains have been laid by or at the instance of a municipal corporation, so as to endanger the safety of or injure such bridges, pipes or mains without the consent of the council of the municipality or municipalities within whose limits the stones, gravel, earth or sand are to be taken. 55 V. c. 23, s. 1.

Removal of stones, etc., from beds of certain streams prohibited.

(2) Any person guilty of a contravention of this section shall, for every such offence, be liable on summary conviction thereof to a penalty of not less than $10, nor more than $25, or to imprisonment for a period not exceeding three months, or to both fine and imprisonment to the said amount and for the said term; and if a fine is imposed and is not paid forth-

Penalty.

with the person convicted shall be imprisoned for a period not exceeding three months, unless the said fine and costs are sooner paid. 55 V. c. 23, s. 2.

PROCEDURE ON PROSECUTIONS.

Recovery of penalties.

Rev. Stat. c. 90.

12.—(1) Every penalty or forfeiture under this Act, may be sued for and recovered under *The Ontario Summary Convictions Act* before a Police or Stipendiary Magistrate, or any two Justices of the Peace having jurisdiction in the place where the cause of prosecution arises, or wherein the defendant is served with process. The Magistrates or Justices aforesaid, may in the record of conviction determine to whom the penalty is to be paid, or between whom the same is to be apportioned. 52 V. c. 8, s. 7 (1).

Jurisdiction of Magistrates.

13. Any Police Magistrate or Stipendiary Magistrate appointed for or having jurisdiction to act in any city or town, or part of a county or district, shall, with respect to offences and matters under this Act, have and exercise jurisdiction over the whole county or union of counties or judicial district in which the city or town, or part of county or district for which he has been appointed, is situate. 52 V. c. 8, s. 8.

Mode of service.

14. Service of any summons or other matter in any legal proceeding under this Act shall be good service if made personally on the person to be served or at his last place of abode, or by leaving the summons for him on board any boat or vessel, scow, raft or craft to which he belongs, with the person being or appearing to be in command or charge of the vessel, boat, scow, raft or craft. 52 V. c. 8, s. 13.

Proof of consent.

15 In any information or complaint, laid under sections 3, 4 or 5, it shall be sufficient to allege that the act charged by the information or complaint was done without consent; and if at the hearing it appears that the act charged was committed by the defendant, or person charged in the information or complaint, the burden of proving that if the land belongs to the Province the consent either of the Lieutenant-Governor in Council, or of the owner of the land adjacent to such beach, shore, bar or flat, or in other cases the consent of the owner of the beach, bar, shore or flat has been obtained, shall be upon the defendant, or person charged in the information or complaint. 52 V. c. 8, s. 14.

Variance between information and evidence as to ownership.

16. The name of the owner in the information may be changed to any other owner to accord with the evidence, and the defendant shall not succeed by showing that the trespass was committed on land other than in accordance with the ownership laid in the information, unless he proves the consent of such other owner; nor shall any question as to the

title to the land which may arise affect the authority of the Police Magistrate or Justices to determine whether such consent has been obtained. 52 V. c. 8, s. 15.

Appeal

17. An appeal shall lie from any conviction under this Act, including the determination as to the person to whom the penalty is to be paid, in accordance with *The Act respecting the Procedure on Appeals to the Judge of a County Court from Summary Convictions*. 52 V. c. 8, s. 7 (2).

Rev. Stat. c. 92.

Forms.

18. The forms given in the Schedules to this Act may be used where applicable. 52 V. c. 8, s. 16.

SCHEDULE A.

(*Section* 18.)

FORM OF COMPLAINT.

Province of Ontario, }
County of } This day of 18

To *J. S.* Police Magistrate for the said
or to *J. S.* and *X. Y.*, two Justices
of the Peace for the said County of
A. B. of complains that *C. D.* of
on or about the day of and at
in the Township of in the County of
without consent,

(If charged under Section 3.)

did, of and from the beach and land covered with water, lying in front of lot in the Township of in the said County, of which the Province of Ontario, (*or one X. Y.*) is owner, take and carry away gravel, sand, stone

(If charged under Section 4.)

did land (*or* go) upon the beach and land covered with water, lying in front, etc., of which the Province, etc., is owner with intent to remove (*or* assist, etc.) take and carry away gravel,

(If charged under Section 5.)

then being owner, master or person in possession of a vessel, boat, scow, raft or craft, had on board and in his possession as owner, master or person in possession, as aforesaid, sand, gravel or stones taken without consent from the beach and land covered with water lying in front, etc., with intent to carry the same away, in contravention of *The Beach, Shore and River Bed Protection Act*.

Wherefore the complainant prays that judgment may be given against the said *C. D.*, as by the said Act provided.

SCHEDULE B.

(*Section* 18.)

SUMMONS TO DEFENDANT.

Province of Ontario, }
County of } To *C. D.* of, etc.

Whereas complaint has (this day) been made before me that you (*state the offence in the words of the complaint, or to the like effect*) in contravention of *The Beach, Shore and River Bed Protection Act.* Therefore you are hereby commanded to come before me at on the day of at o'clock in the to answer the said complaint, and to be dealt with according to law.

Witness my hand and seal this day of 18 .

J. S. [L. S.]

Police Magistrate or Justice of the Peace for

52 V. c. 8, Sched. B.

SCHEDULE C.

(*Section* 18.)

SUBPŒNA TO A WITNESS.

Province of Ontario, }
County of }

Whereas complaint has been made before me that *C. D.* did (*state the offence as in the summons*), and I am informed that you can give material evidence in the case. Therefore you are commanded to appear before me at on the day of at o'clock in the , to testify what you know concerning the matter of the said complaint.

Witness my hand and seal this day of 18 .

J. S. [L. S.]

Justice of the Peace for

52 V. c. 8, Sched. C.

SCHEDULE D.

(*Section* 18.)

FORM OF CONVICTION.

Province of Ontario,
County of

Be it remembered that on this day of , 18 , at in the said County, *C. D.*, of is convicted before me, for that he did, etc., (*stating the offence in accordance with the words of the complaint and the terms of the Act and the time and place where committed*) in contravention of *The Beach, Shore and River Bed Protection Act*, and I adjudge the said *C. D.* to forfeit and pay as penalty, the sum of to be applied according to law, and also to pay to *A. B.* (the complainant) the sum of for costs. (And I further determine that the said penalty shall be paid to *or* that one-half thereof shall be paid to and one-half to which penalty I apportion as aforesaid,) and if the said several sums are not paid forthwith (*or* on or before the of next) I order that the same be levied by distress and sale of the goods and chattels of the said *C. D.*, and in default of sufficient distress I adjudge him to be committed to and imprisoned in the common gaol of the County of for the period of (not exceeding three months, unless the said several sums and all costs and charges of the said distress, and of the commitment and conveying of the said *A. B.* to the said gaol are sooner paid).

Witness my hand and seal this day of 18 .

J. S.,
Police Magistrate or Justice of the Peace for
[L. S.]

52 V. c. 8, Sched. D.

CHAPTER 271.

An Act for the Protection of Sheep and to impose a Tax on Dogs.

TAX ON DOGS:
To be levied annually, unless otherwise provided by by-law, ss. 1-2.
Duty of assessors, s. 3.
Duty of owners of dogs, s. 4.
Collection of tax, ss. 5-6.
Tax to form a fund for paying damages for injury to sheep, unless otherwise provided by by-law, ss. 7-8.

PROTECTION OF SHEEP:
Dog worrying sheep may be killed, s. 9.
Plea to action for killing dog, s 10.
Destruction of dog which has worried sheep, ss. 11-13.
Liability of owner of dog, ss. 14-16, 21.
Payment by municipal council for damage to sheep, ss. 17-20.
FEES AND RETURNS BY MAGISTRATES, s. 22.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

TAX ON DOGS.

Annual tax on dogs.

1. Subject to the provision in the next following section, there shall be levied annually, in every municipality in Ontario, upon the owner, possessor or harbourer of each dog therein, an annual tax of $1 for a dog, and $2 for a bitch. Provided, nevertheless, that the owner or possessor of a kennel of pure bred dogs which are registered in the "Canada Kennel Register," may in any year obtain from the treasurer of the municipality a certificate of having paid to such treasurer the sum of $10 as a tax upon such kennel for that year, and upon the production thereof to the assessor, the owner or possessor of such kennel shall be exempt from assessment and any further tax in respect thereof for the said year. 53 V. c. 62, s. 1.

Municipal Council may declare that tax not to be levied.

2. Upon the petition of twenty-five ratepayers the council of any city, town, township or incorporated village may provide by by-law that the said tax or any part of it shall not be levied in said municipality. 53 V. c. 62, s. 2; 55 V. c. 55, s. 2.

Duty of assessors herein.

3. The assessors of every municipality within which a by-law has not been passed as provided in the preceding section, shall, at the time of making their annual

assessment, enter on the assessment roll, in a column prepared for the purpose, opposite the name of every person assessed, and also opposite the name of every resident inhabitant not otherwise assessed, being the owner or keeper of any dog, the number by him owned or kept. R. S. O. 1887, c. 214, s. 3.

Duty of owners of dogs.

4. The owner, possessor or keeper of any dog shall, when required by the assessors, deliver to them, in writing, a statement of the number of dogs owned or kept by him, whether one or more; and for every neglect or refusal to do so, and for every false statement made in respect thereof, he shall incur a penalty of $5 to be recovered with costs before any Justice of the Peace having jurisdiction in the municipality. R. S. O. 1887, c. 214, s. 4; 53 V. c. 62, s. 3.

Penalty.

Tax entered on collector's roll.

5. The collector's roll of the municipality shall contain the name of every person entered on the assessment roll as the owner, possessor or keeper of any dog with the tax hereby imposed, in a separate column; and the collector shall proceed to collect the same, and at the same time and with the like authority, and make returns to the treasurer of the municipality, in the same manner, and subject to the same liabilities in all respects for paying over the same to the treasurer, as in the case of other taxes levied in the municipality. R. S. O. 1887, c. 214, s. 5; 53 V. c. 62, s. 4.

Proceedings where collector has failed to collect taxes from persons assessed.

6. In cases where persons have been assessed for dogs, and the collector has failed to collect the taxes authorized by this Act, he shall report the same under oath to any Justice of the Peace, and such Justice shall, by an order under his hand and seal, to be served by any duly qualified constable, require such dogs to be destroyed by the owners, possessors or harbourers thereof, or by a constable, and for the purpose of carrying out the said order any constable may enter on the premises of the owner, possessor or harbourer of the dog ordered to be destroyed and destroy such dog; and in case any collector neglects to make the aforesaid report within the time required for paying over the taxes levied in the municipality, he shall be liable to a penalty of $10 and costs, to be recovered in the same manner as provided in section 15 of this Act. R. S. O. 1887, c. 214, s. 6; 53 V. c. 62, s. 5; 56 V. c. 46, s. 1.

Penalty.

Penalty.

Tax to form fund for damages, etc.

7. The money collected and paid to the clerk or treasurer of any municipality under the preceding sections, shall constitute a fund for satisfying such damages as arise in any year from dogs killing or injuring sheep or lambs in such municipality; and the residue, if any, shall form part of the assets of the municipality for the general purposes thereof; but when it becomes necessary in any year for the purpose of paying charges on the same, the fund shall be supplemented to the ex-

tent of the amount which has been applied to the general purposes of the municipality. R. S. O. 1887, c. 214, s. 7.

Provision for cases in which council maintains taxes, but does not apply proceeds thereof.

8. In case the council of any city, town, township or incorporated village deems it advisable that the tax by this Act established should be maintained, but that the application of the proceeds thereof by this Act provided should be dispensed with, it shall be lawful for such council by by-law to declare that such application shall be dispensed with; and thereafter during the continuance of such by-law, the sections of this Act numbered 6, 7, and 17 to 21 inclusive shall have no force or effect in the municipality within the jurisdiction of such council; and the moneys collected and paid to the clerk or treasurer of the municipality, under the remaining sections of this Act, shall be the property of the municipality, and shall be subject to its disposition in like manner as other local taxes. R. S. O. 1887, c. 214, s. 8 (1); 53 V. c. 62, s. 8; 55 V. c. 55, s. 1.

PROTECTION OF SHEEP.

Dogs seen worrying sheep, etc., may be killed.

9. Any person may kill,

(*a*) Any dog which he sees pursuing, worrying or wounding any sheep or lamb; or,

(*b*) Any dog without lawful permission in any enclosed field on any farm which the owner or occupant thereof or his servant finds giving tongue and terrifying any sheep or lamb on such farm; or,

(*c*) Any dog which any person finds straying between sunset and sunrise on any farm whereon any sheep or lambs are kept;

But no dog so straying which belongs to or is kept or harboured by the occupant of any premises next adjoining the said farm or next adjoining that part of any highway or lane which abuts on said farm, nor any dog so straying either when securely muzzled or when accompanied by or being within reasonable call or control of any person owning or possessing or having the charge or care of said dog, shall be so killed unless there is reasonable apprehension that such dog if not killed is likely to pursue, worry, wound or terrify sheep or lambs then on the said farm. 56 V. c. 46, s. 2.

Plea to action for killing a dog.

10. The defendant in any action for damages for killing a dog under the circumstances in the preceding section mentioned, may plead not guilty by statute and give this Act and the special matter in evidence. R. S. O. 1887, c. 214, s. 10.

Persons owning dogs addicted to worrying may be summoned before a Justice of the Peace.

11. On complaint made in writing on oath before a Justice of the Peace for any city, town or county, that any person residing in such city, town or county, owns or has in his possession a dog which has within six months previous worried or

injured or destroyed any sheep or lamb, the Justice of the Peace may issue his summons, directed to such person, stating shortly the matter of the complaint, and requiring such person to appear before him, at a certain time and place therein stated, to answer to such complaint, and to be further dealt with according to law. R. S. O. 1887, c. 214, s. 11; 60 V. c. 45, s. 80.

Proceedings how regulated. Rev. Stat. c. 90.

12. The proceedings on the complaint and summons shall be regulated by *The Ontario Summary Convictions Act*, which shall apply to cases under this Act. R. S. O. 1887, c. 214, s. 12.

On conviction of the fact, dog to be ordered to be destroyed and owner fined.

13. In case any person is convicted, on the oath of a credible witness, of owning or having in his possession a dog which has worried or injured or destroyed any sheep or lamb, the Justice of the Peace may make an order for the killing of such dog (describing the same according to the tenor of the description given in the complaint and in the evidence) within three days, and in default thereof may in his discretion impose a fine upon such person, not exceeding $20 with costs; and all penalties imposed under this section shall be applied to the use of the municipality in which the defendant resides. R. S. O. 1887, c. 214, s. 13; 60 V. c. 45, s. 80.

Conviction no bar to action for damages.

14. No conviction under this Act shall be a bar to any action by the owner or possessor, as aforesaid, of any sheep or lamb for the recovery of damages for the injury done to such sheep or lamb, in respect of which such conviction is had. R. S. O. 1887, c. 214, s. 14.

Extent of liability of owner or keeper of dog. Rev. Stat. c. 90.

15.—(1) The owner of any sheep or lamb killed or injured by any dog shall be entitled to recover the damage occasioned thereby from the owner or keeper of such dog, by an action for damages or by summary proceedings before a Justice of the Peace, on information or complaint before such Justice, who is hereby authorized to hear and determine such complaint, and proceed thereon in the manner provided by *The Ontario Summary Convictions Act* in respect to proceedings therein mentioned; and such aggrieved party shall be entitled so to recover in such action or proceedings, whether the owner or keeper of such dog knew or did not know that it was vicious or accustomed to worry sheep.

Apportionment of damage.

(2) If it appears to the Court or Judge at the trial of any such action for damages, or to such Justice at the hearing of the said information or complaint before him, that the damage or some part of the damage sustained by such aggrieved party was the joint act of some other dog or dogs, and of the dog or dogs owned or kept by the person charged in such information or complaint, the Court, Judge or Justice shall have power so to decide and to apportion the damages sustained by the complainant, among and against the respective owners or

keepers of the said dogs, as far as such owners or keepers are known, in such shares and proportions as such Court, Judge or Justice thinks fit, and to award the same by the judgment of the said Court or Judge, or in the conviction of such Justice, on behalf of such aggrieved person.

(3) When in the opinion of the Court, Judge or Justice, the damages were occasioned by dogs the owner or owners of which are known, and dogs the owner or owners of which are unknown, or the owner or owners of which have not been summoned to appear before the Court, Judge or Justice, the Court, Judge or Justice may decide and adjudge as to the proportion of the damages which, having regard to the evidence adduced as to the strength, ferocity and character of the various dogs shewn to have been engaged in committing such damage, was probably done by the dogs the owner or owners of which have been summoned to appear before the Court, Judge or Justice, and shall determine in respect thereof and apportion the damage which the Court, Judge or Justice decides to have been probably done by the dogs whose owners have been summoned, amongst the various owners who have been summoned as aforesaid.

(4) The same proceedings shall be thereupon had against any person found by the Court, Judge or Justice to be the owner or keeper of the dog which by such Court, Judge or Justice are found to have contributed to the damage sustained by the person aggrieved, as if the information or complaint had been laid in the first instance against such person.

(5) The Court, Judge or Justice shall not decide and apportion the damage against any person other than the person in the information or complaint first charged, nor award the same in the judgment or conviction without such other person having been summoned to appear before the Court, Judge or Justice, and having had an opportunity of calling witnesses.

(6) Appeals against any conviction, apportionment or order made by a Justice of the Peace under this section, shall be made to the Division Court holden in the division in which the cause of action arose, or in which the party complained against, or one of them, resided at the time of making the complaint; and the proceedings shall be the same as nearly as may be, as on appeals under *The Act respecting Master and Servant*. R. S. O. 1887, c. 214, s. 15

Rev. Stat. c. 157.

Dogs known to worry sheep to be killed by owner.

16. The owner or keeper of any dog or dogs, to whom notice is given of any injury done by his dog or dogs to any sheep or lamb, or of his dog or dogs having chased or worried any sheep or lamb, shall, within forty-eight hours after such notice, cause such dog or dogs to be killed; and for every neglect so to do he shall forfeit a sum of $2.50 for each such dog, and a further sum of $1.25 for each such dog for every forty-eight hours thereafter, until the same is killed, if it is proved to the satis-

Penalty.

Proviso.

faction of the Justice of the Peace before whom proceedings are taken for the recovery of such penalties, that such dog or dogs has or have worried or otherwise injured such sheep or lamb: but no such penalties shall be enforced in case it appears to the satisfaction of the Justice of the Peace that it was not in the power of the owner or keeper to kill such dog or dogs. R. S. O. 1887, c. 214, s. 16.

Proviso.

Provision for cases where there is a conviction, but distress insufficient.

17. In case the owner of any sheep or lamb so killed or injured proceeds against the owner or keeper of the dog that committed the injury, before a Justice of the Peace, as provided by this Act, and is unable on the conviction of the offender, to levy the amount ordered to be paid, for want of sufficient distress to levy the same, then the council of the municipality in which the offender resided at the time of the injury shall order their treasurer to pay to the aggrieved party two-thirds of the amount ordered to be paid by the Justice under the conviction, in addition to the costs of the proceedings before the Justice and before the council. R. S. O. 1887, c. 214, s. 17; 53 V. c. 62, s. 7.

Provision for cases in which owner of dog not known.

18. The owner of any sheep or lamb killed or injured by any dog, the owner or keeper of which is not known, may within three months after the killing or injury apply to the council of the municipality in which such sheep or lamb was so killed or injured, for compensation for the injury; and if the council (any member of which shall be competent to administer an oath or oaths in examining parties in the premises) is satisfied that the aggrieved party has made diligent search and inquiry to ascertain the owner or keeper of such dog, and that such owner or keeper cannot be found, they shall award to the aggrieved party for compensation a sum not exceeding two-thirds of the amount of the damage sustained by him; and the treasurer of the municipality shall pay over to him the amount so awarded. R. S. O. 1887, c. 214, s. 18.

After compensation paid by municipality, claims to belong to them.

19. After the owner of such sheep or lamb has received from the municipality any money under either of the preceding sections, his claim shall thenceforth belong to the municipality; and they may enforce the same against the offending party for their own benefit, by any means or form of proceeding that the aggrieved party was entitled to take for that purpose, but in case the municipality recovers from the offender more than they had paid to the aggrieved party, besides their costs, they shall pay over the excess to the aggrieved party for his own use. R. S. O. 1887, c. 214, s. 19.

Proviso.

Cases where owner of sheep, etc., has no compensation.

20. The owner of any sheep or lamb killed or injured while running at large upon any highway or unenclosed land, shall have no claim under this Act to obtain compensation from any municipality. R. S. O. 1887, c. 214, s. 20.

Liability of [illegible] imposed.

21. If the council of any city, town, township or incorporated village [illegible] with the levy of the said rate in the municipalities within its jurisdiction the owner of any sheep or lamb may, notwithstanding, sue the owner or keeper of any dog or dogs for the damage or injury done by the said dog or dogs to the said sheep or lamb; and the same shall be recovered in the manner provided by section 15 of this Act. R. S. O. 1887, c. 214, s. 21; 53 V. c. 62, s. [illegible]

Fees and returns by Justices.

22. Every Justice of the Peace shall be entitled to charge [illegible] in cases of prosecutions or orders under this Act as it is lawful for him to charge in other cases within his jurisdiction, and he shall make the returns usual in cases of conviction, and also a return in each case to the clerk of the municipality, whose duty it shall be to enter the same in a book to be kept for that purpose. R. S. O. 1887, c. 214, s. 22.

CHAPTER 272.

An Act respecting Pounds.

ACT TO BE IN FORCE UNTIL SUPERSEDED BY BY-LAW, s. 1.
LIABILITY OF OWNER OR OCCUPANT, s. 2.
ANIMALS WHICH MAY BE IMPOUNDED, s. 3.
Notice to Clerk, s. 4.
Where to be confined if pound insecure, s. 5.
Release on security being furnished, s. 6.
STATEMENT OF DEMAND TO BE FURNISHED TO POUND-KEEPER, s. 6.
WHEN DISTRAINOR MAY DETAIN ANIMAL, s. 7.
Notice by distrainor in such case, ss. 8-11.
NOTICE OF SALE, ss. 12-14.
KEEPER TO FEED IMPOUNDED ANIMALS, s. 15.
Recovery of expenses, ss. 16-19.
SALE OF ANIMAL NOT REDEEMED OR REPLEVIED, s. 19.
PROCEEDINGS WHEN DAMAGES DISPUTED, ss. 20-22.
PENALTIES:
Neglect to feed impounded animals, s 23.
Neglect of duty by fence viewers, s. 24
Recovery, s. 25.
Application, s. 26.
RETURNS, ss. 27-29.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Act may be superseded by by-laws under Rev. Stat. c. 223, s. 546.

1. Until varied or other provisions are made by by-laws passed under the authority of section 546 of *The Municipal Act*, this Act shall be in force in every township, city, town, and incorporated village in Ontario. R. S. O. 1887, c. 215, s. 1.

Liability for damage done.

2. The owner or occupant of any land shall be responsible for any damage caused by any animal under his charge and keeping, as though such animal were his own property, and the owner of any animal not permitted to run at large by the by-laws of the municipality, shall be liable for any damage done by such animal, although the fence enclosing the premises was not of the height required by such by-laws. R. S. O. 1887, c. 215, s. 2.

What animals to be impounded.

3. If not previously replevied, the pound-keeper shall impound any horse, bull, ox, cow, sheep, goat, pig, or other cattle, geese or other poultry, distrained for unlawfully running at large, or for trespassing and doing damage, delivered to him for that purpose by any person resident within his division who has distrained the same; or if the owner of geese or other

Poultry.

poultry refuses or neglects to prevent the same from trespassing on his neighbours' premises after a notice in writing has been served upon him of their trespass, then the owner of such poultry may be brought before any Justice of the Peace and fined such sum as the Justice directs. R. S. O. 1887, c. 215, s. 3.

Notice to clerk as to animals impounded.

4. Where any animal has been impounded the pound-keeper shall, within twenty-four hours, deliver to the clerk of the municipality a notice in writing containing a description of the colour, age and natural and artificial marks of the animal as near as may be. 60 V. c. 45, s. 78.

When the common pound is not safe.

5. When the common pound of the municipality or place wherein a distress has been made is not secure, the pound-keeper may confine the animal in any enclosed place within the limits of the pound-keeper's division within which the distress was made. R. S. O. 1887, c. 215, s. 4.

Statement of demand to be made to pound-keeper by impounder.

6. The owner of any animal impounded shall at any time be entitled to his animal, on demand made therefor, without payment of any poundage fees, on giving satisfactory security to the pound-keeper for all costs, damages, and poundage fees that may be established against him, but the person distraining and impounding the animal shall, at the time of the impounding, deposit poundage fees, if such are demanded, and within twenty-four hours thereafter deliver to the pound-keeper duplicate statements in writing of his demands against the owner for damages (if any), not exceeding $20, done by such animal, exclusive of such poundage fees, and shall also give his written agreement (with a surety if required by the pound-keeper) in the form following, or in words to the same effect:

Form of agreement with pound-keeper.

"I (*or* we, *as the case may be*) do hereby agree that I (*or* we) will pay to the owner of the (*describing the animal*) by me (*A. B.*) this day impounded, all costs to which the said owner may be put in case the distress by me the said *A. B.* proves to be illegal, or in case the claim for damages now put in by me the said *A. B.* fails to be established."

R. S. O. 1887, c. 215, s. 5.

When animal may be retained by distrainor.

7. In case the animal distrained is a horse, bull, ox, cow, sheep, goat, pig or other cattle, and if the same is distrained by a resident of the municipality for straying within his premises, such person, instead of delivering the animal to a pound-keeper, may retain the animal in his own possession, provided he makes no claim for damages done by the animal, and duly gives the notices hereinafter in that case required of him. R. S. O. 1887, c. 215, s. 6.

Notice to owner if known.

8. If the owner is known to him, he shall forthwith give to the owner notice in writing of having taken up the animal. R. S. O. 1887, c. 215, s. 7.

9. If the owner is unknown to the person taking up and retaining possession of the animal, such person shall, within forty-eight hours, deliver to the clerk of the municipality a notice in writing of having taken up the animal, and containing a description of the colour, age and natural and artificial marks of the animal, as near as may be. R. S. O. 1887, c. 215, s. 8. If unknown, notice to clerk of municipality.

10. The clerk, on receiving such notice, shall forthwith enter a copy thereof in a book to be kept by him for that purpose, and shall post the notice he receives, or copy thereof, in some conspicuous place on or near the door of his office, and continue the same so posted for at least one week, unless the animal is sooner claimed by the owner. R. S. O. 1887, c. 215, s. 9. Duty of clerk thereon.

11. If the animal or any number of animals taken up at the same time is or are of the value of $10 or more, the distrainor shall cause a copy of the notice to be published in a newspaper in the county, if one is published therein, and if not, then in a newspaper published in an adjoining county, and to be continued therein once a week for three successive weeks. R. S. O. 1887, c. 215, s. 10. If the animals are worth $10 or over.

12. In case an animal is impounded, notices for the sale thereof shall be given by the pound-keeper or person who impounded the animal within forty-eight hours afterwards, but no pig or poultry shall be sold till after four clear days, nor any horse or other cattle till after eight clear days from the time of impounding the same. R. S. O. 1887, c. 215, s. 11. Notice of sale. When sale may be made.

13. In case the animal is not impounded, but is retained in the possession of the party distraining the same, if the animal is a pig, goat or sheep, the notices for the sale thereof shall not be given for one month, and if the animal is a horse or other cattle, the notices shall not be given for two months after the animal is taken up. R. S. O. 1887, c. 215, s. 12. If animal is not impounded, but retained.

14. The notices of sale may be written or printed, and shall be affixed and continued for three clear successive days, in three public places in the municipality, and shall specify the time and place at which the animal will be publicly sold, if not sooner replevied or redeemed by the owner or some one on his behalf, paying the penalty imposed by law (if any), the amount of the injury (if any) claimed or decided to have been committed by the animal to the property of the person who distrained it, together with the lawful fees and charges of the pound-keeper, and also of the fence-viewers (if any); and the expenses of the animal's keeping. R. S. O. 1887, c. 215, s. 13. Notice of sale unless redeemed.

15. Every pound-keeper, and every person who impounds or confines, or causes to be impounded or confined, any animal in any common pound or in any open or close pound, or in any Keeper to feed impounded cattle,

enclosed place, shall daily furnish the animal with good and sufficient food, water and shelter, during the whole time that such animal continues impounded or confined. R. S. O. 1887, c. 215, s. 14.

And may recover the value.

16. Every such person who furnishes the animal with food, water and shelter, may recover the value thereof from the owner of the animal, and also a reasonable allowance for his time, trouble and attendance in the premises. R. S. O. 1887, c. 215, s. 15.

In what manner such value may be recovered.

17. The value or allowance as aforesaid may be recovered, with costs, by summary proceeding before any Justice of the Peace within whose jurisdiction the animal was impounded, in like manner as fines, penalties or forfeitures for the breach of any by-law of the municipality may by law be recovered and enforced by a single Justice of the Peace; and the Justice shall ascertain and determine the amount of such value and allowance when not otherwise fixed by law, adhering, so far as applicable, to the tariff of pound-keepers' fees and charges established by the by-laws of the municipality. R. S. O. 1887, c. 215, s. 16.

Other mode of enforcing.

18. The pound-keeper, or person so entitled to proceed, may, instead of such summary proceeding, enforce the remuneration to which he is entitled in manner hereinafter mentioned. R. S. O. 1887, c. 215, s. 17.

Sale, how effected, etc., and purchase money, how applied.

19. In case it is proved by affidavit before one of the Justices aforesaid, to his satisfaction, that all the proper notices had been duly affixed and published in the manner and for the respective times above prescribed, then if the owner or some one for him does not within the time specified in the notices, or before the sale of the animal, replevy or redeem the same in manner aforesaid, the pound-keeper who impounded the animal, or if the person who took up the animal did not deliver such animal to any pound-keeper, but retained the same in his own possession, then any pound-keeper of the municipality may publicly sell the animal to the highest bidder, at the time and place mentioned in the aforesaid notices, and after deducting the penalty and the damages (if any) and fees and charges, shall apply the product in discharge of the value of the food and nourishment, loss of time, trouble and attendance so supplied as aforesaid, and of the expenses of driving or conveying and impounding or confining the animal, and of the sale and attending the same, or incidental thereto, and of the damage when legally claimable (not exceeding $20,) to be ascertained as aforesaid, done by the animal to the property of the person at whose suit the same was distrained, and shall return the surplus (if any) to the original owner of the animal, or if not claimed by him within three months after the sale, the pound-keeper shall pay such surplus to the treasurer

of and for the use of the municipality. R. S. O. 1887, c. 215, s. 18.

Disputes regarding demand for damages how determined.

20. If the owner, within forty-eight hours after the delivery of such statements, as provided in section 6, disputes the amount of the damages so claimed, the amount shall be decided by the majority of three fence-viewers of the municipality, one to be named by the owner of the animal, one by the person distraining or claiming damages, and the third by the pound-keeper. R. S. O. 1887, c. 215, s. 19.

Fence-viewers to view and appraise damage.

21. Such fence-viewers or any two of them shall, within twenty-four hours after notice of their appointment as aforesaid, view the fence and the ground upon which the animal was found doing damage, and determine whether or not the fence was a lawful one according to the statutes or by-laws in that behalf at the time of the trespass; and if it was a lawful fence, then they shall appraise the damages committed, and, within twenty-four hours after having made the view, shall deliver to the pound-keeper a written statement signed by at least two of them of their appraisement and of their lawful fees and charges. R. S. O. 1887, c. 215, s. 20.

Proceedings where fence-viewers decide against the legality of a fence.

22. If the fence-viewers decide that the fence was not a lawful one, they shall certify the same in writing under their hands, together with a statement of their lawful fees to the pound-keeper, who shall, upon payment of all lawful fees and charges, deliver such animal to the owner if claimed before the sale thereof, but if not claimed, or if such fees and charges are not paid, the pound-keeper, after due notice, as required by this Act, shall sell the animal in the manner before mentioned at the time and place appointed in the notices. R. S. O. 1887, c. 215, s. 21.

Liability of pound-keeper refusing to feed animal impounded.

23. In case a pound-keeper or person who impounds or confines, or causes to be impounded or confined, any animal as aforesaid, refuses or neglects to find, provide and supply the animal with good and sufficient food, water and shelter as aforesaid, he shall, for every day during which he so refuses or neglects, forfeit a sum not less than $1 nor more than $4. R. S. O. 1887, c. 215, s. 22.

Penalty for neglect of duty by fence-viewers.

24. Any fence-viewer neglecting his duty as arbitrator as aforesaid, shall incur a penalty of $2, to be recovered for the use of the municipality, by summary proceedings before a Justice of the Peace upon the complaint of the party aggrieved or the treasurer of the municipality. R. S. O. 1887, c. 215, s. 23.

Recovery and enforcement of penalties.

25. Every fine and penalty imposed by this Act may be recovered and enforced, with costs, by summary conviction, before any Justice of the Peace for the county or of the munici-

Imprisonment in default of payment.

pality in which the offence was committed; and in default of payment the offender may be committed to the common gaol, house of correction, or lock-up house of the county or municipality, there to be imprisoned for any time in the discretion of the convicting and committing Justice, not exceeding fourteen days, unless the fine and penalty, and costs, including the costs of the committal, are sooner paid. R S. O. 1887, c. 215, s. 24.

Application of penalties.

26. When not otherwise provided, every pecuniary penalty recovered before any Justice of the Peace under this Act shall be paid and distributed in the following manner: one moiety to the city, town, village or township in which the offence was committed, and the other moiety thereof, with full costs, to the person who informed and prosecuted for the same, or to such other person as to the Justice seems proper. R. S. O. 1887, c. 215, s. 25.

Statement to be filed with clerk by poundkeeper or distrainor.

27. Every poundkeeper and every other person who under the provisions of section 13 of this Act, distrains any animal, shall, on or before the 15th day of January in every year, file with the clerk of the municipality a statement for the year ending on the 31st day of December prior to that in which the statement is filed shewing:—

1. The number of animals impounded or distrained, as the case may be;

2. The number of animals sold and the amounts received;

3. The sum received as poundage fees and cost of keep by the poundkeeper or party distraining;

4. The amount of damages paid by any party;

5. All disbursements and to whom paid;

7. Any other receipts and expenditures in connection therewith. 56 V. c. 47, s. 1 (26).

Statement to be certified by poundkeeper or distrainor.

28. The said statement shall be certified to by the poundkeeper or the person distraining as a true and accurate statement for the year ending on the 31st day of December prior to that in which the statement is filed. 56 V. c. 47, s. 1 (27).

Penalty for neglect to comply with Act.

29. Any poundkeeper or other person required to file such return, neglecting or refusing to file the same on or before the 15th day of January in any year, shall be subject to a penalty not exceeding $10, to be recovered as are other penalties under this Act. 56 V. c. 47, s. 1(28).

CHAPTER 273.

An Act to prevent the Spread of Contagious Diseases among Horses and other Animals.

INTERPRETATION, s. 1.
NOTICE TO JUSTICE, ss. 2, 3.
NOTICE TO OWNER, s. 3.
DIRECTIONS AS TO NOTICES, s. 4.
DUTY OF OWNER AFTER NOTICE, s. 5.
DESTRUCTION OF DISEASED ANIMAL, ss. 6-8.
DUTY OF OWNER AS TO DISEASED ANIMAL RESPECTING WHICH NO NOTICE HAS BEEN GIVEN, s. 9.
DUTY OF OWNER OF ANIMAL EXPOSED TO CONTAGION, s. 10.
FEES OF VETERINARIAN, s. 11.
ARREST OF PERSONS IMPEDING EXECUTION OF ACT, s. 12.
WHERE OFFENCE DEEMED TO BE COMMITTED, s. 13.
PENALTY, s. 14.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. Where the words following occur in this Act they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears : Interpretation.

(a) "Disease," shall mean glanders or farcy ; "Disease."

(b) "Diseased," shall mean affected with disease ; "Diseased."

(c) "Justice," shall mean Justice of the Peace ; "Justice."

(d) "Court of summary jurisdiction," shall mean two or more Justices sitting at a Court or other public place appointed in that behalf, or a Police, Stipendiary, or other Magistrate or officer however designated, having by law power to act for any purpose with the authority of two Justices, and sitting at a police court or other place appointed in that behalf ; "Court of Summary Jurisdiction."

(e) "Veterinarian," shall mean a veterinary surgeon, duly authorized to practice in Ontario as a veterinary surgeon ; "Veterinarian."

(f) "Place," shall include any public highway, street, road, lane, alley, way, or other communication, and any public place or square. R. S. O. 1887, c. 216, s. 1 ; 60 V. c. 45, s. 83. "Place."

2.—(1) Where it appears to any person that any horse or other animal is diseased, such person may notify any Justice having jurisdiction in the municipality ; and the Justice, if in Notice to Justice by person to whom it ap-

pears that an animal is diseased.

his opinion there is reasonable cause therefor, shall forthwith by writing under his hand, direct a competent veterinarian to inspect the animal alleged to be diseased.

Inspection and report.

(2) The veterinarian, on receiving such direction, shall with all practicable speed make an inspection, and report his opinion in writing to the Justice. R. S. O. 1887, c. 216, s. 2.

Notice by veterinarian.

3. Where it appears to a veterinarian that any horse or other animal is diseased, he shall forthwith notify the owner or other person in charge of the animal, and shall also give notice to a Justice having jurisdiction as aforesaid. R. S. O. 1887, c. 216, s. 3.

Direction as to notices.

4. All notices under this Act shall be in writing or print, or partly in writing and partly in print, and any notice given to a Justice shall contain the name and residence of the owner of the animal or other person in charge thereof where the same are known. R. S. O. 1887, c. 216, s. 4.

Owner after notice to keep animal from contact with other animals

5.—(1) After the owner or other person in charge has received notice from a veterinarian that an animal is diseased it shall be unlawful to turn out, drive or lead, or to cause such animal to be turned out, driven or led through any place where it may be brought into contact with or be in any danger of transmitting disease to other animals, until it has been determined by the Court of summary jurisdiction, as hereafter provided, that the animal to which the notice relates is free from disease.

(2) The Justice, upon receiving the report of a veterinarian that an animal is diseased may at once issue his order to a constable, directing him to seize and detain such animal; and cause the same to be kept in some place where it will not be brought in contact with, or be in danger of transmitting the disease to other animals, until the case has been determined by the Court. R. S. O. 1887, c. 216, s. 5.

Summons.

6. The Justice, on receiving from any veterinarian a notice or report stating that an animal is or appears to be diseased, shall forthwith issue a summons, directed to the owner or other person in charge of the animal, requiring him to appear before a Court of summary jurisdiction, at a time and place to be specified in such summons, to shew cause why the said animal should not be destroyed. R. S. O. 1887, c. 216, s. 6.

Procedure. Rev. Stat. c. 90.

7. The proceedings on such notice and summons shall be regulated by *The Ontario Summary Convictions Act*, which shall apply to cases under this Act. R. S. O. 1887, c. 216, s. 7.

Court may make order for destruction, etc., of animal.

8.—(1) In case it appears to the Court of summary jurisdiction, by the evidence of one or more competent veterinarians, that the animal in respect of which the summons was issued is

diseased, the Court shall make an order for the killing and burying or burning of such animal (describing the same according to the tenor of the description given in the notice or report, and in the evidence) within twenty-four hours, and in default thereof may impose a fine not exceeding $100, and a further sum of $50 for every twelve hours thereafter until the same is killed and buried or burned ; and all penalties imposed under this section shall be applied to the use of the municipality. Penalty for default.

(2) The Court may in any case require further evidence as to the disease, and may for that purpose appoint one or more veterinarians to report to them, and they may thereafter, with or without any further hearing, make such order as may seem just. R. S. O. 1887, c. 216 s. 8.

(3) The council of any municipality may indemnify the owner of any animal killed or destroyed under the provisions of this Act for the loss sustained by such owner. 52 V. c. 47, s. 1.

9.—(1) Every person, having in his possession or under his charge any animal which is or appears to be diseased, but respecting which no notice has been given as aforesaid, shall, as far as practicable, keep such animal separate from other animals not so diseased, and shall with all practicable speed give notice to a veterinarian of the existence or supposed existence of the disease. Duty of owner as to diseased animal respecting which no notice given.

(2) Any veterinarian shall, on receipt of such notice, with all practicable speed, inspect the said animal, and if the disease appears to exist shall forthwith notify the person in possession or charge of the animal, and a Justice, as directed in other cases. R. S. O. 1887, c. 216, s. 9.

10. No owner, or other person in charge thereof, shall turn out, lead or drive any horse or other animal, knowing such animal to have been kept in the same stable with any diseased animal, or otherwise exposed to contagion or infection, in, upon, or through any place without a license from a veterinarian first had and obtained, or without other order from the Court in that behalf. R. S. O. 1887, c. 216, s. 10. Duty of owner of animal which has been exposed to contagion.

11. The Court may make an order on the treasurer of the municipality, in favour of any veterinarian acting hereunder, for the payment of such witness fees or other remuneration as may be deemed just, and the treasurer shall pay the sum mentioned in such order to such veterinarian out of any funds he may then have in the municipal treasury ; But the said witness fees or other remuneration shall not exceed $4 for each day on which the said veterinarian may be engaged in making any inspection or report, or in attendance at the Court for the purpose of giving evidence under this Act, Fees to veterinarian. Proviso.

together with necessary travelling expenses. R. S. O. 1887, c. 216, s. 11.

Arrest of persons impeding execution of Act.

12. If any person obstructs or impedes a veterinarian, constable or other officer acting in execution of this Act, he, and every person aiding and assisting him therein, shall be guilty of an offence against this Act, and the veterinarian, constable or other officer, or any person whom he calls to his assistance, may seize the offender and detain him until he can conveniently be taken before a Justice to be dealt with according to law. R. S. O. 1887, c. 216, s. 12.

Where offences shall be deemed to have been committed.

13. For the purposes of proceedings under this Act every offence against this Act shall be deemed to have been committed, and every cause of complaint under this Act, shall be deemed to have arisen either in the place in which the same actually was committed, or arose, or in any place in which the person charged or complained against happens to be. R. S. O. 1887, c. 216, s. 13.

Penalty.

14. Any person violating any of the provisions herein contained respecting which no express penalty is provided herein, shall be guilty of an offence under this Act, and shall on conviction forfeit and pay a sum not exceeding $100 for each offence. R. S. O. 1887, c. 216, s. 14.

CHAPTER 274.

An Act to make provision for preventing the Spread of certain Malignant Diseases among Horses.

INTERPRETATION, s. 1.
INSPECTORS APPOINTED BY MINISTER OF AGRICULTURE, ss. 2, 3.
PREVENTIVE MEASURES:
Minister to be notified of existence of disease, s. 4.
Precautions to be taken, s. 5.
Notice by inspector, s 6.
Isolation of horses affected, s. 7.
Inquiries by Minister, s. 8.
INSPECTION UNDER MUNICIPAL BY-LAWS, s. 9.
REGULATIONS BY LIEUTENANT-GOVERNOR, s. 10.
CERTIFICATE OF INSPECTOR TO BE EVIDENCE, s. 11.
OFFENCES AND PENALTIES:
Refusing to admit inspector, s. 12.
Obstructing inspector, s. 13.
Selling diseased animals, s. 14.
Other offences, s. 15.
Recovery of penalties, ss. 16, 17.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation.

1. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:

"Veterinarian."

(a) "Veterinarian" shall mean a veterinary surgeon duly authorized to practise in Ontario as a veterinary surgeon.

"Veterinary Inspector." "Inspector."

(b) "Veterinary Inspector" and "Inspector" shall mean any veterinarian appointed by the Government of Ontario or by a municipality under section 9.

"Place."

(c) "Place" shall include any public highway, street, road, lane, alley, way, or other communication, any public place or square, also any common, field, stable, shed, or any and all premises where any disease under this Act is found to exist or to have existed.

"Horse."

(d) "Horse" shall include a stallion and a mare.

"Disease."

(e) "Disease" shall mean equine syphilis or other malignant venereal disease. 53 V. c. 65, s. 1; 60 V. c. 45, s. 84; c. 3, s. 3.

Appointment of Inspectors.

2. The Minister of Agriculture may from time to time appoint an inspector or inspectors under this Act. Veterinary inspectors appointed under this Act shall perform their duties within the limits of the district assigned to them under this

Act. They may further, when so directed by the Minister, carry out any order or regulation made under this Act, in any other part of the Province than that for which they are specially appointed. 53 V. c. 65, s. 6.

Powers of Inspectors.

3. Any inspector under this Act shall have power to enter in or upon any premises in the performance of any duty laid upon him by this Act, or any regulation made under the provisions of this Act, and may call upon any constable or other person to aid him, under penalty hereinafter mentioned for default in so doing, in executing any action taken under this Act, or any regulation made under this Act. 53 V. c. 65, s. 7.

Minister to be notified of existence of disease.

4.—(1) Where it appears to any person that any horse is affected with disease, such person shall at once notify the Minister of Agriculture by transmitting to him a declaration made before a Justice of the Peace, Commissioner, or Notary Public, that he has reason to believe that such horse is affected with disease, and shall also notify any other person known to such person to have jurisdiction in the matter.

(2) Any person who maliciously and without reasonable and probable cause gives the notice mentioned in this section, shall be liable to a penalty of not less than $25 nor more than $50. 53 V. c. 65, s. 2.

Precautions to prevent spread of disease.

5. Where the owner or other person having charge of a horse has reason to suspect the existence of disease in said horse, he shall at once take all reasonable precaution to prevent the spread of disease to other horses until it has been determined by a veterinary inspector that the horse is free from disease. 53 V. c. 65, s. 3.

Notice by inspector.

6. Where it appears to any inspector under this Act that any horse is affected with disease, he shall at once notify the owner or other person in charge of such horse, and shall also at once report the matter to the Department of Agriculture. 53 V. c. 65, s. 4.

Inspector to take charge of horse.

7. Where it appears to any inspector appointed under this Act that a horse is affected with disease, he shall cause the same to be safely kept where it will not be brought into contact with, or be in danger of transmitting the disease to other horses. 53 V. c. 65, s. 5.

Minister may direct inquiries to be made.

8. Whenever it appears proper, the Minister of Agriculture may direct any veterinary or other inspector under this Act, to examine into any alleged outbreak of disease; to cause such scientific investigations to be made with a view to determining the nature and source of the outbreak as under the circumstances are deemed necessary, and to take (in case the investigation shows reasonable grounds for so

doing) such measures for its suppression or limitation as are laid upon him by this Act, or by any regulations made under the provisions of this Act. 53 V. c. 65, s. 8.

By-laws of county and other councils.

9.—(1) The council of any county, city, or town separated from a county for municipal purposes, may, by by-law, make provision for the inspection and examination by competent veterinarians of all horses, or may limit the operation of such by-law to stallions alone intended for breeding purposes during any year, in such county, city or town; the examination being for the purpose of ascertaining whether such horses or stallions are free from disease. The said council may also prescribe such regulations as may seem desirable in connection with the examination, and also direct how the expenses of the examination shall be paid.

By-laws of township councils.

(2) Where no by-law has been passed by any county under the preceding subsection the council of any township or incorporated village situate in such county may pass a by-law for the purposes mentioned in said subsection; Provided that if the county council afterwards passes such by-law, the by-law in force in any township or village in said county shall become inoperative. 53 V. c. 65, s. 9.

Lieutenant-Governor may make regulations.

10. The Lieutenant-Governor in Council may from time to time make such regulations as may seem necessary for the carrying out of the provisions of this Act. 53 V. c. 65, s. 10.

Certificate of Inspector to be evidence.

11. The certificate of a veterinary inspector to the effect that an animal is affected with disease, shall for the purposes of this Act, be *prima facie* evidence in all courts of justice and elsewhere of the matter certified. 53 V. c. 65, s. 11.

Refusing to admit inspector.

12. Every person who refuses to admit any inspector acting under this Act, or under regulations and orders made under with this Act, to any common, field, stable, or other premises within his district where such inspector has reasonable ground to believe that any horse affected with disease, or other matter or thing exposed to such infection, is to be found, shall for every such offence incur a penalty not exceeding $50. 53 V. c. 65, s. 14.

Obstructing inspector.

13. Every person who obstructs or impedes an inspector or other officer acting in execution of the provisions of this Act, or of any order of, or regulation made by the Lieutenant-Governor in Council, or the Minister of Agriculture thereunder, and every person who aids and assists him therein, shall for each offence incur a penalty not exceeding $100, and the Inspector or other officer may apprehend the offender and take him forthwith before a Justice of the Peace to be dealt with according to the law; but no person so apprehended shall be

detained in custody, without the order of a Justice, longer than twenty-four hours. 53 V. c. 65, s, 15.

Selling or exposing for sale diseased animals.

14. Any person who exposes for sale or sells any horse which he has reasonable grounds for suspecting is affected with disease or which has been pronounced by any veterinary inspector as diseased and unfit for breeding purposes, shall be liable to a penalty of not less than $100 nor more than $500 for the first offence and to the same fine and also imprisonment for a period of not less than two months for any second or subsequent offence. 53 V. c. 65, s. 16.

Penalty for other offences.

15. Any person violating any of the provisions contained in this Act, respecting which no express penalty is provided herein, shall be guilty of an offence under this Act, and shall on conviction forfeit and pay a sum not exceeding $100 for each offence. 53 V. c. 65, s. 17.

Recovery of penalties.

Rev. Stat. c. 90.

16. Every penalty imposed by this Act shall be recoverable with costs, under *The Ontario Summary Convictions Act*, before any Justice of the Peace having jurisdiction, or any Magistrate having the powers of two Justices of the Peace. 53 V. c. 65, s. 12.

Where offences to be deemed to have been committed.

17. For the purpose of proceeding under this Act, every offence against it shall be deemed to have been committed, and every cause of complaint under this Act shall be deemed to have arisen, either in the place where the same actually was committed or arose, or in any place in which the person charged or complained against happens to be. 53 V. c. 65, s. 13.

CHAPTER 275.

An Act respecting the Investigation of Fires.

INVESTIGATIONS BY JUSTICES OF THE PEACE, s. 1.
INVESTIGATIONS BY CORONERS, ss. 2.
Empanelling a jury, s. 3.
Compelling attendance of witnesses, ss. 4, 6
Compelling attendance of jurors, ss. 5, 6.
ALLOWANCE TO CORONER, s. 7.
COSTS OF INQUIRY, LIABILITY FOR, ss. 8, 9.
COSTS OF ADJOURNMENT WHEN ALLOWED, s. 10
PROVINCIAL CORONERS, s. 11.
GENERAL PROVISIONS :
Parties to investigations, s. 12.
Interested persons not to act as Justices or Coroners, s. 13
Powers of Provincial Coroners and Justices, s. 14.
Fees, s. 15.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

INVESTIGATIONS BY JUSTICES OF THE PEACE.

Justices of the Peace may swear and examine witnesses regarding loss.

1.—(1) Any Justice of the Peace, or any one having lawful authority to administer an oath or affirmation in any legal proceeding, may examine on oath or solemn affirmation any party or person who comes before him to give evidence touching any loss by fire in which any fire insurance company is interested, and may administer any oath or affirmation required under this section.

May hold special investigation on request.

(2) On receiving a written request from any officer or agent of an insurance company with security for the expenses of an investigation, any Justice of the Peace may at once proceed to hold an investigation as to the origin or cause of any fire that has happened within his county or district, and as to the persons, if any, profiting thereby.

Powers.

(3) The Justice of the Peace shall have power to send for persons and papers, and to examine all persons that appear before him on oath or solemn affirmation; and he shall keep a record of all such proceedings, and of all matters received in evidence before him. 60 V. c. 36, s. 174 (1-3).

INVESTIGATIONS BY CORONERS,

Coroner to inquire into the origin of fires.

2.—(1) Whenever any fire has occurred, whereby any house or other building has been wholly or in part consumed, the Coroner within whose jurisdiction the locality is situated, shall institute an inquiry into the cause or origin of the fire, and whether it was kindled by design, or was the result of negligence or accident, and act according to the result of such inquiry.

Inquiry not to take place except under certain circumstances.

(2) It shall not be the duty of the Coroner to institute an inquiry into the cause or origin of any fire by which any house or other building has been wholly or partly consumed, nor shall such inquiry be had, until it has first been made to appear to the Coroner that there is reason to believe that the fire was the result of culpable or negligent conduct or design, or occurred under such circumstances as in the interests of justice and for the due protection of property require investigation. R. S. O. 1887, c. 217, s. 1.

Jury may be empanelled in certain cases.

3. The Coroner may in his discretion, or in conformity with the written requisition of any agent of an insurance company, or of any three householders in the vicinity of such fire, empanel a jury chosen from among the householders resident in the vicinity of the fire, to hear the evidence that may be adduced touching or concerning the same, and to render a verdict under oath thereupon in accordance with the facts. R. S. O. 1887, c. 217, s. 3.

Coroner may enforce attendance of witnesses.

4. If any person summoned to appear before any Coroner acting under this Act, neglects or refuses to appear at the time and place specified in the summons, or if such person, appearing in obedience to such summons, refuses to be examined or to answer any questions put to him in the course of his examination, the Coroner may enforce the attendance of such person, or compel him to answer, as the case may require, by the same means as the Coroner might use in like cases at ordinary inquests before him. R. S. O. 1887, c. 217, s. 4.

Punishment of jurors not attending, etc.

Fines and how levied.

5. If any person having been duly summoned as a juror upon such inquiry, does not, after being openly called three times, appear and serve as such juror, the Coroner may impose upon the person so making default such fine as he thinks fit, not exceeding $4; and the Coroner shall make out and sign a certificate containing the name, residence, trade or calling of such person, together with the amount of the fine imposed, and the cause of such fine, and shall transmit the certificate to the Clerk of the Peace in the district or county in which the defaulter resides, on or before the first day of the General Sessions of the Peace then next ensuing for the district or county, and shall cause a copy of the certificate to be served

upon the person so fined, by leaving it at his residence, within a reasonable time after the inquest; and all fines and forfeitures so certified by such Coroner shall be estreated, levied and applied in like manner, and subject to like powers, provisions and penalties in all respects, as if they had been part of the fines imposed at such General Sessions. R. S. O. 1887, c. 217, s. 5.

Certain powers of Coroner not to be affected.

6. Nothing herein contained shall affect any power by law vested in any Coroner for compelling any person to attend and act as a Juror, or to appear and give evidence before him on any inquest or other proceeding, or for punishing any person for contempt of Court in not so attending and acting or appearing and giving evidence, or otherwise, but all such powers shall extend to and be exercised in respect of inquiries under this Act. R. S. O. 1887, c. 217, s. 6.

Allowance to Coroners holding inquiries.

7. Where such inquiry has been held by a Coroner, in respect of fire in any city, town or incorporated village, in conformity with this Act, the Coroner holding the same shall be entitled therefor to the sum of $10, and should the said inquiry extend beyond one day, then to $10 *per diem* for each of two days thereafter, and no more; and in the case of an investigation concerning a fire occurring in any place, not within a city, town, or incorporated village the allowance to the Coroner shall be $5 for the first day, and should the inquiry extend beyond one day, then $4 for each of two days thereafter, and no more. R. S. O. 1887, c. 217, s. 7.

Party requiring it to pay the costs.

8. In all cases, the party requiring such investigation shall alone be responsible for the expenses of and attending such investigation. R. S. O. 1887, c. 217, s. 8.

When only a municipality shall be liable.

9. No municipality shall be liable for such expense unless the investigation is required by a requisition under the hands and seals of the mayor or other head officer of the municipality, and of at least two other members of the council thereof; and such requisition shall not be given, unless there are strong special and public reasons for granting the same. R. S. O. 1887, c. 217, s. 9.

In what case only costs of an adjournment shall be allowed.

10. No expenses of or for an adjournment of such inquest shall be chargeable against or payable by the party or municipal corporation calling for or requesting the investigation to be held, unless it is clearly shewn by the Coroner, and certified under his hand, why and for what purpose an adjournment took place or became necessary in his opinion. R. S. O. 1887, c. 217, s. 10.

PROVINCIAL CORONERS.

Appointment of provincial coroners to

11.—(1) It shall be lawful for the Lieutenant-Governor in Council to appoint from time to time, under the Great Seal

hold fire investigations.

Provincial Coroners, each of whom shall be by virtue of his appointment both a Coroner and a Justice of the Peace for every county and part of Ontario, for purposes of holding fire investigations.

Assent of Attorney General or county attorney required.

(2) Before any Provincial Coroner enters on any investigation under this Act, he shall obtain the consent in writing of either the Attorney-General or the county attorney for the county wherein the investigation is proposed to be held.

Section to be read with prior enactments.

(3) This section shall be read and construed as if it formed part of chapters 97 and 101 of these Revised Statutes. 60 V. c. 36, s. 175 (1, 3, 4).

GENERAL PROVISIONS.

Parties to the investigation.

12. Any director or officer of any fire insurance company interested, or the assured, or any person claiming under a policy of insurance, or any person prejudicially affected by any of the evidence adduced, shall have the right to attend, personally and by counsel, investigations or proceedings held under this Act as party thereto, and to call, examine, cross-examine or re-examine witnesses, as the case may be. 60 V c. 36, s. 174 (4), (6).

Interested persons not to act as magistrate or coroner; nor record evidence.

13. No director or officer of the insurance company, nor any other person interested as hereinbefore mentioned, shall act as Magistrate or Coroner in investigation under this Act; nor shall he act for the Magistrate or Coroner as clerk, reporter or otherwise, in taking down or recording the depositions or evidence. 60 V. c. 36, s. 174 (5), (6).

Powers of justices and coroners.

14. For the purposes of any investigation held under this Act the Justice of the Peace, Coroner or the Provincial Coroner shall have the same power and authority to require and compel the attendance of witnesses and the production of documents and the giving of evidence as a Justice of the Peace has under *The Ontario Summary Convictions Act*, and may summon and bring before him any person whom he deems capable of giving information or evidence touching or concerning the fire, and may examine such persons on oath; and he shall reduce such examinations to writing, and return the same to the Clerk of the Peace for the district or county within which they have been taken. R. S. O. 1887, c. 217, s. 2; 60 V. c. 36, s. 175 (5), s. 174 (7).

R. S. O. 1914, c. 90.

Fees of Provincial Coroners and Justices of the Peace.

15. The fees payable to a Provincial Coroner and a Justice of the Peace in respect of an investigation under this Act shall be as enacted in section 7 of this Act in respect to a Coroner. 60 V. c. 36, s. 175 (2).

CHAPTER 276.

An Act respecting abandoned Oil Wells.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Owner of well injured may apply to municipal councils to fill up abandoned wells.

1.—(1) If the working of any oil well is retarded or injured by the water existing in or flowing into any abandoned oil well in the vicinity of the well so injured, it shall and may be lawful for the owner of the well so injured to apply to the municipal council of the municipality in which the abandoned well is situated, for the purpose of being allowed by the council to either fill up the abandoned well, or in some other effectual way to shut off the water flowing therein.

Powers of the Council.

(2) The council shall, upon such application being made in writing by the person injured or aggrieved, briefly setting forth the grievance, order some engineer or other competent person to examine the said abandoned well, and after such examination to report to the said council in writing whether in his opinion the person complaining is injured as alleged, and whether the said abandoned well should be filled up, or the water flowing therein shut off in some other and what manner. R. S. O. 1887, c. 218, s. 1.

If engineer reports a well should be filled up, owners thereof to be notified.

2. In case the engineer or other competent person reports to the council that in his opinion the abandoned well so complained of should be filled up, or that the water flowing therein should be shut off in some other way, the clerk of the council shall mail to the owner or owners of the abandoned well, or to some one of such owners, or to his or their agent in charge of the premises where the abandoned well is situate, a copy of the report, with a notice in writing signed by said clerk, stating that unless said abandoned well is filled up or the water flowing therein is effectually shut off in accordance with the opinion contained in the said report, that the person complaining will proceed to do the work as provided in section 3. R. S. O. 1887, c. 218, s. 2.

Cases wherein complainant may fill up.

3. If the abandoned well is not filled up, or the water flowing therein otherwise shut off in accordance with the opinion contained in said report, within twenty days from the time

of the mailing of the said notice, then it shall be lawful for the person complaining to proceed to the filling up of the said abandoned well, or the shutting off of the water flowing therein, in accordance with the terms of the said report; and no action for damages shall lie or be maintainable against the person, his servants or agents, for so doing. R. S. O. 1887, c. 218, s. 3.

CHAPTER 277.

An Act to Prevent the Wasting of Natural Gas and to Provide for the Plugging of all Abandoned Wells.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Natural gas not be allowed to escape from unused wells.

1. Any person in possession, whether as owner, lessee, agent or manager, of any well in which natural gas has been found, shall, unless said gas is sooner utilized, within a reasonable time, not, however, exceeding two months from the completion of said well, in order to prevent the said gas from wasting by escape, shut in and confine the same in said well until such time as it is utilized; but this section shall not apply to any well while it is being operated as an oil well. 55 V. c. 56, s. 1.

Plugging abandoned wells.

2. Whenever any well has been put down for the purpose of drilling or exploring for gas upon abandoning or ceasing to operate the same, the person in possession as aforesaid shall, for the purpose of excluding all water from the gas-bearing rock, and before drawing the casing, fill up the well with sand or rock sediment to a depth of at least twenty feet above the gas-bearing rock, and drive a round seasoned wooden plug, at least three feet in length, equal in diameter to the diameter of the well below the casing, to a point at least five feet below the bottom of the casing, and immediately after drawing the casing shall drive a round, seasoned wooden plug at a point just below where the lower end of the casing rested, which plug shall be at least three feet in length, tapering in form, and of the same diameter at the distance of eighteen inches from the smaller end as the diameter of the hole below the point at which it is to be driven. After the plug has been properly driven there shall be filled on the top of the same sand or rock sediment to a depth of at least five feet. 55 V. c. 56, s. 2.

Penalties for contravention of Act.

3. Any person contravening any of the provisions of sections 1 or 2 of this Act shall be liable to a penalty not exceeding $100 for each and every violation thereof, and to the further penalty of $25 for each thirty days during which said violation continues; and all such penalties shall be recovered,

with costs of suit, in a civil action or actions in the name of any person who may sue for the same. 55 V. c. 56, s. 3.

Entry on lands to close wells.

4. Whenever any person in possession of any well in which gas has been found fails to comply with the provisions of section 1 of this Act within the time therein set forth, any person lawfully in possession of lands on which the well is bored, or of lands situate adjacent to or in the neighbourhood of said well, may, after ten days' notice in writing to the owner of the well from which gas is allowed to escape or waste in violation of said section 1, or his lessee, agent or manager, enter upon the lands upon which said well is situated and take possession of said well and tube and pack said well and shut in said gas, and may maintain a civil action in any Court of this Province against the owner, lessee, agent or manager of said well, and each and every of them, jointly and severally, to recover the cost thereof, in addition to the penalties provided by section 3 of this Act. 55 V. c. 56, s. 4.

Power to take possession of well and plug same.

5. Wherever any person abandons any gas well and fails to comply with section 2 of this Act, any person lawfully in possession of lands adjacent to or in the neighbourhood of said well may after ten days' notice in writing to the owner or his lessee, agent or manager enter upon the land upon which said well is situated and take possession of said well, and plug the same in the manner provided by section 2 of this Act, and may maintain a civil action in any Court of this Province against the owner or person abandoning said well, and every of them, jointly and severally, to recover the cost thereof, in addition to the penalties provided by section 3 of this Act. 55 V. c. 56, s. 5.

CHAPTER 278.

An Act respecting Steam Threshing Machines.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Engines to be furnished with spark arresters.

1. Every manufacturer of steam threshing engines shall provide each engine with an efficient spark arrester before selling or disposing of the same; and no person shall use or run any steam threshing engine unless it is provided with such spark arrester, and it shall be the duty of the owner or other person using or running the engine to keep the spark arrester at all times when the engine is in use in proper working order. 52 V. c. 45, s. 1.

Penalty.

2. Every manufacturer who sells or disposes of any steam threshing engine without an efficient spark arrester shall on summary conviction before a Justice of the Peace having jurisdiction in the municipality where the offence was committed, be subject to a fine of not less than $5 and not more than $20, together with costs of prosecution for each engine so sold or disposed of as aforesaid; and any person using or running any steam threshing engine not provided with such spark arrester, or wilfully using or running any steam threshing machine not having such spark arrester in proper working order shall, on conviction as aforesaid, be subject to a like fine for every day he so uses such steam threshing machine, which fine and costs may in each case be recovered by distress; and in default of payment of such fine and costs or of sufficient distress, the offender may be imprisoned in the common gaol for a period not exceeding thirty days. 52 V. c. 45, s. 2.

Application of penalty.

3. One half the fine when recovered shall belong to the informer and the other half to the treasurer of the municipality where the offence is tried. 52 V. c. 45, s. 3.

CHAPTER 279.

An Act to prevent the spread of Noxious Weeds, and of Diseases affecting Fruit Trees.

INTERPRETATION, s. 1.
DUTY OF OWNERS AND OCCUPANTS OF LAND, s. 2.
OPERATION OF ACT MAY BE EXTENDED, s. 3 (1).
EXEMPTION OF WASTE OR UNOCCUPIED LAND, s. 3 (3).
INSPECTOR :
Appointment, s. 3 (2).
Duties, s. 4.
Expenses, ss. 5-7.
DUTY OF OVERSEERS OF HIGHWAYS, s. 8.
PENALTIES, ss. 9, 10.
COUNCILS TO ENFORCE ACT, s. 11.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation. "Non-resident land." "Resident lands."

1. Where used in this Act the term "non-resident land" shall apply to all lands which are unoccupied, and the owner of which is not resident within the municipality, and the term "resident lands" shall apply to all lands which are occupied or which are owned by persons resident within the municipality. R. S. O. 1887, c. 202, s. 1.

Duty of owners and occupants as to destruction of weeds, etc.

2. It shall be the duty of every occupant of land, or, if the land be unoccupied, it shall be the duty of the owner to cut down or destroy all the Canada thistles, ox-eye daisy, wild oats, rag-weed and burdock growing on his land, and all other noxious weeds growing on his land, to which this Act may be extended by by-law of the municipality, so often each and every year as is sufficient to prevent the ripening of their seed, provided that such cutting or destruction does not involve the destruction of the growing grain. R. S. O. 1887, c. 202, s. 2 *part*; 54 V. c. 48, ss. 1, 2; 56 V. c. 42, s. 2.

Operation of Act may be extended.

3.—(1) The council of any city, town, township, or incorporated village may, by by-law, extend the operation of this Act to any other weed or weeds, or to any disease of grain or fruit trees or fruit (other than the diseases known as "yellows" and "black knot" in fruit trees), which they declare to be noxious to husbandry or gardening in the municipality; and all the provisions of this Act shall apply to such noxious weeds and

diseases as if the same were herein enumerated. R. S. O. 1887, c. 202, s. 3 (1); 54 V. c. 48, s. 3.

Appointment of Inspector.

(2) Such council may and, upon a petition of fifty or more ratepayers, shall appoint at least one inspector to enforce the provisions of this Act in the municipality, and fix the amount of remuneration, fees or charges he is to receive for the performance of his duties; and in case a vacancy occurs in the office of inspector, it shall be the duty of the council to fill the same forthwith.

Exemption of waste or unoccupied lands.

(3) The council of any township in which there are any large tracts or blocks of waste or unoccupied land, may upon the petition of not less than thirty ratepayers, by by-law, suspend the operation of this Act, in respect of such waste or unoccupied lands; such by-law shall define with sufficient clearness the tracts or blocks of land so exempted, and shall remain in force until repealed by the council; and until repealed the lands therein described shall be exempt from the operation of this Act. R. S. O. 1887, c. 202, s. 3 (2-3).

Division of municipalities into sections and appointment of inspectors.

(4) The council may pass a by-law dividing the municipality into such sections or divisions as may be necessary for the carrying out of this Act, and may appoint inspectors for such divisions whose duties and powers shall in all respects be the same as those of the township inspector. 53 V. c. 59, s. 1.

Duty of Inspector.

4.—(1) It shall be the duty of the inspector to give or cause to be given notice in writing to the owner or occupant of any land within the municipality whereon the said noxious weeds are growing and in danger of going to seed (and in the case of property of a railway company, the notice shall be given to any station master of the company resident in or nearest to the municipality), requiring him to cause the same to be cut down or destroyed within ten days from the service of the notice; and it shall be the duty of the inspector to give or cause to be given such notice for the first time not later than the 10th day of July in each year, or such other earlier date as may be fixed by by-law of the municipality.

(2) In case such owner or occupant of land (or, if it be railway property, then the station master upon whom notice has been served) refuses or neglects to cut down or destroy all or any of the said noxious weeds within the period aforesaid, the inspector shall enter upon the land and cause such weeds to be cut down or destroyed with as little damage to growing crops as may be, and he shall not be liable to be sued therefor; or the inspector, instead of entering upon the land and causing such weeds to be cut down or destroyed, may lay information before any Justice of the Peace as to such refusal or neglect, and such owner or occupant shall, upon conviction, be liable to the penalties imposed by section 9 of this Act: but no inspector shall have power to cut down or destroy noxious weeds on any land sown with grain.

(3) Where such noxious weeds are growing upon non-resident lands it shall not be necessary to give any notice before proceeding to cut down or destroy the same. R. S. O. 1887, c. 202, s. 4.

Account of inspector's expenses and payment thereof.

5.—(1) The inspector shall keep an accurate account of the expense incurred by him in carrying out the provisions of the preceding sections of this Act with respect to each parcel of land entered upon, and shall deliver a statement of such expenses, describing the land entered upon, and verified by oath, to the owner or occupant of resident lands, requiring him to pay the amount.

(2) If any owner or occupant of land liable under the provisions of this Act deems such expense excessive, an appeal may be had to the said council (if made within thirty days after the delivery of such statement), and the said council shall determine the matter in dispute.

(3) In case the owner or occupant of resident lands refuses or neglects to pay the same within thirty days after such request for payment, the said claim shall be presented to the council of the municipality in which such expense was incurred, and the said council is hereby authorized and required to audit and allow such claim, and order the same to be paid from the fund for general purposes of the said municipality. R. S. O. 1887, c. 202, s. 5.

Provisions as to expenses in case of non-resident land.

6. The inspector shall also present to the said council a similar statement, verified by oath, of the expenses incurred by him in carrying out the provisions of this Act upon any non-resident lands; and the council is hereby authorized and required to audit and allow the same, or so much thereof as to the council may seem just, and to pay so much thereof as has been so allowed. R. S. O. 1887, c. 202, s. 6.

Collection of sums paid for expenses by municipality.

7. The council of the municipality shall cause all such sums as have been so allowed and paid by the council under the provisions of this Act to be by the clerk severally placed upon the collector's roll of the municipality against the lands described in the statement of the inspector, and to be collected in the same manner as other taxes imposed by by-laws of the municipality. R. S. O. 1887, c. 202, s. 7.

Duty of overseers of highways.

8. It shall be the duty of the overseers of highways in any municipality to see that the provisions of this Act relating to noxious weeds are carried out within their respective highway divisions by cutting down or destroying or causing to be cut down or destroyed at the proper times to prevent the ripening of their seed, all the noxious weeds growing on the highways or road allowances within their respective divisions; such work to be performed as part of the ordinary statute labour, or to be paid for at a reasonable rate by the treasurer of the munici-

pality, as the council of the municipality may direct. R. S. O. 1887, c. 202, s. 9.

Penalties.

9.—(1) Any owner or occupant of land who refuses or neglects to cut down or destroy any of the said noxious weeds, after notice given by the inspector, as provided by section 4, or who knowingly suffers any of the said noxious weeds to grow thereon, and the seed to ripen so as to cause or endanger the spread thereof, shall upon conviction be liable to a fine of not less than $5 nor more than $20 for every such offence. R. S. O. 1887, c. 202, s. 10 (1); 56 V. c. 42, s. 2.

(2) Any person who knowingly sells or offers to sell any grass, clover or other seed, or any seed grain among which there is seed of Canada thistles, ox-eye daisy, wild oats, rag-weed, burdock or wild mustard shall, for every such offence, upon conviction, be liable to a fine of not less than $5 nor more than $20; R. S. O. 1887, c. 202, s. 10 (2).

(3) Every inspector, overseer of highways, or other officer, who refuses or neglects to discharge the duties imposed on him by this Act shall, upon conviction, be liable to a fine of not less than $10 nor more than $20. R. S. O. 1887, c. 202, s. 10 (4); 56 V. c. 42, s. 2.

Penalty for sowing grain infected by smut.

(4) Any person who sows any wheat or other grain knowing it to be infected by the disease known as smut without first using some proper and available remedy to destroy the germs of such disease shall upon conviction, be liable to a fine of not more than $20. 54 V. c. 48, s. 4.

Recovery and application of penalties.

10. Every offence against the provisions of this Act shall be punished and the penalty imposed for each offence shall be recovered and levied, on summary conviction, before any Justice of the Peace; and all fines imposed shall be paid to the treasurer of the municipality in which the offence is committed for the use of the municipality. R. S. O. 1887, c. 202, s. 11.

Municipalities to require officers to enforce Act.

11. The council of every municipality in Ontario shall require its inspector, overseer of highways and other officers to faithfully discharge all their duties under this Act. R. S. O. 1887, c. 202, s. 12.

CHAPTER 280.

An Act for the better prevention of certain Diseases affecting Fruit Trees.

SHORT TITLE, s. 1.
DUTY OF OWNERS AND OCCUPANTS OF LAND, s 2.
INSPECTORS AND THEIR DUTIES, ss. 3-5.
APPEALS FROM INSPECTORS, s. 6.
PENALTIES, 7-8.
COUNCILS TO SEE THAT INSPECTION MADE, s. 9.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Yellows and Black Knot Act.*" 56 V. c. 42, s. 1.

Duty of owners and occupants of land.

2. It shall be the duty of every occupant of land, or if the land be unoccupied it shall be the duty of the owner:—

(1) To cut out and burn all black knot found on plum or cherry trees on his land so often each year as it appears on such trees; and

(2) To cut down and burn any peach, nectarine or other trees on his land infected with the disease known as the yellows, and to destroy all the fruit trees so infected. 56 V. c. 42, s. 3.

Appointment of inspectors and board of fruit tree inspection.

3.—(1) The council of any county, city, town, township, or incorporated village, may, and upon a petition of fifteen or more ratepayers shall, by by-law appoint at least one inspector to enforce the provisions of this Act in the municipality, and fix the amount of remuneration, fees or charges he is to receive for the performance of his duties, and in case a vacancy shall occur in the office of inspector, it shall be the duty of the council to fill the same forthwith; and the council (in any municipality where peaches are grown) shall also by by-law appoint three or more persons resident in the municipality, who shall constitute a board of fruit tree inspection, to which appeals shall lie from the order or decision of the said inspector. 56 V. c. 42, s. 4 (1); 59 V. c. 61, s. 1.

(2) The council may pass a by-law dividing the municipality into such sections or divisions as may be necessary for the carrying out of this Act, and may appoint inspectors for such divisions whose duties and powers shall in all respects be the same as that of the township inspector. 56 V. c. 42, s. 4 (2).

Duties of county inspector.

(3) Where an inspector is appointed by a county council, his duties shall be to aid and assist the local inspectors in enforcing the provisions of this Act, and where no local inspector is appointed by a municipality the inspector appointed by the county council shall have all the powers of a local inspector within such municipality. 59 V. c. 61, s. 2.

Inspector to proceed upon written complaint.

4. If written complaint be made to the inspector that yellows or black knot exists within the municipality, in any locality described in such complaint with reasonable certainty, he shall proceed to examine the fruit trees in such locality, and if satisfied of the presence of either disease he shall immediately give notice in writing to the owner or occupant of the land whereon the affected trees are growing, requiring him within ten days from the receipt of the notice to deal with such trees in the manner provided by section 2 of this Act. 56 V. c. 42, s. 5.

Inspector to ascertain and report as to existence of diseases.

5.—(1) It shall be the duty of every inspector appointed under this Act, by personal inspection to ascertain from time to time whether either of the diseases mentioned in this Act exists in the municipality, and to report thereon at least once a year to the municipal council, and wherever he is satisfied of the presence of either disease he shall proceed in the same manner as in case of a complaint made under section 4 of this Act.

Report to be sent to Minister of Agriculture.

(2) A copy of the annual report of the inspector shall be forwarded by the clerk of the municipality to the Minister of Agriculture. 56 V. c. 42, s. 6.

Appeal to board of fruit tree inspection.

6.—(1) An owner or occupant to whom notice regarding yellows has been given by the inspector, under section 4 of this Act, may appeal therefrom, within the ten days limited therein, to the board of fruit tree inspection of the municipality.

Notice of appeal.

(2) The owner or occupant so appealing, shall, within the said ten days, give notice in writing to the inspector that he requires an examination of the trees, in respect of which complaint is made by the board of the fruit tree inspection, and shall name the day and hour at which the examination will take place.

Notice to board to attend and examine trees.

(3) The person appealing shall also within the said ten days give notice in writing to three members of the said board that he requires the attendance of the members notified at the time and place named for the examination of the said fruit trees, and the date so fixed shall be not less than three days after the service of notice on the inspector and on the last member of the board so served.

Examination by board.

(4) At the day and hour named in the notice of appeal, the members notified shall attend and examine the trees in question and determine whether or not the notice given by the inspector to the owner or occupant, under section 4 of this Act, was rightly given and the decision of the said board or of a majority of the members present shall be final.

Decision by board.

(5) The decision of the board shall be in writing, signed by the members agreeing thereto, and a duplicate thereof shall be given to the person appealing and to the inspector; and pending such decision all proceedings against the owner or occupant appealing shall be stayed, and if the said board decides that the notice given by the inspector was wrongly given and was unnecessary no further proceedings shall be taken thereon.

Fees of board.

(6) Each member of the said board shall be entitled to receive $2 for every examination made by him under this section, and the same shall be paid by the owner or occupant appealing if the board decides that the notice of the inspector was rightly given, or by the municipality if the board decides that such notice was wrongly given, and the amount of said fees shall be stated in the written decision of the board, and shall be a debt due to the board from the party so found liable, recoverable in any Division Court having jurisdiction. 56 V. c. 42, s. 7.

Penalties.

7.—(1) Any owner or occupant of land who, after notice given by the inspector, as provided by section 4, suffers any black knot to remain on plum or cherry trees, or keeps any peach, nectarine or other trees infected with yellows or the fruit of trees so infected, shall upon conviction be liable to a fine of not less than $5 and not more than $20 for every such offence.

(2) Any person who knowingly offers for sale or shipment, or sells or ships the fruit of trees infected with yellows, shall, upon conviction, be liable to a fine of not less than $5, nor more than $20.

(3) Every inspector who after receiving the written complaint required by section 4 of this Act refuses or neglects to discharge the duties imposed on him by this Act, shall, upon conviction, be liable to a fine of not less than $10 nor more than $20. 56 V. c. 42, s. 9.

Application of penalties.

8. Every offence against the provisions of this Act shall be punished, and the penalty imposed for each offence shall be recovered and levied, on summary conviction, before any Justice of the Peace; and one-half of every fine imposed shall be paid to the inspector or other person laying the information, and one-half to the treasurer of the municipality in which the offence is committed, for the use of the municipality. 56 V. c. 42, s. 10.

Council to require inspectors to perform their duties.

9. The council of every municipality shall require its inspector or inspectors to faithfully discharge all their duties under this Act. 56 V. c. 42, s. 11.

CHAPTER 281.

An Act to Prevent the Extermination of the Plant called Ginseng.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Destruction of ginseng prohibited.

1. Except for the purpose of clearing or bringing land into cultivation, no person shall, between the first day of January and the first day of September in any year, cut, root up, gather or destroy the plant known by the name of ginseng, whenever such plant is found growing in a wild or uncultivated state. 54 V. c. 52, s. 1.

Purchasing with knowledge of illegal gathering.

2. Any person who purchases ginseng knowing the same to have been cut, rooted up, or gathered between the first day of January and the first day of September shall be guilty of a contravention of this Act. 56 V. c. 43, s. 2.

Penalty for contravention of Act.

3. Any person who contravenes the provisions of this Act shall, for every such offence, upon summary conviction before any Justice of the Peace, be subject to a penalty of not less than $5 and not more than $20, together with costs of prosecution, and one-half of such penalty shall be paid to the prosecutor, unless otherwise ordered by the Justice convicting. 54 V. c. 52, s. 2.

Proof of purchase or sale to be *prima facie* evidence.

4. Proof of the purchase or sale of ginseng between the first day of January and the first day of September in any year shall be *prima facie* evidence of a contravention of this Act. 56 V. c. 43, s. 1.

Proof of illegal gathering to be *prima facie* evidence against purchaser.

5. In any prosecution under section 2 of this Act, proof that the ginseng purchased has been illegally obtained by the vendor shall be *prima facie* evidence of a contravention of this Act by the purchaser. 56 V. c. 43, s. 3.

CHAPTER 282.

An Act for the Protection of Bees.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Use of poison in spraying fruit trees in bloom prohibited.

1. No person in spraying or sprinkling fruit trees during the period within which such trees are in full bloom shall use or cause to be used any mixture containing Paris green or any other poisonous substance injurious to bees. 55 V. c. 19, s. 1.

Penalties.

2. Any person contravening the provisions of this Act, shall on summary conviction thereof before a Justice of the Peace, be subject to a penalty of not less than $1 and not more than $5, with or without costs of prosecution, and in case of a fine or a fine and costs being awarded, and of the same not being upon conviction forthwith paid, the Justice may commit the offender to the common gaol, there to be imprisoned for any term not exceeding thirty days unless the fine and costs are sooner paid. 55 V. c. 19, s. 2.

CHAPTER 283.

An Act for the Suppression of Foul Brood among Bees.

INSPECTOR OF APIARIES, ss. 1-4.
Duties, s. 3, 4.
OFFENCES AND PENALTIES, ss. 5-10.
ONTARIO BEE-KEEPERS' ASSOCIATION—
Notice to President respecting foul brood, s. 10.
Supervision of inspector, ss. 3, 11-13.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Appointment of Inspector of apiaries.

1.—(1) The Ontario Bee-Keepers' Association shall at each annual meeting, or the directors of the said Association shall, if in the interval between two annual meetings the occasion arises, appoint an Inspector of Apiaries and a Sub-Inspector for the Province of Ontario, and the said Inspector and Sub-Inspector shall be elected by the vote of the majority of the members of said Association present at the annual meeting, or the vote of the majority of the directors as the case may be. Any annual meeting may delegate the annual appointment of an Inspector and Sub-Inspector to the newly elected Board of Directors.

(2) The said Sub-Inspector may, when so directed, as hereinafter provided, perform all the duties and exercise all the powers in this Act directed to be performed or exercised by the Inspector, and the provisions of this Act relating to the Inspector shall be deemed to apply to and include the said Sub-Inspector.

(3) The Inspector or Sub-Inspector on entering upon any premises in the discharge of his duties shall, if so required, produce the certificate of the president of the said Association, that he has been appointed as such Inspector, or Sub-Inspector, as the case may be. 53 V. c. 66, s. 1.

Term of office of Inspector and Sub-Inspector.

2. The said Inspector and Sub-Inspector shall hold office for one year from the date of the annual meeting at which they were appointed, or if they are appointed by the directors, then until the next annual meeting after such ap-

pointment, and shall be eligible for re-election, but the said Inspector or Sub-Inspector may at any time, subject to the approval of the Lieutenant-Governor in Council, be removed from office by the directors, for neglect of duty or other sufficient cause, and in case of such removal the directors shall without delay appoint a successor. 53 V. c. 66, s. 2.

Inspection of infected apiaries.

3. The said Inspector shall, whenever so directed by the President of the Ontario Bee-Keepers' Association, visit without unnecessary delay any locality in the Province of Ontario and there examine any apiary or apiaries to which the said President may direct him, and ascertain whether or not the disease known as "foul brood" exists in such apiary or apiaries, and wherever the said Inspector is satisfied of the existence of foul brood in its virulent or malignant type, it shall be the duty of the Inspector to order all colonies so affected, together with the hives occupied by them, and the contents of such hives and all tainted appurtenances that cannot be disinfected, to be immediately destroyed by fire under the personal direction and superintendence of the said Inspector, and after inspecting infected hives or fixtures or handling diseased bees, the Inspector shall, before leaving the premises, or proceeding to any other apiary, thoroughly disinfect his own person and clothing and shall see that any assistant with him also thoroughly disinfects his person and clothing; But where the Inspector, who shall be the sole judge thereof, is satisfied that the disease exists, but only in milder types and in its incipient stages, and is being or may be treated successfully, and the Inspector has reason to believe that it may be entirely cured, then the Inspector may, in his discretion, omit to destroy, or order the destruction of the colonies and hives in which the disease exists. 53 V. c. 66, s. 3.

Box-hives.

4. The Inspector shall have full power, in his discretion, to order any owner or possessor of bees dwelling in box-hives, in apiaries where the disease exists (being mere boxes without frames,) to transfer such bees to movable frame hives within a specified time, and in default of such transfer, the Inspector may destroy, or order the destruction of, such box-hives and the bees dwelling therein. 53 V. c. 66, s. 4.

Penalty for disposing of infected bees or appliances.

5. Any owner or possessor of diseased colonies of bees, or of any infected appliances for bee-keeping, who knowingly sells, or barters, or gives away such diseased colonies or infected appliances, shall, on conviction thereof before any Justice of the Peace, be liable to a fine of not less than $50 and not more than $100, or to imprisonment for any term not exceeding two months. 53 V. c. 66, s. 5.

Selling bees after treatment, or exposing infected appliances.

6. Any person whose bees have been destroyed or treated for foul brood, who sells, or offers for sale any bees, hives, or appurtenances of any kind, after such destruction or treatment,

and before being authorized by the Inspector so to do, or who exposes in his bee-yard, or elsewhere, any infected comb, honey, or other infected thing, or conceals the fact that said disease exists among his bees, shall, on conviction before a Justice of the Peace, be liable to a fine of not less than $20 and not more than $50, or to imprisonment for a term not exceeding two months, and not less than one month. 53 V. c. 66, s. 6.

Penalty for obstructing Inspector.

7. Any owner or possessor of bees who refuses to allow the Inspector or his assistant or assistants to freely examine said bees, or the premises in which they are kept, or who refuses to destroy the infected bees and appurtenances, or to permit them to be destroyed when so directed by the Inspector, may, on the complaint of the Inspector, be summoned before a Justice of the Peace, and on conviction, shall be liable to a fine of not less than $25 and not more than $50 for the first offence, and not less than $50 and not more than $100 for the second or any subsequent offence, and the said Justice of the Peace shall make an order directing the said owner or possessor forthwith to carry out the directions of the Inspector. 53 V. c. 66, s. 7.

Special constables may be sworn in to assist Inspector.

8 Where an owner or possessor of bees disobeys the directions of the said Inspector or offers resistance to, or obstructs the said Inspector, a Justice of the Peace may upon the complaint of the said Inspector cause a sufficient number of special constables to be sworn in, and such special constables shall under the directions of the Inspector proceed to the premises of such owner or possessor and assist the Inspector to seize all the diseased colonies and infected appurtenances and burn them forthwith, and if necessary the said Inspector or constables may arrest the said owner or possessor and bring him before a Justice of the Peace to be dealt with according to the provisions of the preceding section of this Act. 53 V. c. 66, s. 8.

Inspector to inform offender of provisions of Act.

9. Before proceeding against any person before a Justice of the Peace, the said Inspector shall read over to such person the provisions of this Act or shall cause a copy thereof to be delivered to such person. 53 V. c. 66, s. 9.

Person aware of disease to notify president of Bee-Keepers' Association.

10. Every bee-keeper or other person who is aware of the existence of foul brood either in his own apiary or elsewhere shall immediately notify the President of the Ontario Bee-Keepers' Association of the existence of such disease, and in default of so doing shall on summary conviction before a Justice of the Peace be liable to a fine of $5 and costs. 53 V. c. 66, s. 10

President to order Inspector to visit infected premises.

11. Upon receiving the notice in the preceding section mentioned or in any way becoming aware of the existence of foul brood in any locality, the said President shall immediately

Proviso.

direct the said Inspector to proceed to and inspect the infected premises; but where the person giving such notice is unknown to the President, or there is reason to believe that the information in said notice is untrustworthy, or that the person giving such notice is actuated by improper motives, then the President may require the person giving such notice to deposit the sum of $5 with the President as a guarantee of good faith, before the said notice is acted upon, and if it proves that said notice was properly given then the said deposit shall be returned to the person giving such notice, but otherwise the said deposit shall be forfeited to the use of the said Ontario Bee-Keepers' Association. 53 V. c. 66, s. 11.

Annual report of Association.

12. The said Association shall include in its annual report to the Minister of Agriculture a statement of the Inspector's work during the preceding year, which statement shall include the number of colonies destroyed by order of the Inspector, and the localities where found, and the amount paid to him for his services and expenses for the preceding year. 53 V. c. 66, s. 12.

Regulations for guidance of Inspector.

13. The directors of the said Association may from time to time make such by-laws and regulations for the control and guidance of the Inspector in carrying out the provisions of this Act as they may deem necessary, and the said directors shall also by by-law fix the amount of the remuneration of the said Inspector and Sub-Inspector, but all such by-laws and regulations shall be subject to the approval of the Minister of Agriculture. 53 V. c. 66, s. 13.

CHAPTER 284.

An Act respecting Line Fences.

SHORT TITLE, s. 1.
INTERPRETATION, s. 2.
DUTY OF ADJOINING OWNERS, s. 3.
PROCEEDINGS IN CASE OF DISPUTE, ss. 4-6.
AWARD BY FENCE VIEWERS:
Contents of award, s. 7.
Filing, s. 8.
Enforcing, s. 9.
Registration, s. 10.
APPEAL TO COUNTY JUDGE, s. 11.
FEES OF FENCE VIEWERS, s. 12.
JUDGE'S EXPENSES OF INSPECTION, s. 13.
ENFORCING AGREEMENTS, s. 14.
REMOVAL OF LINE FENCES, s. 15.
TREES FALLING ON LINE FENCES, s. 16.
FORMS, s. 17.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short Title.

1. This Act may be cited as "*The Line Fences Act.*" R. S. O. 1887, c. 219, s. 1.

Interpretation: "Occupied lands;"

2.—(1) In this Act the expression "occupied lands" shall not include so much of a lot, parcel or farm as is unenclosed, although a part of such lot, parcel or farm is enclosed and in actual use and occupation.

(2) Where, within the meaning of section 4 of this Act, there is any dispute between owners or occupants of lands situate in different municipalities, the following words or expressions in this Act shall have the meaning hereinafter expressed, namely:

"Fence viewers"

(a) "Fence-viewers" shall mean two fence-viewers of the municipality in which is situate the land of the owner or occupant notified under clause 1 of section 4 of this Act, and one fence-viewer of the municipality in which is situate the land of the person giving the notice; except that in case of a disagreement having occurred within the meaning of clause 4 of said section 4, the said phrase "Fence-viewers" shall mean fence-viewers from either or both municipalities.

"In which the lands are situate;" "In which the land lies."

(b) The expression "in which the lands are situate" and the expression "in which the land lies," shall mean in which are situate the lands of the owner or occupant so notified under said clause 1 of section 4. R. S. O. 1887, c. 219, s. 2.

Duties of owners of adjoining lands as to fences.

3. Owners of occupied adjoining lands shall make, keep up and repair a just proportion of the fence which marks the boundary between them, or if there is no fence they shall so make, keep up and repair the same proportion which is to mark such boundary; and owners of unoccupied lands which adjoin occupied lands shall, upon their being occupied, be liable to the duty of keeping up and repairing such proportion, and in that respect shall be in the same position as if their land had been occupied at the time of the original fencing, and shall be liable to the compulsory proceedings hereinafter mentioned. R. S. O. 1887, c. 219, s. 3.

Disputes between owners, how to be settled.

4. In case of dispute between owners respecting such proportion, the following proceedings shall be adopted:

Notice to owner or occupant of adjoining land.

1. Either owner may notify (Form 1) the other owner or the occupant of the land of the owner so to be notified, that he will, not less than one week from the service of such notice, cause three fence-viewers of the locality to arbitrate in the premises.

And to fence-viewers

2. The owners so notifying shall also notify (Form 2) the fence-viewers, not less than one week before their services are required.

What to contain.

3. The notices in both cases shall be in writing, signed by the person notifying, and shall specify the time and place of meeting for the arbitration, and may be served by leaving the same at the place of abode of such owner or occupant, with some grown-up person residing thereat; or in case of the lands being untenanted, by leaving the notice with any agent of such owner.

When Judge to appoint fence-viewers.

4. The owners notified may, within the week, object to any or all of the fence-viewers notified, and in case of disagreement, the Judge hereinafter mentioned shall name the fence-viewers who are to arbitrate. R. S. O. 1887, c. 219, s. 4.

Duty and liability of occupants as to notifying owners.

5. An occupant, not the owner of land notified in the manner above mentioned, shall immediately notify the owner; and if he neglects so to do, shall be liable for all damage caused to the owner by such neglect. R. S. O. 1887, c. 219, s. 5.

Duties and powers of fence-viewers.

6. The fence-viewers shall examine the premises, and if required by either party they shall hear evidence, and are authorized to examine the parties and their witnesses on oath, and any one of them may administer an oath or affirmation for the purpose as in Courts of law. R. S. O. 1887, c. 219, s. 6.

Award of fence-viewers

Contents.

7.—(1) The fence-viewers shall make an award (Form 3) in writing signed by any two of them, respecting the matters so in dispute; which award shall specify the locality, quantity, description and the lowest price of the fence it orders to be made, and the time within which the work shall be done, and

shall state by which of the said parties the costs of the proceedings shall be paid, or in what proportion the same shall be paid.

Character of fence.

(2) In making the award, the fence-viewers shall regard the nature of the fences in use in the locality, the pecuniary circumstances of the persons between whom they arbitrate, and generally, the suitableness of the fence ordered, to the wants of each party.

Location of fence.

(3) Where, from the formation of the ground, by reason of streams or other causes, it is found impossible to locate the fence upon the line between the parties, it shall be lawful for the fence-viewers to locate the said fence either wholly or partially on the land of either of the said parties, where to them it seems to be most convenient; but such location shall not in any way affect the title to the land.

Employment of surveyor.

(4) If necessary, the fence-viewers may employ an Ontario land surveyor, and have the locality described by metes and bounds. R. S. O. 1887, c. 219, s. 7.

Deposit of award.

Award may be evidence.

Notification of award.

8. The award shall be deposited in the office of the clerk of the council of the municipality in which the lands are situate, and shall be an official document, and may be given in evidence in any legal proceeding by certified copy, as are other official documents; and notice of its being made shall be given to all parties interested. R. S. O. 1887, c. 219, s. 8.

Award, how enforced.

9.—(1) The award may be enforced as follows: The person desiring to enforce it shall serve upon the owner or occupant of the adjoining lands a notice in writing, requiring him to obey the award, and if the award is not obeyed within one month after service of the notice, the person so desiring to enforce it may do the work which the award directs, and may immediately take proceedings to recover its value and the costs from the owner by action in any Division Court having jurisdiction in the locality; but the Judge of the Division Court may, on application of either party, extend the time for making the fence to such time as he may think just. R. S. O. 1887, c. 219, s. 9; 59 V. c. 65, s. 1.

Collection of debt and costs as taxes.

(2) Instead of requiring execution to be issued upon such judgment the party entitled to enforce the judgment may obtain a certificate from the Clerk of the Division Court of the amount due for debt and costs in respect of such judgment, and shall be entitled upon lodging the same with the Clerk of the municipality to have the amount so certified placed upon the collector's roll, and the same may be collected in the same manner as taxes are collected and shall, until so collected or otherwise paid, be a charge upon the lands liable for the payment thereof, and in such case execution shall not thereafter issue on such judgment. 59 V. c. 65, s. 1.

Award to be a charge on lands, if registered.

10.—(1) The award shall constitute a lien and charge upon the lands respecting which it is made, when it is registered in the registry office of the registry division in which the lands are.

How registered.

Rev. Stat. c. 136.

(2) Such registration may be in duplicate or by copy, proved by affidavit of a witness to the original, or otherwise, as in the case of any deed which is within the meaning of *The Registry Act*. R. S. O. 1887, c. 219, s. 10.

Appeals.

11. Any person dissatisfied with the award made, may appeal therefrom to the Judge of the County Court of the county in which the lands are situate, and the proceedings on the appeal shall be as follows:

Notice of appeal.

1. The appellant shall serve upon the fence-viewers, and all parties interested, a notice in writing of his intention to appeal, within one week from the time he has been notified of the award; which notice may be served as other notices mentioned in this Act.

To Clerk.

2. The appellant shall also deliver a copy of the notice to the clerk of the Division Court of the division in which the land lies, and the clerk shall immediately notify the Judge of such appeal, whereupon the Judge shall appoint a time for the hearing thereof, and, if he thinks fit, order such sum of money to be paid by the appellant to the said clerk as will be a sufficient indemnity against costs of the appeal.

Notice of hearing.

3. The Judge shall order the time and place for the hearing of the appeal, and communicate the same to the clerk, who shall notify the fence-viewers and all parties interested, in the manner hereinbefore provided for the service of other notices under this Act.

Powers of the Judge.

4. The Judge shall hear and determine the appeal, and set aside, alter, or affirm the award, correcting any error therein and he may examine parties and witnesses on oath, and, if he so pleases, may inspect the premises; and may order payment of costs by either party, and fix the amount of such costs.

Decision of Judge to be final.

5. His decision shall be final; and the award, as so altered or confirmed, shall be dealt with in all respects as it would have been if it had not been appealed from.

Procedure.

6. The practice and proceedings on the appeal, including the fees payable for subpœnas and the conduct money of witnesses, shall be the same, as nearly as may be, as in the case of a suit in the Division Court. R. S. O. 1887, c. 219, s. 12.

Fees to fence-viewers, surveyors and witnesses.

12.—(1) The fence-viewers shall be entitled to receive $2 each for every day's work under this Act: Ontario land surveyors and witnesses shall be entitled to the same compensation as if they were subpœnaed in any Division Court. R. S. O. 1887, c. 219, s. 11.

(2) The municipality shall at the expiration of the time for appeal, or after appeal, as the case may be, pay to the fence viewers their fees, and shall, unless the same be forthwith repaid by the person awarded or adjudged to pay the same, place the amount upon the collector's roll as a charge against the person awarded or adjudged to pay the same, and the same shall thereafter be placed upon the collector's roll and may be collected in the same manner as ordinary municipal taxes. 52 V. c. 48, s. 1; 58 V. c. 53, s. 1.

County Judge's expenses.

13.—(1) In case the Judge inspects the premises he shall be entitled to be paid the actual expenses incurred by him, and he shall, in the order setting aside, altering or affirming the award, fix the amount of such expenses and the person by whom the same shall be paid. 53 V. c. 67, s. 1, 2.

Municipality to pay expenses and collect amount.

(2) The Judge shall be paid by the municipality the amount so fixed by him and the same shall be collected by the municipality in the same manner as is provided in respect to the fence viewer's fees by section 12 of this Act. 53 V. c. 67, s. 3.

Registration of agreements.

14. Any agreement in writing (Form 4) between owners respecting such line fence may be filed or registered and enforced as if it was an award of fence-viewers. R. S. O. 1887, c. 219, s. 13.

Owner of division fence which in part encloses another person's land not to remove same except upon notice, etc.

15.—(1) The owner of the whole or part of a division or line fence which forms part of the fence enclosing the occupied or improved land of another person, shall not take down or remove any part of such fence—

(*a*) Without giving at least six months previous notice of his intention to the owner or occupier of such adjacent enclosure;

(*b*) Nor unless such last mentioned owner or occupier after demand made upon him in writing by the owner of such fence, refuses to pay therefor the sum determined as provided in section 7 of this Act;

(*c*) Nor if such owner or occupier will pay to the owner of such fence or of any part thereof, such sum as the fence-viewers may award to be paid therefor under section 7 of this Act.

Provisions of this Act to apply to cases under this section.

(2) The provisions of this Act relating to the mode of determining disputes between the owner of occupied adjoining lands, the manner of enforcing awards and appeals therefrom, and the schedules of forms attached hereto, and all other provisions of this Act, so far as applicable, shall apply to proceedings under this section. R. S. O. 1887, c. 219, s. 14.

Provision, when a tree is thrown down

16. (1) If any tree is thrown down, by accident or otherwise, across a line or division fence, or in any way in and upon

across a line fence.

the property adjoining that upon which such tree stood, thereby causing damage to the crop upon such property or to such fence, it shall be the duty of the proprietor or occupant of the premises on which such tree theretofore stood, to remove the same forthwith, and also forthwith to repair the fence, and otherwise to make good any damage caused by the falling of such tree.

When injured party may remove tree.

(2) On his neglect or refusal so to do for forty-eight hours after notice in writing to remove same, the injured party may remove the same, or cause the same to be removed, in the most convenient and inexpensive manner, and may make good the fence so damaged, and may retain such tree to remunerate him for such removal, and may also recover any further amount of damages beyond the value of such tree, from the party liable to pay it under this Act.

Entry to remove tree not to be a trespass, etc.

(3) For the purpose of such removal the owner of such tree may enter into and upon such adjoining premises for the removal of the same without being a trespasser, avoiding any unnecessary spoil or waste in so doing.

Fence-viewers to decide disputes.

(4) All disputes arising between parties relative to this section, and for the collection and recovery of all or any sums of money becoming due thereunder, shall be adjusted by three fence-viewers of the municipality, the decision of any two of whom shall be binding upon the parties. R. S. O. 1887, c. 219, s. 15.

Forms.

17. The forms in the Schedule hereto shall guide the parties, being varied according to circumstances. R. S. O. 1887, c. 219, s. 16

[*For the powers of municipalities to pass by-laws regulating division fences, see Cap. 223, Sec. 545 (3).*]

SCHEDULE OF FORMS.

FORM 1.

(*Section* 4.)

NOTICE TO OPPOSITE PARTY.

Take notice, that Mr. , Mr. , and Mr. , three fence-viewers of this locality, will attend on the day of , 18 , at the hour of , to view and arbitrate upon the line fence in dispute between our properties, being Lots (*or* parts of Lots) *One* and *Two* in the Concession of the Township of , in the County of .

Dated this day of , 18 .

A. B.,
Owner of Lot 1.

To *C. D.*,
Owner of Lot 2.

R. S. O. 1887, c. 219, Sched. Form 1.

FORM 2.

(*Section* 4.)

NOTICE TO FENCE-VIEWERS.

Take notice, that I require you to attend at on the day of , A.D. 18 , at o'clock, A.M., to view and arbitrate on the line fence between my property and that of Mr. , being Lots (*or* parts of Lots) Nos. *One* and *Two* in the Concession of the Township of , in the County of

Dated this day of , 18 .

A. B.,
Owner of Lot 1.

R. S. O. 1887, c. 219, *Sched.* Form 2.

FORM 3.

(*Section* 7.)

AWARD.

We, the fence-viewers of (*name of the locality*), having been nominated to view and arbitrate upon the line fence between of (*name and description of owner who notified*) and (*name and description of owner notified*), which fence is to be made and maintained between (*describe properties*), and having examined the premises and duly acted according to *The Line Fences Act*, do award as follows: That part of the said line which commences at and ends at (*describe the points*) shall be fenced, and the fence maintained by the said , and that part thereof which commences at and ends at (*describe the points*) shall be fenced, and the fence maintained by the said . The fence shall be of the following description (*state the kind of fence, height, material, etc.*), and shall cost at least per rod. The work shall be commenced within days, and completed within days from this date, and the costs shall be paid by (*state by whom paid; if by both, in what proportion*).

Dated this day of 18 .

(*Signatures of fence-viewers.*)

R. S. O. 1887, c. 219, Sched. Form 3.

FORM 4.

(*Section* 14.)

AGREEMENT.

We and , owners respectively of Lots (*or* parts of Lots) *One* and *Two* in the Concession of the Township of , in the County of , do agree that the line fence which divides our said properties shall be made and maintained by us as follows: (*follow the same form as award.*)

Dated this day of 18 .

(*Signatures of parties.*)

R. S. O. 1887, c. 219, *Sched.* Form 4

CHAPTER 285.

An Act respecting Ditches and Watercourses.

SHORT TITLE, s. 1.
APPLICATION OF ACT, s. 2.
INTERPRETATION, s. 3.
APPOINTMENT OF ENGINEER, s. 4.
LIMIT OF WORK AND COST, s. 5.
LANDS SUBJECT TO ACT, s. 6.
MODE OF PROCEEDING, ss. 7.
Declaration of ownership, s. 7.
Notice to owners affected, s. 8,
Where agreement by owners, ss. 9-12.
Where no agreement, appointment of engineer and examination by him, ss. 13-17.
Award by engineer, s. 18.
Powers of engineer, s. 19.
WHERE LANDS OR ROADS ARE IN ADJOINING MUNICIPALITIES, SS. 20.
CULVERTS, ETC., ON RAILWAY LANDS, s. 21.
APPEALS, SS. 22, 25, 26.
DEFECTS IN AWARDS, SS. 24.
COLLECTION OF COSTS FROM OWNERS, s. 27.
COMPLETION OF WORK ON OWNERS' DEFAULT, s. 28-31.
OWNERS USING DITCH AFTER CONSTRUCTION, s. 32.
ACT TO APPLY TO DEEPENING AND WIDENING DITCHES, s 33.
MAINTENANCE OF DITCHES HERETOFORE OR HEREAFTER CONSTRUCTED, s 34, 35.
RECONSIDERATION OF AWARD, s. 36.
PENALTY, ENGINEER FAILING TO INSPECT, s. 37.
MANDAMUS PROCEEDINGS NOT TO LIE, s. 38.
FORMS, s. 39.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Ditches and Watercourses Act*." 57 V. c. 55, s. 1.

Certain Acts not affected.

2. This Act shall not affect the Acts relating to municipal or government drainage work. 57 V. c. 55, s. 2.

"Interpretation."

3. Where the words following occur in this Act they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:—

"Engineer."

"Engineer" shall mean Civil Engineer, Ontario Land Surveyor, or such person as any municipality may deem competent and appoint to carry out the provisions of this Act.

"Judge."

"Judge" shall mean the senior, junior or acting Judge of the County Court of the county in which the lands are situated in respect of which the proceedings under this Act are taken.

"Owner" shall mean and include an owner, the executor or executors of an owner, the guardian of an infant owner, any person entitled to sell and convey the land, an agent under a general power of attorney, or a power of attorney authorizing the appointee to manage and lease the lands and a municipal corporation as regards any highways under its jurisdiction. "Owner."

"Clear days" shall mean exclusive of the first and last days of any number of days prescribed. "Clear days."

"Ditch" shall mean and include a drain open or covered wholly or in part and whether in the channel of a natural stream, creek or watercourse or not, and also the work and material necessary for bridges, culvert catch-basins and guards. "Ditch."

"Non-resident" shall mean a person who does not reside within the municipality in which his lands, affected by proceedings under this Act, are situate. "Non-resident."

"Maintenance" shall mean and include the preservation of a ditch and keeping it in repair. "Maintenance."

"Construction" shall mean the original opening or making of a ditch by artificial means. "Construction."

"Written," "writing," or terms of like import shall include words printed, engraved, lithographed or otherwise traced or copied. 57 V. c. 55, s. 3. "Written," "writing."

Appointment of engineer.

4.—(1) Every municipal council shall name and appoint by by-law (Form A) one person to be the engineer to carry out the provisions of this Act, and such engineer shall be and continue an officer of such corporation until his appointment is revoked by by-law (of which he shall have notice) and another engineer is appointed in his stead, who shall have authority to commence proceedings under this Act or to continue such work as may have been already undertaken.

Fees of clerk and engineer.

(2) The council of every municipality shall, by by-law, provide for the payment to the clerk of the municipality of a fair and reasonable remuneration for services performed by him in carrying out the provisions of this Act, and the council shall also by by-law, fix the charges to be made by the engineer of the municipality for services performed by him under this Act.

Oath of engineer.

(3) Every engineer appointed by a municipal council under this section shall, before entering upon his duties take and subscribe the following oath (or affirmation) and shall file the same with the clerk of the municipality :—

Form.

In the matter of *The Ditches and Watercourses Act.*

I (*name in full*) of the town of in the county of , engineer (*or* surveyor) make oath and say, (*or* do solemnly declare and affirm), that I will to the best of my skill knowledge, judgment and ability, honestly and faithfully and without fear of, favour to, or prejudice against, any owner or owners perform the duties from time

to time assigned to me in connection with any work under *The Ditches and Watercourses Act*, and make a true and just award thereon.

Sworn (*or* solemnly declared and affirmed) before me at the of in the county of this day of A.D.

A Commissioner, etc., (*or* Township Clerk, *or* J. P.)

57 V. c. 55, s. 4.

Limit of work.

5.—(1) Every ditch to be constructed under this Act shall be continued to a sufficient outlet, but shall not pass through or into more than seven original township lots exclusive of any part thereof on or across any road allowance, unless the council of any municipality upon the petition of a majority of the owners of all the lands to be affected by the ditch passes a resolution authorizing the extension thereof through or into any other lots within such municipality, and upon the passing of such resolution the proposed ditch may be extended in pursuance of such resolution, but subject always to the provision of subsection 2 of this section. 57 V. c. 55, s. 5 (1); 59 V. c. 67, s. 1.

Limit of cost.

(2) No ditch, the whole cost whereof according to the estimate of the engineer or the agreement of the parties will exceed $1,000, shall be constructed under the provisions of this Act. 57 V. c. 55, s. 5, (2).

What lands to be liable for construction.

6.—(1) The lands, the owners of which may be made liable for the construction of a ditch under this Act, shall be those lying within a distance of seventy-five rods from the sides and point of commencement of the ditch, but the lands through or into which the ditch does not pass and which lands also adjoin any road allowance traversed by the ditch shall not be liable except when directly benefited and then only for the direct benefit.

(2) Provided nevertheless that the council of any county lying east of the county of Frontenac may pass a by-law declaring that within said county the lands lying within a distance of one hundred rods from the sides and point of commencement of the ditch may be made liable instead of seventy-five rods as mentioned in subsection 1 of this section. 57 V. c. 55, s. 6.

Declaration of ownership.

7.—(1) Any owner other than the municipality shall, before commencing proceedings under this Act, file with the clerk of the municipality in which the parcel of land requiring the ditch is situate, a declaration of ownership thereof (Form B) which may be taken before a Justice of the Peace, a commissioner for taking affidavits, or the clerk of the municipality. 57 V. c. 55, s. 7.

(2) In case of omission to file such declaration through inadvertence or mistake at the time aforesaid, the Judge may

in case of such ownership at said time permit the same to be filed at any stage of the proceedings upon such terms and conditions as he may impose or direct. 58 V. c. 54, s. 1.

Notice to other owners affected.

8. The owner of any parcel of land who requires the construction of a ditch thereon shall, before filing with the clerk of the municipality the requisition provided for by section 13 of this Act, serve upon the owners or occupants of the other lands to be affected a notice in writing (Form C) signed by him and naming therein a day and hour and also a place convenient to the site of the ditch at which all the owners are to meet and estimate the cost of the ditch, and agree, if possible, upon the apportionment of the work, and supply of material for construction among the several owners according to their respective interests therein, and settle the proportions in which the ditch shall be maintained, and the notices shall be served not less than twelve clear days before the time named therein for meeting. 57 V. c. 55, s. 8.

Form of agreement—filing.

9.—(1) If an agreement is arrived at by the owners, as in the next preceding section is provided, it shall be reduced to writing (Form D), and signed by all the owners, and shall within six days after the signing thereof be filed with the clerk of the municipality in which the parcel of land the owner of which requires the ditch is situate; but if the lands affected lie in two or more municipalities the agreement shall be in as many numbers as there are municipalities and filed as aforesaid with their respective clerks; and the agreement may be enforced in the like manner as an award of the engineer as hereinafter provided.

(2) It shall be the duty of the municipality to keep printed copies of all the forms required by this Act. 57 V. c. 55, s. 9.

Informalities not to invalidate proceedings.

10. No proceedings taken or agreement made and entered into under the provisions of sections 8 and 9 of this Act shall in any case for want of strict compliance with such provisions be void or invalidate any subsequent proceedings under this Act, provided the notices required by section 8 of this Act have been duly served, and any such agreement may with the consent in writing of the parties thereto (which consent shall be filed in the same manner as the agreement), or by order of any Court, or of the Judge on an appeal under this Act, be amended so as to cause the same to conform to the provisions of this Act. 57 V. c. 55, s. 10.

Adjourning meeting for purpose of adding parties.

11. If at or before the meeting of owners provided for in section 9 of this Act, it appears that any notice required by section 8 has not been served, or has not been served in time, or duly served, the owners present at such meeting may adjourn the same to some subsequent day in order to allow the

necessary notices to be duly served, and such adjourned meeting shall, if such notices have been given and served as provided by section 8, be a sufficient compliance with the provisions of this Act. 57 V. c. 55, s. 11.

Reeve to sign on behalf of municipality interested.

12. The Reeve or other head of the municipal council of any municipality shall have power on behalf of the municipal council thereof to sign the agreement aforesaid and his signature shall be binding upon the corporation. 57 V. c. 55, s. 12.

Requisition for appointment by engineer when no agreement arrived at.

13. In case an agreement as aforesaid is not arrived at by the owners at the said meeting or within five days thereafter, then the owner requiring the ditch may file with the clerk of the municipality in which such parcel is situate, a requisition (Form E), naming therein all the several parcels of land that will be affected by the ditch and the respective owners thereof, and requesting that the engineer appointed by the municipality under this Act to select a convenient place in the locality of the proposed ditch at which the said engineer will attend to make an examination as hereinafter provided. 57 V. c. 55, s. 13.

Notice to engineer and notice of appointment made by engineer.

14. The clerk, upon receiving the requisition, shall forthwith enclose a copy thereof in a registered letter to the engineer; and on the receipt of the same by the engineer he shall notify the clerk in writing, appointing a time and place at which he will attend in answer to the requisition, which time shall be not less than ten and not more than sixteen clear days from the day on which he received the copy of the requisition; and on the receipt of the notice of appointment from the engineer the clerk shall file the same with the requisition and shall forthwith send, by registered letter, a copy of the notice of appointment to the owner making the requisition, who shall, at least four clear days before the time so appointed, serve upon the other owners named in the requisition a notice (Form F), requiring their attendance at the time and place fixed by the engineer, and shall, after serving such notice, indorse on one copy thereof the time and manner of service and leave the same with the indorsements thereon with the engineer not later than the day before the time fixed in the notice of appointment. 57 V. c. 55, s. 14.

Mode of serving notices.

15.—(1) Notices under the provisions of this Act shall be served personally, or by leaving the same at the place of abode of the owner or occupant, with a grown up person residing thereat, and in case of non-residents, then upon the agent of the owner, or by registered letter addressed to the owner at the post office nearest to his last known place of residence, and where that is not known, he may be served in such manner as the Judge may direct.

(2) Any occupant not the owner of the land, notified in the manner provided by this Act, shall immediately notify the owner thereof, and shall, if he neglects to do so, be liable for all damages suffered by such owner by reason of such neglect. 57 V. c. 55, s. 15. Occupant to notify owner.

6.—(1) The engineer shall attend at the time and place appointed by him in answer to the requisition, and shall examine the locality, and if he deems it proper, or if requested by any of the owners, may examine the owners and their witnesses present, and take their evidence, and may administer an oath or affirmation to any owner or witness examined by him. If upon examining the locality the engineer is of opinion that the lands of owners upon whom notice has not been served will be affected by the ditch, he shall direct that the notice required by section 14 shall be served on such owners by the owner making the requisition and shall adjourn the proceedings to the day named in the notice for continuing the same for the purpose of allowing such owners to be present and to be heard upon the examination and taking of evidence. Examination by engineer.

(2) The engineer may adjourn his examination and the hearing of evidence from time to time, and if he finds that the ditch is required he shall, within thirty days after his first attendance make his award in writing (Form G), specifying clearly the location, description and course of the ditch, its commencement and termination, apportioning the work and the furnishing of material among the lands affected and the owners thereof, according to his estimate of their respective interests in the ditch, fixing the time for performance by the respective owners, apportioning the maintenance of the ditch among all or any of the owners, so that as far as practicable each owner shall maintain the portion on his own land; and stating the amount of his fees and the other charges and by whom the same shall be paid.

(3) In any case where a ditch is to be covered, the engineer shall in his award specify the kind of material to be used in the covered portion of such ditch. 57 V. c. 55, s. 16.

17. Should the engineer be of the opinion that the land of any owner will not be sufficiently affected by the construction of the ditch to make him liable to perform any part thereof, and that it is necessary or not, as the case may be, to construct the ditch across or into his land, he may, by his award, relieve such owner from performing any part of the work of the ditch and place its construction on the other owners; and any person carrying out the provisions of the award upon the land of the owner so relieved shall not be considered a trespasser while causing no unnecessary damage, and he shall replace any fences opened or removed by him. 57 V. c. 55, s. 17. Engineer may order opening of ditch across land of a person not benefited

Filing award, notice to persons affected.

18. The engineer shall forthwith, after making his award as hereinbefore provided, file the same, and any plan, profile or specifications of the ditch, with the clerk of the municipality in which the land requiring the ditch is situate, but should the lands affected lie in two or more municipalities, the award and any plan, profile or specifications shall be filed by the engineer with the clerk of each municipality, and may be given in evidence in any legal proceedings by certified copy, as are other official documents; and the clerk of the municipality or of each of the municipalities, shall forthwith upon the filing of the award, notify each of the persons affected thereby within the municipality of which he is clerk, by registered letter or personal service, of the filing of the same, and the portion of work to be done and material furnished by the person notified as shown by the award, and the clerk shall keep a book in which he shall record the names of the parties to whom he has sent notice, the address to which the same was sent, and the date upon which the same was deposited in the post office or personally served. 57 V. c. 55, s. 18.

Powers of engineer of municipality in which proceedings commenced.

19. If the lands affected by the ditch are situate in two or more municipalities, the engineer of the municipality in which proceedings were commenced shall have full power and authority to continue the ditch into or through so much of the lands in any other municipality as may be found necessary, but within the limit of length as hereinbefore provided, and all proceedings authorized under the provisions of this Act shall be taken and carried on in the municipality where commenced. 57 V. c. 55, s. 19.

Certificates relating to lands or roads in adjoining municipalities.

20. In every case where lands or roads in two or more municipalities are affected the clerk of the municipality in which proceedings were commenced shall forward to the clerk of each of the other municipalities a certified copy of every certificate affecting or relating to lands or roads therein respectively, and the municipal council thereof shall pay the sum for which lands and roads within its limits are liable to the treasurer of the municipality in which proceedings were commenced, and unless the amounts are paid within fourteen days after demand in writing by the parties declared by the certificate liable to pay the same, such council shall have power to take all proceedings for the collection of the sums so certified to be paid, as though all the proceedings had been taken and carried on within its own limits. 57 V. c. 55, s. 20.

Culverts, etc., on railway lands.

21.—(1) The council of any municipality may enter into an agreement with any railway company for the construction or enlargement by the railway company of any ditch or culvert on the lands of such railway company, and for the payment of the cost of such work after completion out of the general funds of the municipality, and the council shall have power to assess and levy the amount so paid exclusive of any part thereof for

which the municipality may be liable under the award as to the cost of the work in the same manner as taxes are levied upon the lands mentioned in the award and in the relative proportions of the estimated cost of the work to be done and materials furnished by the respective owners in the construction of such ditch; and such assessment shall in every case be determined by a supplementary award made by the engineer, and subject to appeal to the Judge in the same manner as other awards made under this Act.

(2) No agreement with a railway company shall be entered into by a municipal council under this section which will impose a special liability on the owners without the consent in writing, filed with the clerk of the municipality, of two-thirds of the owners liable for the construction of the ditch in respect to which such work on railway lands is to be undertaken.

(3) The cost of any such work on railway lands shall be exclusive of the sum fixed as the limit of the cost of the work imposed by section 5 of this Act. 57 V. c. 55, s. 21.

Appeals from award to County Judge

22. (1) Any owner dissatisfied with the award of the engineer, and affected thereby, may, within fifteen clear days from the filing thereof, appeal therefrom to the Judge, and the proceedings on the appeal shall be as hereinafter provided.

Notice of appeal.

(2) The appellants shall serve upon the clerk of the municipality in which proceedings for the ditch were initiated, a notice in writing of his intention to appeal from the award, shortly setting forth therein the grounds of appeal.

Clerk to notify Judge and Judge to fix time and place for hearing.

(3) The clerk, in the next preceding subsection mentioned, shall, after the expiration of the time for appeal, forward by registered letter or deliver a copy of the notice or notices of appeal and a certified copy of the award, and also the plans and specifications (if any) to the Judge, who shall forthwith upon the receipt of the registered letter, or documents aforesaid, notify the clerk of the time he appoints for the hearing thereof, and shall fix the place of hearing at the town hall or other place of meeting of the council of the municipality in which proceedings for the ditch were initiated, unless the Judge for the greater convenience of the parties and to save expense fixes some other place for the hearing. The Judge may if he thinks proper order such sum of money to be paid by the appellant or appellants to the said clerk as will be a sufficient indemnity against costs of the appeal; and the clerk upon receiving notice from the Judge, shall forthwith notify the engineer whose award is appealed against, and all parties interested, in the manner provided for the service of notices under this Act.

Inspection of premises by another engineer.

(4) Any appellant may have the lands and premises inspected by any other engineer or person who, for such purposes, may

enter upon such lands and premises, but shall do no unnecessary damage.

Clerk of the Court.

(5) The clerk of the municipality to whom notice of appeal is given shall be the clerk of the court, and shall record the proceedings.

Judge to hear and determine within two months.

(6) It shall be the duty of the Judge to hear and determine the appeal or appeals within two months after receiving notice thereof from the clerk of the municipality as hereinbefore provided.

Powers of Judge on appeal.

(7) The Judge on appeal may set aside, alter or affirm the award and correct any errors therein; he may examine parties and witnesses on oath, and may inspect the premises and may require the engineer to accompany him; and should the award be affirmed or altered, the costs of appeal shall be in his discretion, but if set aside he shall have power to provide for the payment of the costs in the award mentioned, and also the costs of appeal, and may order the payment thereof by the parties to the award, or any of them, as to him may seem just, and may fix the amount of such costs.

Depriving engineer of fees when guilty of misconduct.

(8) In case the Judge on an appeal finds that the engineer has through partiality or from some other improper motive, knowingly and wilfully favoured unduly any one or more of the parties to the proceedings, he may direct that the engineer be deprived of all fees in respect to the award or of such part thereof as the Judge may deem proper. But such order shall not deprive any party to the proceedings of any remedy he may otherwise have against the engineer.

Fees and disbursements of Judge.

(9) The Judge shall be entitled to charge for holding court for the trial of appeals under this Act, and for the inspection of the premises the sum of five dollars a day, which charge shall be considered part of the costs of appeal under the provisions of the next preceding subsection.

Enforcement of award as amended.

(10) The award as so altered or affirmed shall be certified by the clerk together with the costs ordered, and by whom to be paid, and shall be enforced in the same manner as the award of the engineer, and the time for the performance of its requirements shall be computed from the date of such judgment in appeal; and the clerk shall immediately after the hearing, send by registered letter, to the clerk of any other municipality in which lands affected by the ditch are situate, a certified copy of the changes made in the award by the Judge, which copy shall be filed with the award, and each clerk shall forthwith by registered letter notify every owner within his municipality of any change made by the Judge in the portion of work and material assigned to such owner. 57 V. c. 55, s. 22.

Judge may amend or refer back award.

23. No award made by an engineer under this Act shall be set aside by the Judge for want of form only or on account of want of strict compliance with the provisions of this Act,

and the Judge shall have power to amend the award or other proceedings, and may in any case refer back the award to the engineer with such directions as may be necessary to carry out the provisions of this Act. 57 V. c. 55, s. 23.

When award to be binding notwithstanding defects.

24. Every award made under the provisions of this Act shall after the lapse of the time hereinbefore limited for appeal to the Judge, and after the determination of appeals, if any, by him, where the award is affirmed, be valid and binding to all intents and purposes notwithstanding any defect in form or substance either in the award or in any of the proceedings relating to the works to be done thereunder taken under the provisions of this Act. 57 V. c. 55, s. 24.

Powers of Judge as to taking evidence.

25. In all appeals under this Act from the engineer's award the Judge shall possess all such powers for compelling the attendance of, and for the examination on oath, of all parties and other persons as belong to or might be exercised by him in the Division Court or in the County Court. 57 V. c. 55, s. 25.

Clerk may issue subpœnas.

26.—(1) Upon any appeal to a Judge under this Act, the clerk of the municipality shall have the like powers as the clerk of a Division Court as to the issuing of subpœnas to witnesses upon the application of any party to the proceedings, or upon an order of the Judge for the attendance of any person as a witness before him.

Witness fees.

(2) The fees to be allowed to witnesses upon an appeal under this Act shall be upon the scale of fees allowed to witnesses in any action in the Division Court. 57 V. c. 55, s. 26.

Municipalities to pay costs, etc., and collect same from persons liable.

27. The municipality or each of the municipalities shall within ten days after the expiration of the time for appeal or after appeal, as the case may be, pay to the engineer and Judge and all other persons entitled to the same, their charges and fees or a portion thereof awarded or adjudged to be paid by the owners therein, and shall, if the same be not forthwith repaid by the persons awarded or adjudged to pay the same, cause the amount, with seven per cent. added thereto, to be placed upon the collector's roll as a charge against the lands of the person so in default, and the same shall thereupon become a charge upon such lands, and shall be collected in the same manner as municipal taxes. 57 V. c. 55, s. 27.

Letting work on non compliance with award.

28.—(1) The engineer at the expiration of the time limited by the award for the completion of the ditch shall inspect the same if required in writing so to do by any of the owners interested, and if he finds the ditch or any part thereof not completed in accordance with the award, he may let the work and supply of material to the lowest bidder giving security in favour of the municipality by which he was appointed, and approved by the engineer, for the due performance thereof within a limited time, but no such letting shall take place :—

(*a*) Until notice in writing of the intended letting has been posted up, in at least three conspicuous places in the neighborhood of the place at which the work is to be done, for four clear days.

(*b*) And until after four days from the sending of the notice by registered letter, to the last-known address of such persons interested in the said award as do not reside in said municipality or municipalities, as the case may be.

Extension of time for compliance.

(2) If however, the engineer is satisfied of the good faith of the person failing in the performance of the award, and there is good reason for the non-performance thereof, he may, in his discretion, and upon payment of his fees and charges, extend the time for performance.

Liability of person in default of doing work after proceedings begun.

(3) Any owner in default, supplying the material and doing the work after proceedings are begun to let the same, shall be liable for the fees and expenses occasioned by his default, and the same shall form a charge on his land, and if not paid by him on notice, the council shall pay the same on the certificate of the engineer, and shall cause the amount with seven per cent. added thereto to be placed on the collector's roll against the lands of the person in default to be collected in the same manner as municipal taxes.

Power to re-let.

(4) The engineer may let the work and supply of material or any part thereof, by the award directed, a second time or oftener, if it becomes necessary in order to secure its performance and completion. 57 V. c. 55, s. 28.

Certificates of engineer upon completion or work let.

29. The engineer shall, within ten days after receipt of notice in writing of the supplying of material and completion of the work let, as in the next preceding section mentioned, inspect the same, and shall if he find the material furnished and the work completed, certify the same in writing, (Form H,) stating the name of the contractor, the amount payable to him, the fees and charges which the engineer is entitled to for his services rendered necessary by reason of the non-performance, and by whom the same are to be paid. 57 V. c. 55, s. 29.

Payment of amounts named in certificate of engineer.

30. The Council shall at their meeting next after the filing of the certificate or certificates as in the next preceding section mentioned, pay the sums therein set forth to the persons therein named, and unless the owners within the municipality upon notice pay the sums for which they are thereby made liable, the Council shall have power to cause the amount each owner is liable for, together with seven per cent. added thereto, to be placed upon the collector's roll, and the same shall thereupon become a charge against his lands, and shall be collected in the same manner as municipal taxes. 57 V. c. 55, s. 30.

31.—(1) If it appears to the engineer that rock-cutting or blasting is required, the engineer may cause the work of cutting or blasting and removing the rock to be done by letting the same out to public competition by tender or otherwise, instead of requiring each owner benefited to do his share of the work; and the engineer shall, by his award, determine the fractional part of the whole cost which shall be paid by each of the owners benefited, and upon completion of the rock-cutting or blasting and removal, shall certify to the clerk of the municipality by which he was appointed, the total cost thereof including his fees and charges, and the said clerk, and the clerk of any other municipality affected shall notify all the owners liable to contribute under the award, within their respective municipalities of the said total cost and the part to be paid by him, and unless forthwith paid, the same with seven per cent. added thereto, shall be placed on the collector's roll of the municipality in which his lands are situate, and the same shall thereupon become a charge against the land of the owners so liable, and shall be collected in the same manner as municipal taxes. Letting contracts for rock-cutting or blasting.

(2) It shall be the duty of the municipality in which proceedings for the work were commenced, through the treasurer thereof, to pay the contractor for the rock-cutting or blasting and removal as soon as done to the satisfaction and upon the certificates of the engineer, and also to pay the fees and charges of the engineer in connection therewith. 57 V. c. 55, s. 31. Payment of contractor and engineer.

32. In case any owner during or after the construction of a ditch desires to avail himself of such ditch for the purpose of draining other lands than those contemplated by the original proceedings he may avail himself of the provisions of this Act, as if he were an owner requiring the construction of a ditch; but no owner shall make use of a ditch after construction, unless under an agreement or award, pursuant to the provisions of this Act. 57 V. c. 55, s. 32. Owners desiring to avail themselves of ditch after construction.

33. This Act shall apply to the deepening, widening or covering of any ditch already or hereafter constructed, and the proceedings to be taken for procuring such deepening, widening or covering, shall be the same as the proceedings to be taken for the construction of a ditch under the provisions of this Act, but in no case shall a ditch be covered, unless when covered it will provide capacity for all the surface and other water from lands and roads draining naturally towards and into it as well as for the water from all the lands made liable for the construction thereof. 57 V. c. 55, s. 33. Deepening, widening or covering ditch.

34. The maintenance of any ditch, whether covered or open, constructed, or of any creek or watercourse that has been deepened or widened, under the provisions of any former Maintenance of ditches heretofore or hereafter constructed.

Rev. Stat. 1877, c. 199; 46 V. c. 27; Rev. Stat. 1887, c. 220; 57 V. c. 55.

Act respecting Ditches and Watercourses, or constructed, deepened, widened or covered under this Act, shall be performed by the respective owners, in such proportion as is provided in the original or any subsequent award; and the manner of enforcing the same, shall be as hereinafter provided. 57 V. c. 55, s. 34.

Enforcing maintenance.

35.—(1) If any owner whose duty it is to maintain any portion of a ditch, neglects to maintain the same in the manner provided by the award, any of the owners parties to the award whose lands are affected by the ditch, may, in writing, notify the owner making default, to have his portion put in repair within thirty days from the receipt of such notice; and if the repairs are not made and completed within thirty days, the owner giving the notice may notify the engineer, in writing, to inspect the portion complained of.

(2) The inspection by the engineer and the proceedings for doing and completing the repairs required and enforcing payment of costs, fees and charges shall be as hereinbefore provided in case of non-completion of the construction of a ditch; but should the engineer find no cause of complaint he shall certify the same with the amount of his fees and charges to the owner who complained and also to the clerk of the municipality, and the owner who made complaint shall pay the fees and charges of the engineer, and if not forthwith paid by him, the same shall be charged and collected in the same manner as is provided for by this Act, in the case of other certificates of the engineer.

(3) Any owner interested in or affected by any ditch heretofore or hereafter constructed, which has not been constructed under any of the Acts mentioned in section 34 of this Act, nor under this Act, nor under any Act relating to the construction of drainage work by local assessment, may take proceedings for the deepening, widening, extending, covering or repair of such ditch in the same manner as for the construction of a ditch under this Act; provided always that the extent of the work and costs thereof and assessment therefor shall not exceed the limitations imposed by sections 5 and 6 of this [illegible]

Reconsideration of agreement or award.

36. Any owner party to the award whose lands are affected by a ditch, whether constructed under this Act or any other Act respecting ditches and watercourses, may, at any time after the expiration of two years from the completion of the construction thereof, or in case of a covered drain at any time after the expiration of one year, take proceedings for the reconsideration of the agreement or award under which it was constructed, and in every such case he shall take the same proceedings, and in the same form and manner, as are hereinbefore provided in the case of the construction of a ditch.

Provided that in case any ditch, after its construction, proves insufficient for the purposes for which it was constructed so as to cause an overflow of water upon any lands along the said ditch and causes damage to the same, any owner party to the award may at any time after the expiration of six months from the completion of the ditch take proceedings as aforesaid for the reconsideration of the agreement or award under which such ditch was constructed for the purpose of remedying the defect in that particular respect. This proviso shall apply only to that portion of the Province lying east of the County of Frontenac. 57 V. c. 55, s. 36; 58 V. c. 54, s. 2. Proviso.

37. Any engineer who wilfully neglects to make any inspection provided for by this Act for thirty days after he has received written notice to inspect, shall be liable to a fine of not less than $5 and not more than $10, to be covered with costs on complaint made before a Justice of the Peace having jurisdiction in the matter; and in default of payment the same shall be recoverable by distress, and every such fine shall be paid over to the treasurer of the municipality in which the offence arose. 57 V. c. 55, s. 37. Penalty for engineer failing to inspect.

38. No action, suit or other proceeding shall lie or be had or taken for a mandamus or other order to enforce or compel the performance of an award or completion of a ditch made under this Act, but the same shall be enforced in the manner provided for by this Act. 57 V. c. 55, s. 38. Actions for mandamus, etc., not to lie.

39. In carrying into effect the provisions of this Act, the forms set forth in the Schedule hereto may be used, and the same or forms to the like effect shall be deemed sufficient for the purposes mentioned in the said Schedule. 57 V. c. 55, s. 40. Use of forms.

SCHEDULE.

Form A.

(Section 4.)

By-Law for Appointment of Engineer.

A by-law for the appointment of an engineer under *The Ditches and Watercourses Act*.

Finally passed , 189

The municipal council of the of in the county of enacts as follows:

1. Pursuant to the provisions of section 4 of *The Ditches and Watercourses Act*, *(name of person)* of the town *(or* township of , in the county of , is hereby appointed as the engineer for this municipality to carry out the provisions of the said Act.

2. The said engineer shall be paid the following fees for services rendered under the said Act (*or as the case may be*).

3. This by-law shall take effect from and after the final passing thereof.

Reeve.

Clerk.

[L.S.]

57 V. c. 55, Sched. Form A.

FORM B.

(*Section* 7)

DECLARATION OF OWNERSHIP.

In the matter of *The Ditches and Watercourses Act*, and of a ditch in the township (*or as the case may be*) of in the county of

I, , of the of , in the county of , do solemnly declare and affirm that I am the owner within the meaning of *The Ditches and Watercourses Act*, of lot (*or the sub-division of the lot, naming it*) number , in the concession of the township of , being (*describe the nature of ownership*).

Solemnly declared and affirmed before me at the of , in the county of , A.D. 189 .

a Commissioner.
(J. P. or Clerk.)

57 V. c. 55. Sched. Form B.

FORM C.

(*Section* 8.)

NOTICE TO OWNERS OF LANDS AFFECTED BY PROPOSED DITCH.

To

, Township of , (*date*) 189

Sir,

I am within the meaning of *The Ditches and Watercourses Act*, the owner of lot (*or the sub-division, as in the declaration*) number in the concession of , and as such owner I require a ditch to be constructed (*or if for reconsideration of agreement or award to deepen, widen or otherwise improve the ditch, state the object*) for the draining of my said land under the said Act. The following other lands will be affected: (*here set out the other parcels of land, lot, concession, and township and the name of the owner in each case; also each road and the municipality controlling it*).

I hereby request that you, as owner of the said (*state his land*), will attend at (*state place of meeting*), on the day of , 189 , at the hour of o'clock in the noon, with

the object of agreeing, if possible, on the respective portions of the work and materials to be done and furnished by the several owners interested and the several portions of the ditch to be maintained by them.

Yours, etc.,
(*Name of owner.*)

57 V. c. 55, Sched. Form C.

FORM D.

(*Section* 9.)

AGREEMENT BY OWNERS.

Township of , (*date*) 189 .

Whereas it is found necessary that a ditch should be constructed (*or* deepened, *or* widened, *or otherwise improved*) under the provisions of *The Ditches and Watercourses Act*, for the draining of the following lands (and roads *if any*): (*here describe each parcel and give name of owner as in the notice, including the applicant's own land, lot, concession and township, and also roads and by whom controlled.*)

Therefore we the owners within the meaning of the said Act of the said lands (*and if roads proceed* and the reeve of the said municipality on behalf of the council thereof) do agree each with the other as follows: That a ditch be constructed (*or as the case may be*) and we do hereby estimate the cost thereof at the sum of $. and the ditch shall be of the following description: (*here give point of commencement, course and termination, its depth, bottom and top width and other particulars as agreed upon, also any bridges, culverts or catch-basins, etc., required.*) I, , owner of (*describe his lands*) agree to (*here give portion of work to be done, or material to be supplied*) and to complete the performance thereof on or before the day of , A.D. 189 . I, , owner of, etc. (*as above, to the end of the ditch*).

That the ditch when constructed shall be maintained as follows: I, , owner of (*describe his lands*) agree to maintain the portion of ditch from (*fix the point of commencement*) to (*fix the point of termination of his portion*). I, , owner of (*describe his lands*) agree to maintain, etc., (*as above, to the end of the ditch*).

Signed in presence of } (*Signed by the parties here.*)

57 V. c. 55, Sched. Form D.

FORM E.

(*Section* 13.)

REQUISITION FOR EXAMINATION BY ENGINEER

Township of , (*date* 189 .

To (*name of clerk*),
Clerk of
(*P.O address*).

Sir,—I am, within the meaning of *The Ditches and Watercourses Act*, the owner of lot (*or sub-division, as in the declaration*), number , in

the concession of , and as such I require to construct (deepen, widen, *or otherwise improve as needed*), a ditch under the provisions of the said Act, for the drainage of my said land, and the following lands and roads will be affected: (*here describe each parcel to be affected as in the notice for the meeting to agree and state the name of the owner thereof*), and the said owners having met and failed to agree in regard to the same, I request that the engineer appointed by the municipality for the purposes of the said Act, be asked to appoint a time and place in the locality of the proposed ditch, at which he will attend and examine the premises, hear any evidence of the parties and their witnesses, and make his award under the provisions of the said Act.

Signature of the party or parties.)

57 V. c. 55, Sched. Form E.

FORM F.

(*Section* 14.)

NOTICE OF APPOINTMENT FOR EXAMINATION BY ENGINEER.

Township of (*date*) 189 .

To (*Name of owner*).
(*P. O. Address*).

SIR,—You are hereby notified that the engineer appointed by the municipality for the purposes of *The Ditches and Watercourses Act*, has, in answer to my requisition, fixed the hour of o'clock in the noon of day, the day of to attend at (*name the place appointed*) and to examine the premises and site of the ditch required by me to be constructed under the provisions of the said Act (*or as the case may be*), and you, as the owner of lands affected, are required to attend, with any witnesses that you may desire to have heard, at the said time and place.

Yours, etc.,
(*Signature of applicant*).

57 V. c. 55, Sched. *Form* F.

FORM G.

(*Section* 16.)

AWARD OF ENGINEER.

I, the engineer appointed by the municipality of the of in the county of under the provisions of *The Ditches and Watercourses Act*, having been required so to do by the requisition of owner of lot number in the concession of the township of (*describe as in requisition*), filed with the clerk of the said municipality and representing that he requires certain work to be done under the provisions of the said Act for the draining of the said land, and that the following other land (*and roads*) would be affected;—(*here set out the other parcels of lands or roads affected as in the requisition*), did attend at the time and place named in my notice in answer to said requisition, and having examined the locality (and the

parties and their witnesses *if such be the case*) find that the ditch (*or the deepening or widening of a ditch*) is required. The location, description and course of the ditch, and its point of commencement and termination are as follows :

Here describe the ditch as to all above particulars.)

The said work will affect the following lands :—(*here set forth the other lands and their respective owners.*) I do, therefore, award and apportion the work and the furnishing of material among the lands affected and the owners thereof according to my estimate of their respective interests in the said work as follows :—

1. (*Name of owner and description of his land*) shall make and complete (*here fix the point of commencement and ending of his portion*) and shall furnish the material (*state what material*) all of which, according to my estimate, will amount in value to $, and I fix the time for the performance of such work and providing such material on the day of A.D. 189 , at furthest.

2. (*Name of owner and description of his land and so on as above to the end.*)

I do further award and apportion the maintenance of the ditch as follows :—

1. (*Name of owner and description of his land*) shall maintain (*here fix the point and commencement and ending of his portion*).

2. (*Name of owner, etc., as above.*)

My fees and the other charges attendant upon and for making this award are (*here give fees and other charges, including clerk's fees in detail*) amounting in all to $, which shall be borne and paid as follows :—(*state by whom and by what lands respectively.*)

Dated this day of , A.D. 189 .

Witness, } *Signature of Engineer.*

57 V. c. 55, Sched. *Form* G.

FORM H.

(*Section* 29.)

CERTIFICATE OF ENGINEER.

To

Clerk of the of

I hereby certify that has furnished the material and completed the work (*as the case may be*) which under my award made in accordance with the provisions of *The Ditches and Watercourses Act*, and dated the day of A.D. 189 , one owner of lot number (*describe his land giving township or otherwise*) was adjudged to perform, and having failed in the performance of the same it was subsequently let by me to the said for the sum of $, and as he has now completed the performance thereof he is entitled to be paid the said amount.

I further certify that my fees and charges for my services rendered necessary by reason of such failure to perform are (*give items*) $ and said amount payable to the said contractor and the said fees and charges are chargeable on (*describe property to be charged therewith*) under the provisions of *The Ditches and Watercourses Act*, unless forthwith paid.

Dated this day of A. B., 189 .

(*Signature of Engineer.*)

Engineer for .

57 V. c. 55, Sched. *Form* H.

CHAPTER 286.

An Act respecting Ditches and Watercourses on Railway Lands.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Act incorporated with Ditches and Watercourses Act.

1 This Act may be cited as "*The Railway, Ditches and Watercourses Act*," and shall be read as part of *The Ditches and Watercourses Act*. 53 V. c. 69, s. 11.

Application of Act.

2 This Act shall apply to such railways only as are subject to the legislative authority of the Legislature of Ontario. 54 V. c. 50, s. 1.

Railway company to be deemed owner of lands within Rev. Stat. c. 285.

3 Every railway company owning or operating a railway in the Province of Ontario shall for the purposes of this Act be deemed to be an owner of lands under the provisions of *The Ditches and Watercourses Act*. 53 V. c. 69, s. 1.

Notices to be served on manager of company.

4. All notices which require to be served upon any such railway company under the provisions of this Act, shall be served upon the manager; and any duties that such manager performs, or causes to be performed by any engineer, assistant engineer, or any person acting under his instructions, shall be deemed to be performed by the railway company. 53 V. c. 69, s. 2.

Ditches, drains, creeks, and watercourses on lands of railways.

5.—(1) Every existing ditch, creek, drain, or watercourse, situate on the property of any such railway company, and running along or under the railway, may be deepened, widened or extended, and any existing bridge or culvert in the roadbed of such railway may also be deepened or widened, or a new bridge or culvert may be constructed when it is found and reported upon by the engineer of the municipality, or agreed and reported upon as hereinafter provided, that such ditch, drain, creek or watercourse, or the widening, deepening or construction of any such bridge or culvert is necessary as an outlet for any creek or watercourse, or any ditch or drain that has been or may be constructed under the provisions of *The Ditches and Watercourses Act*, or of any previous Act, and that such can be done without detriment to the safety of the railway.

Rev. Stat. c. 285.

(2) The ditch or drain which may be constructed through the lands of the railway may be either covered or open as the said engineer may report.

(3) The aforementioned work shall be done in such a manner as not to injure the bridges, culverts, or road-beds of the railway or in any way to interfere with the traffic thereof.

(4) Where any such ditch or drain will require to be carried through any cutting of the railway, the consent of the railway company shall be first obtained. 53 V. c. 69, s. 3.

Plans to be filed with report of engineer.

6. The said engineer when he reports that any ditch, drain, creek or watercourse, running along or under any railway is required to be used for the purposes aforesaid, and also, that any bridge or culvert is required to be enlarged by the deepening or widening of the same, or that a new bridge or culvert is required, shall file with such report a plan or profile of such ditch, drain, creek or watercourse, and also a plan or profile of the enlargement of any bridge or culvert, but only to shew the extent, depth and width of the required enlargement of such bridge or culvert, or of any new bridge or culvert (as the case may be) together with a statement of the estimated cost of the work to be done upon the lands of the railway, including the cost of any excavation required to be made in enlarging or constructing any bridge or culvert; and such report shall forthwith after the making of the same be filed by the engineer with the clerk of the municipality. 53 V. c. 69, s. 4.

Proceedings upon the report of municipality's engineer.

7.—(1) When so found and reported, the clerk of the municipality shall within six days after the filing of the report, send to the manager of the railway company, by registered letter, a copy of so much of the report as relates to the work upon the lands of the railway company, together with a copy of the plan or profile of said work with a statement of the estimated cost of such work as made by the said engineer.

(2) The manager of the railway or some one acting in his behalf, shall within fifteen days after receiving such report, forward to the clerk of the municipality, by registered letter, a notice stating whether he approves or disapproves of said report; if he approves of said report his letter of approval shall be filed in the clerk's office with the report of the engineer, and said report shall be binding upon all parties concerned, and who are liable for the performance of the work, or the cost of the same, upon the lands of the railway company, and shall not be subject to appeal except as hereinafter provided.

(3) If the manager of the railway company objects to the said report in whole or in part, he shall in such notice state his objections, and shall also fix a day not later than twenty nor earlier than fifteen days from the mailing of such notice, upon which the engineer of the railway, or some one acting on his behalf, shall meet the engineer of the municipality at the

place where the work is proposed to be done for the purpose of arriving at an amicable agreement as to the work objected to by the manager of the railway or the cost thereof.

(4) The clerk of the municipality shall within four days after receiving such notice, notify the engineer of the municipality, if the manager of the railway has approved of his report, and if he has not approved of said report, he shall notify said engineer to attend at the place of the proposed work upon the day fixed by the manager of the railway.

(5) If the engineer of the railway company and the engineer of the municipality agree upon any portion or the whole of said work which may have been objected to by the manager of the railway, then such report shall be amended as may be agreed upon, and shall be in duplicate and signed by both engineers, one copy to be retained by the engineer of the railway, and one to be filed with the clerk of the municipality within ten days after arriving at such agreement; and said report shall be binding upon all parties concerned as set forth in subsection 2 of this section.

(6) If the engineer of the railway company and the engineer of the municipality fail to agree upon the matters in dispute, as mentioned in subsection 3 of this section, then in such case said matters of dispute shall be referred to the decision of an engineer to be appointed by the Commissioner of Public Works of the Province of Ontario, whose report and decision shall be final and binding upon all parties interested, and not subject to appeal as far as the work upon the lands of the railway is affected, except as hereinafter provided.

(7) When said disagreement takes place the engineer of the municipality or of the railway company shall within four days thereafter, by registered letter, request the said Commissioner to appoint an engineer as provided for in the previous subsection, and shall in such letter give the name and post office address of the railway engineer, and also his own post office address, and state the locality where the proposed work is to be done.

(8) The Commissioner of Public Works shall within six days after receiving said request appoint a competent engineer to settle the matters in dispute; the engineer so appointed shall within six days after his appointment, notify by registered letter, the engineer of the railway company, and also the engineer of the municipality of the day on which he will attend at the place of the proposed work, which day shall not be earlier than ten, nor later than twenty days from the date of such notification, and said engineers shall attend at the time and place named in such notice, and shall give all necessary information to the engineer appointed by the Commissioner of Public Works, and said engineer shall carefully inquire and examine into all the objections made, and differences of opinion existing between the engineer of the railway company and the

engineer of the municipality in reference to said proposed work upon the lands of the railway company and the cost thereof.

(9) The said engineer shall within ten days after such meeting make out a report in duplicate, one to be sent by registered letter to the engineer of the railway company, and one copy to be sent by registered letter to the engineer of the municipality which copy shall be filed with the clerk of the municipality, and such report shall be final and binding as set forth in subsection 6 of this section.

(10) The engineer of the municipality in making his award (which shall be made when a final agreement has been concluded as set forth in the next subsection) shall in respect of the work to be performed upon the lands of the railway company, apportion such work and the estimated cost of the same upon the several owners interested in the construction of such work in proportion to the benefit to be derived therefrom.

(11) The engineer of the municipality shall within 30 days from the date of approval by the manager of the railway, as provided in subsection 2 of this section, or in the event of the refusal of such approval, then from the date of the agreement if made by the engineers as provided for in subsection 5 of this section, or in the event of the engineers failing to agree, then from the date of the report as made by the engineer as provided for in subsection 6 of this section, make his award and file the same with the clerk of the municipality, and said award shall embrace the lands of the owners, which may be liable for the construction of any such ditch or drain or the widening or deepening of any creek or watercourse, or for the enlarging or construction of any bridge or culvert.

(12) Any interested owner may appeal against the award of said engineer in the same manner and form as is provided in *The Ditches and Watercourses Act*; but such appeal shall, as respects the work upon the lands of the railway company, be confined to his right of being made liable for any portion of such work, and the proportion or cost of the same, but such appeal shall not affect the railway company. 53 V. c. 69, s. 5. Rev. Stat. c. 285.

Notice of commencement of work and mode of completing same.

8. (1) The clerk of the municipality shall within four days after the expiration of the time for appeal if no appeal has been made, or if an appeal has been made within four days after the final decision upon such appeal, send to the manager of the railway company by registered letter, a notice stating the place and day upon which the work will be commenced and proceeded with, which day shall not be sooner than twenty, nor later than thirty days from the date of notice, and in such letter of notice he shall ask the manager of the railway which of the following modes of doing the work he will select on behalf of the railway company:

(*a*) First, the railway company to do the work by their own employees for such amount as may have been finally agreed upon and made part of the report and award, or ;

(*b*) Second, that the work may be performed by the party or parties who are liable for the cost of performance of said work, and done under the supervision of the railway engineer, or some one acting in his behalf, and subject to the provisions of section 5.

(2) The manager of the railway, or some one acting in his behalf, shall within ten days after receiving the said notice, notify the clerk of the municipality, by registered letter, which of the said modes of doing the work he will select on behalf of the railway company, and if he selects to do the work under the provisions of clause (*b*) of the preceding subsection, upon the receipt of such notice the clerk of the municipality shall forthwith notify the parties who are liable to perform the work, of the day that has been fixed for the commencement of the said work, by the manager of the railway.

(3) If the work is completed under the provisions of clauses (*a*) or (*b*) of subsection (1) of this section, then, in either of such cases, the engineer of the railway company shall send to the clerk of the municipality by registered letter, a certificate, certifying that the work has been completed in accordance with the copy of the plans and profile as may have been finally agreed upon and furnished to the railway company.

(4) When the work is completed under the provisions of clause (*a*) of subsection (1) of this section, the council of the municipality shall at their first meeting, after the clerk has received the certificate mentioned in the preceding subsection, order the payment of the cost of the work and the same shall be paid by the municipality through the treasurer thereof to the railway or to the person authorized by the railway company to receive the same, and if not forthwith paid by the party or parties who are liable for the same under the provisions of the award, it shall be entered upon the collector's roll as provided in sections 27 and 30 of *The Ditches and Watercourses Act*. 53 V. c. 69, s. 6.

Railway company to enlarge bridges and culverts.

9. In any case where the engineer of the municipality reports that any existing bridge or culvert in the road-bed of any railway has to be enlarged by the deepening or widening of the same, or that a new bridge or culvert is required and that the same has been agreed to and reported either as provided in subsection 2, or subsection 5, or subsection 6 of section 7 of this Act, then all such deepening or widening or construction shall be performed by the railway company and by their employ-

ees and at the cost of the municipality in the first instance, said cost to be collected from, and paid for by the owners who will be liable for the same, as provided for in the said sections 27 and 30 of *The Ditches and Watercourses Act*. 53 V. c. 69, s. 7. Rev. Stat. c. 285.

Company not liable for the cost of work.

10. The railway company shall not be liable for the cost of any work performed upon the lands, or under the road-beds of any railway, under the provisions of this Act. 53 V. c. 69, s. 8.

Parties liable for cost may perform work if company refuses.

11. If any railway company neglects or refuses to proceed with the work within the time specified in the report for the completion of the same, then in such case, the party or parties who are liable for the payment of the costs of the work under the provisions of the report or award, as may have finally been decided upon, may proceed with and complete said work upon the lands of the railway company, except the enlarging of a bridge or culvert and the excavation in connection therewith. 53 V. c. 69, s. 9.

Company liable for neglect to enlarge bridges or culverts.

12. If the railway company neglects or refuses to enlarge or construct a bridge or culvert within the time specified in the award or report for the completion of the same, then in such case the railway company shall be held liable for all damages sustained by the party or parties, embraced in the report or award, on account of the non-enlargement of such bridge or culvert; and such damages shall accrue from the date mentioned in the report for the completion of the work. 53 V. c. 69, s. 10.

11. *PROTECTION OF GAME, &c.*

CHAPTER 287.

An Act for the Protection of Game and Fur-bearing Animals.

SHORT TITLE, s. 1.
INTERPRETATION, s. 2.
LICENSES, ss. 3, 4.
DEER.
Not to be hunted, &c., in the water, s. 5.
Close season, s. 6.
Restrictions on hunting and killing, s. 6 (2-4).
GAME BIRDS, &c.
Close season, s. 7.
Restrictions on hunting, &c., s. 8.
BEAVER, OTTER AND MUSKRAT, s. 9.
ALL HUNTING ON SUNDAY PROHIBITED, s. 10.
POISON, TRAPS AND CONTRIVANCES, s. 11-13.
EXPORTATION OF GAME, s. 14.
GAME PRESERVES BY ORDER IN COUNCIL, s. 15.
RONDEAU PARK PRESERVES, s. 16, 17.
PRIVATE PRESERVES, s. 18.
Trespassers in pursuit of game, s. 19.
FISH AND GAME COMMISSIONERS, ss. 20, 21.
FISH AND GAME WARDENS, ss. 22-26.
OFFENCES AND PENALTIES, ss. 27-33.
Disguised persons with firearms, s. 27.
Penalties for infringements of Act, s. 28.
Application of fines, s. 29.
Confiscation of implements unlawfully used, s. 30.
Prosecutions, ss. 31-32.
Evidence, s. 33.
INDIANS AND SETTLERS IN UNORGANIZED DISTRICTS, s. 34.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Ontario Game Protection Act*. 56 V. c. 49, s. 1.

"Game animal," "game bird," meaning of.

2. The expressions "game animal" and "game bird" wherever the same occurs in this Act, shall mean a bird or animal protected by the provisions of this Act. 56 V. c. 49, s. 28.

LICENSES.

Deer not to be killed without license.

3.—(1) No person who is a resident of and domiciled in the Province of Ontario shall hunt, take, kill, wound or destroy

any deer without first having obtained a license in that behalf under the provisions hereinafter set forth.

Signing and countersigning license. Fee for license.

(2) Every such license shall be signed by the Chief Fish and Game Warden and countersigned by the Provincial Secretary or his deputy, and shall be in force for one season only, and the fee for such license shall be two dollars.

Shipping coupons to be attached to license.

(3) There shall be attached to each license two shipping coupons, one of which shall be signed and detached by the person to whom the license is issued in the presence of the shipping agent at the point of shipment and attached to each deer or part of a deer about to be shipped, and such coupon shall be cancelled by the carrier on arrival at the point of destination by writing across the face thereof "cancelled."

Form of license and coupons.

(4) The said license to hunt deer and the shipping coupons thereto attached may be in the form set forth in the Schedule to this Act, and shall be printed upon strong manilla paper, and shall be issued by the Chief Game Warden and the Wardens upon application therefor.

License to be produced when required.

(5) Every such person shall, on request by any person whomsoever, at all reasonable times and as often as reasonably requested, produce and show such license to the person making the request; and if he fails or refuses to do so he shall forfeit any such license he may possess, and shall, if found hunting, taking, pursuing, killing, wounding or destroying any deer, and on proof of such request and failure or refusal, be deemed to have violated the provisions of this section. 59 V. c. 68, s. 2 (1-3, 5, 6).

Non-residents to be licensed before hunting, etc.

4.—(1) No person not a resident and domiciled in the Province of Ontario shall be entitled to hunt, take, kill, wound or destroy any moose, elk, reindeer, caribou or other deer, otter, sable, beaver, or any other game animal or bird referred to in this Act, or any other bird or animal whether protected by this Act or not, without having first obtained a license in that behalf; every such license shall be signed by the Chief Fish and Game Warden and countersigned by the Provincial Secretary or his deputy and shall be in force for one season only, and shall be subject to the provisions of the game laws in force in the Province at the time the said license was granted; the fee to be paid therefor shall be $25 and shall be payable to the Provincial Treasurer to be applied to the expenses incurred in carrying out the provisions of the game laws. Such license shall not be valid unless the signature of the person to whom it is issued is indorsed thereon. 56 V. c. 49, s. 14 (1); 59 V. c. 68, s. 6.

License to be produced on request.

(2) Every such person shall, on request by any person whomsoever within the Province at all reasonable times, and

as often as reasonably requested, produce and show to the person making the request, such license and if he fails or refuses to do so, he shall forfeit any such license he may possess, and shall if found hunting, taking, pursuing, killing, wounding, or destroying any such animal or bird, and on proof of the facts mentioned in the first subsection hereof, and upon proof of such request and failure or refusal, be deemed to have violated the provisions of this section.

Permit to licensed non-resident to export ducks.

(3) Any non-resident who obtains a license to hunt in Ontario pursuant to the provisions of this section, shall, notwithstanding anything to the contrary in this Act contained, be at liberty to take with him out of the Province fifty ducks or any less number lawfully hunted and taken by him ; But before so doing he shall obtain from the Chief Warden or any of the wardens a permit authorizing him so to do; and such permits shall only be granted on satisfactory evidence being furnished that the ducks to be covered by the permit applied for were actually hunted and taken by the applicant in person. 56 V. c. 49, s. 14 (2-3).

Permits to guests of residents.

(4) The Provincial Secretary may grant a permit to a guest of a resident of the Province free of charge for a term not exceeding one week. 56 V. c. 49, s. 14 (4); 57 V. c. 57, s. 4.

Residents of Quebec hunting in Ontario.

(5) If at any time it is made to appear that residents of the Province of Ontario are placed upon the same footing as residents of the Province of Quebec, under the provisions of the laws of the Province of Quebec relating to the protection of game, the Lieutenant-Governor in Council may by Order in Council in that behalf exempt residents of the Province of Quebec from the provisions of this section. 60 V. c. 54, s. 4.

DEER.

Deer not to be hunted or killed in the water.

5. No person shall at any time hunt, pursue, kill, wound or capture any deer in the waters of any river or lake within the limits of the Province of Ontario, or immediately after leaving such waters; and any person carrying a rifle, carbine or shot gun, and stationed in a canoe, skiff, punt or boat of any kind, at or near any place where hunted deer are likely to enter the water during the open season, shall *prima facie* be deemed to be engaged in hunting or pursuing deer within the meaning of this section. 59 V. c. 68, s. 1.

Close season for deer, elk, moose, reindeer or caribou.

6.—(1) No deer, elk, moose, reindeer or caribou shall be hunted, taken or killed between the fifteenth day of November and the first day of November of the following year; but the period hereinbefore limited shall not, as to moose, elk, reindeer or caribou, apply before or until the first day of November, 1900, and no moose, elk, reindeer or caribou shall be hunted, taken or killed before the first day of November, 1900.

(2) No owner of any hound or other dog, known by the owner to be accustomed to pursue deer, shall permit any such hound or other dog to run at large in any locality where deer are usually found, during the period from the fifteenth day of November to the first day of November of the following year. Any person harbouring or claiming to be the owner of such hound or dog shall be deemed to be the owner thereof; and any hound or dog found running deer between the fifteenth day of November and the first day of November following may be killed on sight by any person, and the person killing such hound or dog shall not be liable to any penalty or damages therefor. 56 V. c. 49, s. 2 (1-2); 58 V. c. 56, s. 1. Permitting dogs to run deer.

(3) No one person shall during any one year or season kill or take more in all than two deer, elk, moose, reindeer or caribou: but this shall not apply in the case of deer which are the private property of any person, and which have been killed or taken by such person or by his direction, or with his consent, in or upon his own lands or premises. Limit of number of deer, etc., which one person may kill.

(4) Hunting or killing deer by what is known as "crusting," or while they are "yarding," is hereby declared unlawful. 56 V. c. 49, s. 2 (3-4). "Crusting" or hunting deer while "yarding."

GAME BIRDS, ETC.

7.—(1) No person shall catch, kill or destroy, or pursue with such intent:

(*a*) Any grouse, pheasants, prairie fowl or partridge, woodcock, snipe, rail, plover, or any other water fowl or other game-bird or animal (including black and grey squirrels, and hares) not herein otherwise provided for, at any time between the fifteenth day of December and the fifteenth day of September in the following year, Close season for grouse, pheasants, etc.

(*b*) Any quail or wild turkeys between the fifteenth day of December and the fifteenth day of October of the following year; Quail, wild turkeys.

(*c*) Any swans or geese at any time between the first day of May and the fifteenth day of September of the following year; or Swans or geese.

(*d*) Ducks of all kinds at any time between the fifteenth day of December and the first day of September of the following year. Ducks.

(2) Notwithstanding anything in this section contained, no wild turkeys shall be hunted, taken or killed at any time before the fifteenth day of October, 1900, and no prairie fowl or English or Mongolian pheasants before the fifteenth day of September, 1900. 56 V. c. 49, s. 3 (1) (2); 60 V. c. 54, s. 2. Wild turkeys and prairie fowls not to be taken until 1897.

(3) Notwithstanding anything in this section contained, any person may at any time hunt, take or kill that species of Rabbits may be killed.

hares commonly known in this Province as the cotton-tail rabbit, or any species of rabbits.

Possession of implements to be *prima facie* evidence.

(4) The possession of guns, decoys or other implements of shooting or hunting at a time and in places where the game birds or animals above named are usually found shall be *prima facie* evidence of pursuit thereof with intent to catch, kill or destroy the same. 56 V. c. 49, s. 3 (3) (4).

Killing game between sunrise and sunset.

8. —(1) No person shall kill or shoot at any bird or wild fowl protected by this Act, between half an hour after sunset and half an hour before sunrise.

Eggs not to be taken.

(2) No eggs of any of the birds above mentioned shall be taken, destroyed or had in possession by any person at any time.

Having in possession during close season.

(3) No person shall have in his possession any of the said hereinbefore mentioned animals or birds, no matter where procured, or any part or portion of any such animals or birds, during the periods in which they are so protected; provided that they may be exposed for sale for five days, and no longer, after such periods, and may be had in possession for the private use of the owner and his family at any time, but in all cases the proof of the time of killing, taking or purchasing shall be on the person so in possession. 56 V. c. 49, s. 4 (2-4).

Selling or purchasing certain game prohibited in season.

(4) No person shall by himself, his servant, clerk or agent, expose or keep for sale, or directly or indirectly, upon any pretence, or device, sell or barter, or in consideration of the purchase of any other property, give to any other person any snipe, woodcock or partridge, no matter where killed or procured, before the fifteenth day of September, 1900, or any quail or wild turkey before the fifteenth day of October, 1900. 56 V. c. 49, s. 4 (5); 57 V. c. 57, s. 1; 60 V. c. 54, s. 2.

BEAVER, OTTER, MUSKRATS, ETC.

Beaver and otter not to be taken before November, 1900.

9.—(1) (*a*) No beaver or otter shall be hunted, taken or killed before the first day of November, 1900; and thereafter no beaver or otter shall be hunted, taken or killed or had in possession of any person between the first day of April and the first day of November; nor shall any traps, snares, gins or other contrivances be set for them during such period;

Close period for beaver, otter and muskrats.

(*b*) No muskrat shall be hunted, taken or killed or had in possession of any person between the first day of May and the first day of January of the following year; nor shall any traps, snares, gins, or other contrivances be set for them during such period;

(*c*) No muskrat shall be shot during the month of April; nor shall any muskrat house be cut, speared, broken or destroyed at any time; and any such traps, snares, gins or other contrivances so set may be destroyed by any person without such

person thereby incurring any liability therefor; provided that this section shall not apply to any person destroying any of the said animals in defence or preservation of his property.

(2) Nothing in this section shall be held to prevent the destruction of muskrats by any means, at any time, in the vicinity of dams or drainage embankments where there is a probability of injury being caused by them to the said dams or drainage embankments. 56 V. c. 49, s. 8 (1, 2); 57 V. c. 57, s. 2.; 60 V. c. 54, s. 2

SUNDAY.

10. No person shall, on the Lord's day, hunt game animals or birds, or take, kill or destroy any game animals or birds, or use any gun or other engine for that purpose. 56 V. c. 49, s. 24. Hunting, etc., on Sunday prohibited.

POISONS, TRAPS AND CONTRIVANCES.

11. No person shall kill or take any animal protected by this Act by the use of poison, or poisonous substances, or expose poison, poisoned bait or other poisoned substances in any place or locality where dogs or cattle may usually have access to the same. 56 V. c. 49, s. 5. Use of poisons prohibited.

12. None of the said hereinbefore mentioned animals or birds, other than those mentioned in section 9, shall be trapped or taken by means of traps, nets, snares, gins, baited lines, or other similar contrivances; nor shall such traps, nets, snares, gins, baited lines or contrivances be set for them or any of them at any time; and such traps, nets, snares, gins, baited lines or contrivances may be destroyed by any person without such person thereby incurring any liability therefor, if he finds them so set. 56 V. c. 49, s. 7. Use of traps, gins, etc., prohibited.

13. None of the contrivances for taking or killing the wild fowl known as swans, geese or ducks, which are described or known as batteries, swivel guns or sunken punts shall be used at any time, and no wild fowl known as ducks or other water fowl shall be hunted. taken or killed from sail boats or steam yachts. 56 V. c. 49, s. 4 (1). Certain contrivances for taking wild fowl prohibited.

TRANSPORTATION AND EXPORTATION OF GAME, ETC.

14.—(1) No common carrier or other person shall transport or have in possession for that purpose in this Province after the same has been killed any wild deer, or the head or the raw skin thereof, or any venison, save only from the first day of November to the twenty-second day of November in each year, unless accompanied by an affidavit that the same was hunted and taken during the open season, and unless there be Transportation of deer.

attached thereto one of the shipping coupons belonging to the license authorizing the shipper to hunt or kill deer as provided by this Act. 59 V. c. 68, s. 2 (4); 60 V. c. 54, s. 1.

Persons licensed may export two deer.

(2) Any person not a resident and domiciled in the Province who has for any year been granted a license under the provisions of section 4 of this Act, and has paid the fee therefor, shall so far as the authority of the Legislature of the Province of Ontario extends, be at liberty to export out of the Province the two deer which under the provisions of this Act he is allowed to kill. 58 V. c. 56, s. 2.

Exporting prohibited.

(3) Except as aforesaid no person shall at any time hunt, take, or kill any deer, elk, moose, reindeer or caribou, partridge, quail, woodcock, snipe, ducks of all kinds, and any other game bird or animal for the purpose of exporting the same or export the same out of Ontario, and in all cases the onus of proving that any such deer, elk, moose, reindeer or caribou, partridge, quail, woodcock, snipe, ducks of all kinds and any other game bird or animal as aforesaid, so hunted, taken or killed is not intended to be exported as aforesaid, shall be upon the person hunting, killing or taking the same, or in whose possession or custody the same may be found. This shall not apply in the case of deer which are the private property of any person and which have been killed or taken by such person or by his direction, or with his consent in or upon his own lands or premises; but the onus of proof of private ownership shall rest on the person exporting. 56 V. c. 49, s. 6.

PRESERVES BY ORDERS IN COUNCIL.

Setting apart counties in which deer shall not be killed.

15. The Lieutenant-Governor in Council may, by Order in Council in that behalf, designate certain counties or portions of counties in the Province in which it shall be unlawful to hunt, take, pursue, kill, wound or destroy any deer at any time of the year, subject to such reservations in favour of the residents or settlers in such counties as may be deemed reasonable. 59 V. c. 68, s. 3.

RONDEAU PROVINCIAL PARK PRESERVES.

Rondeau Provincial Park.

16.—(1) No person shall at any time shoot, hunt, take or kill any partridge, prairie fowl, quail, woodcock, snipe, wild turkey or other bird or fowl whatsoever within the boundaries of the Rondeau Provincial Park; nor shall anyone shoot, hunt, trap, take or kill any wild animal in the said park, except foxes, skunks, weasels, owls, hawks or other noxious animals or birds, and then only with the consent and authority of the ranger of the said park in writing first had and obtained.

(2) Anyone offending against the provisions of this section shall be liable for each offence to a fine not exceeding $50 and not

less than $20, together with costs of prosecution, to be recoverable in the same manner as fines under section 28 of this Act.

(3) The preceding subsections of this section shall not prevent or apply to the shooting or taking of wild duck or geese in the waters around and along the coasts of the said park during the lawful season. 58 V. c. 56, s. 8.

Regulation of the killing of birds near Rondeau Park.

(4) The Lieutenant-Governor in Council may, by Order in Council in that behalf, make special provisions for regulating the shooting, hunting, taking or killing of any bird or fowl protected by the provisions of this Act within two miles of Rondeau Park or within Rondeau Harbour, and such regulations shall be read with and be as binding as if they formed part of this Act and any person violating any of the provisions of the said regulations shall be liable for each offence to the fine and costs of prosecution in subsection 2 provided. 59 V. c. 68, s. 4.

PRIVATE PRESERVES—PROPAGATION FOR STOCKING PURPOSES.

Protection of preserved game.

17. In order to encourage persons who have heretofore put, bred or imported, or hereafter put, breed or import any kind of game upon their own lands with the desire to breed and preserve the same, it is enacted that it shall not be lawful for any person knowing it to be such game to hunt, shoot, kill or destroy any such game without the consent of the owner of the lands upon which such game has been heretofore or is hereafter so put, bred or imported wherever such game may be found. But this shall not be held to prevent any person from shooting or hunting upon his own lands, or upon any lands over which he has a legal right to shoot or hunt any game which he does not know, or has not good reason to believe had been theretofore put, bred or imported by some other person upon his own lands with the desire to breed and preserve the same. 56 V. c. 49, s. 10; 57 V. c. 57, s. 3; 58 V. c. 56, s. 7.

Sale of deer of propagation or stocking purposes.

18. In order to encourage the propagation of deer, game birds or other game animals in parks or preserves, regulations may be adopted, subject to the approval of the Lieutenant-Governor in Council, authorizing any person owning deer, game birds or other game animals and having them on his property to sell or dispose of the same at any time to any person desiring to purchase same for propagation or stocking purposes, and licenses authorizing such sales and permitting the carrying of such deer, game birds or other game animals so sold by any railway company or common carrier may be issued by the Chief Game and Fish Warden in pursuance of and subject to the terms of such regulations. 60 V. c. 54, s. 5.

TRESPASSERS IN PURSUIT OF GAME.

Trespassing in pursuit of game.

19.—(1) No person shall, at any time, enter into any growing or standing grain not his own with sporting implements about his person, nor permit his dog or dogs to enter into such growing or standing grain without permission of the owner or occupant thereof, and no person shall, at any time, hunt or shoot upon any enclosed land of another after being notified not to hunt or shoot thereon; and any person who, without the right to do so, hunts or shoots upon any enclosed land of another after having been notified not to hunt or shoot thereon, shall be deemed guilty of a violation of this Act.

(2) The possession of guns, decoys, or other implements of shooting or hunting, shall be presumptive evidence that the purpose of the trespass was shooting or hunting.

(3) Any owner or occupant of land may give the notice provided for in this section by maintaining two sign boards, at least one foot square, containing such notice, upon at least every forty acres of the premises sought to be protected, on or near the borders thereof, or upon or near the shores of any waters thereon, in at least two conspicuous places, or by giving personal, written, or verbal notice, and such notice firstly herein provided for may be in the form following:—"Hunting or shooting on these lands forbidden under Ontario Game Laws."

(4) Any person who without authority in that behalf, puts up, or causes to be put up, any such notice on any lands of which he is not the owner, or the possession of which he is not legally entitled to, or who tears down, removes, injures, defaces or interferes with any such notice, shall be deemed guilty of a violation of this Act.

(5) Nothing in this section contained shall be so construed as to limit or in any way affect the remedy at common law of any such owner or occupant for trespass.

Enclosing marsh lands.

(6) For the purposes of this section, land, the boundary or any part of the boundary of which is a water line or line between land and water, or passes through a marsh or swamp, or any land covered with water, shall be deemed to be enclosed if posts are put up and maintained on the boundary thereof or on the boundary of the part thereof sought to be enclosed, at distances which will permit of every post being clearly visible from the nearest post on either side thereof, and so placed that the boundaries will be sufficiently indicated by said posts. 56 V. c. 49, s. 9.

FISH AND GAME COMMISSIONERS.

Board of Fish and Game Commissioners.

20.—(1) The Board now constituted and known as the Board of Fish and Game Commissioners of the Province of Ontario is hereby continued and shall continue to be composed

of five members who shall be appointed by the Lieutenant-Governor in Council, and shall hold office each, for the term of three years from the date of his appointment, and, except the secretary, (who may be a member of said Board), shall serve without compensation either direct or indirect other than actual disbursements or than as hereinafter provided. Commissioners may from time to time at the expiration of their terms of office, be reappointed for further terms of three years.

Vacancies in board.

(2) The Lieutenant-Governor in Council shall from time to time as vacancies on the said Board occur, whether by expiration of term, resignation or any other cause, make appointments to fill such vacancies and shall appoint the president and secretary of the said Board.

Meetings of board.

(3) The said Board shall meet at least once and not oftener than three times each year, and shall make rules and regulations subject to the approval of the Lieutenant-Governor in Council for the guidance of game and fish wardens and deputy-wardens. 56 V. c. 49, s. 11.

Duties of board.

21. It shall be the duty of the said Board to give all necessary directions and to take all reasonable measures for securing the enforcement of the laws for the protection of game and for giving effect to the provisions of laws for the preservation, propagation and protection of the fish of the Province; to collect, classify and preserve all such statistics, data and information as they may think will tend to promote the objects of such laws; to conduct all the necessary correspondence; to take charge of and keep all reports, books, papers, documents or specimens which they may collect in the discharge of their duties under this Act; and to prepare an annual report to the Lieutenant-Governor on or before the 31st day of December of each year, showing what has been done by them during the year and the manner in which their duties have been performed, with such recommendations for the Legislative action, if any, as the said Board may deem calculated to better promote the preservation of fish and game, increase the more useful food fishes within the Province and lessen the cost of the same. 56 V. c. 49, s. 13.

Fish and Game Wardens.

Chief game and fish warden.

22.—(1) The Lieutenant-Governor in Council upon the recommendation of the said Board may appoint a Chief Game and Fish Warden who shall act as secretary and business agent of the said Board, and may also appoint other game and fish wardens not exceeding four in number, whose duties shall be prescribed by rules and regulations in that behalf. The compensation of the secretary and the said Chief Warden and other wardens, and such allowance to the Chairman of the Board of Fish and Game Commissioners as may be reasonable shall be

fixed by the Lieutenant-Governor in Council, and shall be paid out of the license fees and fines collected under the provisions of this Act and such other moneys as may be appropriated for the purposes of this Act by the Legislature of the Province; and said Board shall have the power to appoint, or may authorize the Chief Game Warden to appoint at any time, deputy-wardens in any part of the Province for such period of time as they in their discretion may determine and to dismiss such deputy-wardens in the discretion of the said Board. 56 V. c. 49, s. 12 (1).

Wardens ex officio justices of the peace.

(2) The Chief Game and Fish Warden and the other game and fish wardens appointed under the provisions of this section, and the Commissioners appointed under the provisions of section 20, having taken the oath of office hereinafter prescribed shall be *ex officio* Justices of the Peace for all the purposes of this Act, and of any regulations made under the authority thereof. 56 V. c. 49, s. 12 (2); 58 V. c. 56, s. 3.

Form of oath to be taken before acting as justices.

(3) The said Chief Warden and other wardens and the said Commissioners, shall before acting as Justices of the Peace under this Act take and subscribe the following oath:

I, *A. B.*, the Chief Game and Fish Warden or one of the wardens or Commissioners (*as the case may be*) appointed under the provisions of *The Ontario Game Protection Act*, do solemnly swear that to the best of my judgment I will faithfully, honestly and impartially fulfil, execute and perform the office and duty of such Chief Game and Fish Warden or game and fish warden or Commissioner (*as the case may be*), according to the true intent and meaning of *The Ontario Game Protection Act* and of all regulations made or to be made thereunder. So help me God.

56 V. c. 49, s. 12 (3); 58 V. c. 56, s. 4.

Deputy game wardens to be constables.

(4) Persons duly appointed deputy game wardens under the provisions of this section shall be, and exercise the authority of constables for the purposes of this Act. 58 V. c. 56, s. 5.

Duties of deputy-wardens as to seizing game illegally taken, conducting prosecutions, etc.

23.— (1) It shall be the duty of every deputy-warden forthwith to seize all birds, animals, or portion of animals in the possession of any person contrary to the provisions of this Act, and to bring the person in possession of the same before a Justice of the Peace to answer for such illegal possession.

(2) It shall also be the duty of every deputy-warden, to institute proceedings against all persons found infringing the provisions of this Act or any of them, and every deputy-warden may cause to be opened, or may himself open in case of refusal, any bag, parcel, chest, box, trunk, or receptacle in which he has reason to believe that game killed or taken during the close season or peltries out of season are hidden.

(3) Every deputy-warden, if he has reason to suspect and does suspect that game killed or taken during the close season

or peltries out of season, are contained or kept in any private house, shed or other building, shall make a deposition according to Form C annexed to this Act before a Justice of the Peace and demand a search warrant to search such store, private house, shed or other building and thereupon such Justice of the Peace may issue a search warrant according to Form D.

(4) Subject as hereinafter provided, no person charged with an offence under this Act shall be compelled to attend before a magistrate at a greater distance from his place of residence or the place where the offence was committed than ten miles, if there is a magistrate residing within that distance who is willing to dispose of the case and is not interested in any way therein, or related to or connected with any of the parties thereto. 56 V. c. 49, s. 15.

Arrest on view without process.

24.—(1) Any officer authorized under the provisions of this Act to enforce the fish and game laws, may, without process, arrest any violator of said laws for an offence committed in his presence; and he shall with reasonable diligence cause him to be taken before any Justice of the Peace for a warrant and trial either in the county where the offence was committed or in the county in which the violator was arrested, and jurisdiction in all cases under this Act is hereby granted to all Justices of the Peace, Magistrates, Stipendiary Magistrates and all other courts, to be exercised in the same way and manner as if the offence had been committed in their respective counties. Any officer who maliciously, or without probable cause, abuses his power in such proceedings shall be guilty of an offence under this Act.

Certain officers to have powers of deputy wardens.

(2) Sheriffs, Deputy-Sheriffs, Provincial Police or Constables, County Constables, Police Officers, Wood Rangers, Crown Lands Agents, Timber Agents, Fire Wardens and Fishery Inspectors or Overseers are vested with all the powers of deputy-wardens and authorized to enforce any of the provisions of this Act, and shall receive for their service the same fees.

Recovery of penalties by action, information or indictment.

(3) Officers authorized to enforce the game laws, and all other persons, may recover the penalties for the violation thereof in an action in their own name or by complaint or indictment, and such prosecution may be commenced in any county in which the offender is found or in which the offence was committed. 56 V. c. 49, s. 16.

Conviction on view.

25. Any of the wardens appointed under the provisions of this Act, or any Justice of the Peace may, upon his own view, convict, for any offence against the provisions of this Act. 56 V. c. 49, s. 17.

Members of Provincial Police Force may be authorized to act as wardens.

26. The Lieutenant-Governor in Council may confer upon any member of the Provincial Police Force such powers or authority by this Act conferred upon wardens as may be deemed proper. 60 V. c. 54., s. 3.

OFFENCES AND PENALTIES.

Masked persons carrying weapons near hunting grounds.

27. Any person being masked or disguised who carries or has in his possession a gun or any firearm, at or near any preserve or shooting ground shall be guilty of an offence against this Act. 56 V. c. 49, s. 25.

Penalties.

28.—(1) Any person offending against any of the provisions of sections 3 to 6 or sub-section 1 of section 14 of this Act shall be liable for each offence to a fine not exceeding $50 and not less than $20, together with the costs of prosecution; and any person offending against any other of the provisions of this Act shall be liable for each offence to a fine not exceeding $25 and not less than $5, together with the costs of prosecution, and in default of immediate payment of such fine and costs, shall be imprisoned in the common gaol of the county where such conviction takes place for a period not exceeding three months.

(2) The Justice or Justices shall, in any such conviction, adjudge that the defendant be imprisoned unless the penalty, and also the costs and charges of prosecution and commitment and of conveying the defendant to prison are sooner paid.

(3) The amount of the costs and charges of the commitment and conveying of the defendant to prison, shall be ascertained and stated in the warrant of commitment.

(4) Each and every violation of any of the provisions of this Act, shall be a separate offence, though more than one violation of the same kind, or of a different kind, takes place upon the same day; and upon the trial of any prosecution under this Act, the Justice or Justices before whom the same is tried, shall, if it appears that more than one offence of the same kind was committed on the same day, impose all the penalties in one conviction which he or they are hereby empowered to do. 56 V. c. 49, s. 21; 59 V. c. 68, s. 2 (7).

Application of fines.

29. One-half of every fine collected under the provisions of this Act shall be paid to the prosecutor or person on whose evidence a conviction is made, and the other half shall be paid to the Treasurer of the Province to be applied in carrying out the provisions of this Act; but the Wardens appointed under this Act shall not be entitled to any portion of fines in cases where they act as prosecutors, and in such case the whole shall be paid to the Treasurer of the Province. 56 V. c. 49, s. 23.

Confiscation of implements unlawfully used.

30. All guns, nets, decoys and ammunition found in the possession of violators of the law shall be confiscated and forwarded to the Chief Game Warden to be sold by public auction, and the proceeds thereof applied for the purposes of this Act, and in all cases confiscation of game shall follow conviction,

and the game so confiscated shall be given to some charitable institution or purpose at the discretion of the convicting Justice: But where a violation of the provisions of section 19 of this Act has taken place through *bona fide* mistake or inadvertence, the convicting Justice may relieve from the operation of this section. 56 V. c. 49, s 22; 57 V. c. 57, s. 7; 59 V. c. 68, s. 5. Violation of Act through mistake.

31. All prosecutions under this Act may be brought and heard before any of Her Majesty's Justices of the Peace in and for the county or district where the penalty was incurred, or the offence was committed, or wrong done, or in the county or district where the violator lives or is found, and in cities, towns and incorporated villages in which there is a Police Magistrate before such Police Magistrate, and save where otherwise provided by this section the procedure shall be governed by *The Ontario Summary Convictions Act*. 56 V. c. 49, s. 19. Before whom prosecution may be brought. Rev. Stat. c. 90.

32. The following provisions shall have effect with respect to summary proceedings for offences, fines and penalties under this Act:— Summary procedure.

1. The information shall be laid within three months after the commission of the offence.

2. The description of an offence in the words of this Act or in any similar words shall be sufficient in law.

3. Any exception, exemption, proviso, excuse or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information or complaint, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant or complainant.

4. A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form. 56 V. c. 49, s. 20.

33. On the trial of any complaint, proceeding, matter or question under this Act, the person opposing or defending, or who is charged with any offence against or under any of the provisions of this Act, shall be competent and compellable to give evidence in or with respect to such complaint, proceeding, matter or question, and on any such trial no person, witness or party shall be excused from answering any question upon the ground that the answer to such question may tend to criminate him, or may tend to establish his liability to a civil proceeding at the instance of the Crown or any other person; provided, however, that no evidence so given shall be used or receivable in evidence against such person in any criminal proceeding thereafter instituted against him, other than a prosecution for perjury in giving such evidence. 56 V. c. 49, s. 18. Evidence on prosecutions.

INDIANS AND SETTLERS.

Indians and settlers in remote districts.

34.—(1) The provisions of this Act shall not apply to Indians or to settlers in any unorganized township, or territory not divided into townships of this Province, with regard to any game killed for their own immediate use for food only, and for the reasonable necessities of the person killing the same and his family, and not for the purposes of sale or traffic. And nothing herein contained shall be construed to affect any rights specially reserved to or conferred upon Indians by any treaty or regulations in that behalf made by the Government of the Dominion of Canada with reference to hunting on their reserves or hunting-grounds, or in any territory specially set apart for the purpose; nor shall anything in this Act contained apply to Indians hunting in any portion of the Provincial territory as to which their claims have not been surrendered or extinguished; Provided, that no settler shall hunt, take, kill or have in his possession any moose, elk, reindeer or caribou before the first day of November, 1900. 56 V. c. 49, s. 27 (1); 57 V. c. 57, s. 6; 59 V. c. 68, ss. 2 (8), 7.

(2) The Lieutenant-Governor in Council may, from time to time, by Order-in-Council in that behalf, exempt Indians or settlers or persons in the habit of dealing with Indians or actual *bona fide* settlers in the northern and north-westerly or other sparsely settled portions of the Province, whether the same be organized or unorganized, from any of the provisions of this Act, which may be specified in such Order in Council. All such Orders in Council shall be published in, or in connection with, the annual report of the Fish and Game Commissioners. 56 V. c. 49, s. 27 (2).

SCHEDULE.

FORM A.

(*Section* 3.)

LICENSE TO HUNT DEER.

Open Season from the first day of November to fifteenth day of November, both inclusive.

Province of Ontario.

License No. .

I, , Chief Game Warden of the Province of Ontario, do hereby certify that , has satisfied me that he is a resident of the of , in the county of , and domiciled in the Province of Ontario; and I do further certify that he has paid me the sum of $ provided by law for a license for residents of Ontario, and is entitled to hunt deer in the Province of Ontario for the open season in the year 189 . He states his age to be years, has hair, eyes, and

Chief Game Warden.

Countersigned,

Provincial Secretary.

SHIPPING COUPONS.

Open season from the first day of November to the fifteenth day of November, both inclusive.

Coupon No. 1, to License No. , issued by the Chief Game Warden for the Province of Ontario, for permit to kill and ship deer.

This coupon will allow holder to ship one deer to any point in Ontario, and said coupon must accompany it.

Licensee. Chief Game Warden.

Witness to signature of Licensee.

Open season from the first day of November to the fifteenth day of November, both inclusive.

Coupon No. 2, to License No. , issued by the Chief Game Warden for the Province of Ontario, for permit to kill and ship deer.

This coupon will allow holder to ship one deer to any point in Ontario, and said coupon must accompany it.

Licensee. Chief Game Warden.

Witness to signature of Licensee,

59 V. c. 68, Sched.

FORM C.

(*Section* 23.)

DEPOSITION FOR A SEARCH WARRANT.

I, undersigned do hereby declare that I have reason to suspect, and do suspect, that game killed or taken during the close season, or furs out of season, etc. (*as the case may be*), are at present held and concealed (*describe the property, occupant, etc., and the place*).

Wherefore, I pray that a warrant may be granted and given to me to effect the necessary searches (*describe here the property, etc., as above*).

Sworn before me at this day of A.D. 18 L. B., J. P. } X. Y.

56 V. c. 49, Form A.

FORM D.

(*Section* 23.)

SEARCH WARRANT.

Province of Ontario,
County of .

To each and every, the constables of , county of .

Whereas, , has this day declared, under oath, before me, the undersigned, that he has reason to suspect that (*game or birds killed or taken during the close season, etc., as the case may be*) are at present held and concealed (*describe property, occupant, place, etc.*)

Therefore, you are commanded by these presents, in the name of Her Majesty, to assist the said , and to diligently help him to make the necessary searches to find the (*state the birds or game killed or taken during the close season, or furs out of season, etc.*) which he has reason to suspect, and does suspect, to be held and concealed in (*describe the property, etc., as above*), and to deliver, if need there be, the said birds, etc. (*as the case may be*), to the said to be by him brought before me, or before any other Magistrate, to be dealt with according to law.

Given under my hand and seal at , county of this day of , A.D. 18 .

L. B.,
J.P. [L. S.]

56 V. c. 49, Form B.

CHAPTER 288

An Act respecting the Fisheries of Ontario.

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short Title.

1. This Act may be cited as *The Ontario Fisheries Act*. 60 V. c. 9, s. 1.

Application of Act.

2. This Act, and the respective provisions thereof, and the regulations hereby authorized, shall apply to all fishing and rights of fishing, and all matters relating thereto, in respect of which the Legislature of Ontario has authority to legislate for the purposes of this Act, but shall not authorize, nor shall any lease, license or permit issued hereunder, or in pursuance of regulations made hereunder, authorize or be deemed to authorize, any interference with the navigation of any navigable water. 60 V. c. 9, s. 2.

Interpretation.

3. Where the following words and expressions occur in this Act, and in any regulations hereby authorized, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:—

"Crown Lands." 1. "Crown Lands," shall mean and include, such ungranted Crown, or public lands, or Crown domain, as are within, and belong to the Province of Ontario, and whether or not any waters flow over or cover the same.

"Waters." 2. "Water," or "waters," or "Provincial water," or "Provincial waters," shall mean and include, such of the waters of any lake, river, stream or water-course wholly or partially within the Province over or in respect of which the Legislature of this Province has authority to legislate for the purposes of this Act, and whether flowing over or covering Crown lands or not.

"Commissioner." 3. "Commissioner," shall mean the member of the Executive Council, designated from time to time, by Order in-Council, as Commissioner of Fisheries.

"Fish." 4. "Fish," shall mean and include, every kind, species or variety of fish in respect of the catching or killing of which, within the Province, the Legislature of Ontario has authority to legislate.

"Fishery Lease." 5. "Fishery lease," or "lease," shall mean and include, a lease conferring for a term therein mentioned, upon the lessee therein named, the right to take and keep, for the purposes of fishing, under and subject to the provisions of this Act, and of all regulations made thereunder, the exclusive or other possession of any Crown lands therein described, with the exclusive or other right to fish in any waters flowing over or covering the same, at such time, and in such manner, and with such restrictions, and subject to such regulations, as may be permitted, regulated or prescribed, by any lawful authority in that behalf.

"Fishing License." 6. "Fishing license," or "license," shall mean and include, a license granting for the time therein mentioned, to the licensee therein named, upon payment of the license fee therein stipulated for, a right to fish in any waters flowing over or covering Crown lands therein described, or other lands, or in respect of which the Legislature of the Province has authority to legislate for the purposes of this Act, at such time or times, in such manner, and with such restrictions, and subject to such regulations as may be permitted, regulated or prescribed by any lawful authority in that behalf, but no fishing license shall be deemed to be, or be construed to operate as, or in the nature of, a lease or demise.

"Bass." 7. "Bass," shall mean and include black bass, Oswego or large mouthed bass, and green bass.

"Close season." 8. "Close season," shall mean and include, the time in any year during which fishing for, catching or taking in any Provincial water, or killing, carrying away or buying or selling, or having in possession the kinds or species of fish hereinafter named, or any of them, is prohibited, or regulated by

the laws or fishing regulations of Canada or in default of such laws or regulations by other lawful authority in that behalf.

"Tourist." 9. "Tourist," and "summer visitor," shall include all persons who may, during the spring, summer or autumn months, be temporarily visiting, and boarding or lodging, in any locality, at a distance of over five miles from their usual place of residence at other times of the year. 60 V. c. 9, s. 3.

FISHWAYS.

Fishways to be made where the Commissioner directs. **4.**—(1) Every owner or occupier of a dam, slide or other obstruction across or in any stream where the Commissioner determines it to be necessary for the public interest that a fish pass should exist, shall provide such dam, slide or other obstruction with a durable and efficient fishway, which shall be maintained in practical and effective condition, in whatever place, and of whatever form and capacity will admit of the passage of fish through the same, and the place, form and capacity of the fish-way may be prescribed by any fishery overseer by notice in writing.

Penalty for violation. (2) Every such owner or occupier who violates the foregoing provisions of this section shall incur a penalty of $4 for each day during which any such obstruction remains unprovided with a fishway, after three days notice in writing to him.

Commissioner may pay half the cost. (3) Fishways shall be kept open and unobstructed and shall be supplied with a sufficient quantity of water to fulfil the purpose of this Act, during such times as are required by any fishery officer; the Commissioner may authorize the payment of one-half of the expense incurred by such owner or occupier in constructing and maintaining any fishway.

Commissioner may construct and recover the cost. (4) The Commissioner, in order to procure the construction of any fishway, pending the proceedings against any owner or occupier for the penalty imposed by this Act, or by any regulations made under the authority of this Act, may give directions to make and complete the same forthwith, and may authorize any person to enter upon the premises with the necessary workmen, means and materials; and may recover from the owner or occupier the whole expense so incurred, by action in any Court of competent jurisdiction.

Not to be obstructed. (5) No person shall injure or obstruct any fishway, or do anything to deter or hinder fish from entering, ascending or descending the same, or injure or obstruct any authorized barrier. 60 V. c. 9, s. 34.

Obstruction of passage of fish prohibited. **5.** No net or other device, shall be so used as entirely to obstruct the passage of fish to or from any of the Provincial waters by any of the ordinary channels connecting such waters,

or to prevent their passage to or from accustomed resorts for spawning and increasing their species. 60 V. c. 9, s. 35.

ARTIFICIAL PROPAGATION OF FISH.

Provisions as to setting apart of waters for natural or artificial propagation of fish.

6. The Commissioner may authorize to be set apart, and to be leased, any waters for the natural or artificial propagation of fish, and any person who wilfully destroys or injures any place so set apart, or used, for the propagation of fish therein, without written permission from a fishery overseer, or from the lessee or licensee thereof, or uses therein a fishing light, or other like implement for fishing, during the period for which the waters are so set apart, shall, for every offence, incur and pay, a fine not exceeding $100, with costs, and in default of immediate payment of such fine and costs, shall be imprisoned in the common gaol of the county wherein the offence was committed, or in which the conviction was made, for a period not exceeding three months. 60 V. c. 9, s. 21.

Commissioner may grant permission to obtain fish, etc., for certain purposes.

7. Nothing contained in this Act shall preclude the granting by the Commissioner of written permission to obtain fish and fish spawn, for the purpose of stocking or artificial breeding, or for scientific purposes, subject always to any regulations or restrictions, made or prescribed, by or under any lawful authority, in that behalf. 60 V. c. 9, s. 22.

Property in fish artificially propagated.

8. Fish artificially propagated or maintained, shall be the property of the person propagating or maintaining them, and sections 31 and 33 to 36 (both inclusive) of this Act shall not apply thereto. 60 V. c. 9, s. 43.

FISHING RIGHTS PERTAINING TO LAND GRANTS.

Exclusive right to fish in navigable waters only by express grant thereof.

9. The grant by patent, legal construction or implication of the bed of any navigable water, or of any lake or river in Ontario, whether such patent has been issued before or after the passing of this Act, shall not, unless such exclusive right of fishing is expressly granted by such patent, be deemed to carry or include the exclusive right of fishing in the navigable waters which cover or flow over the land so granted, any statute, law, usage or custom to the contrary notwithstanding. 60 V. c. 9, s. 47.

Control of fishing rights pertaining to granted lands may be assumed by Crown.

10. The Commissioner may, with the consent of the owners and for the purposes of management only, assume the control of fishing rights pertaining to granted lands fronting on or covered by any stream, river or lake, with a view to improving or leasing the same in connection with those pertaining to Crown lands fronting on or covered by the same stream, river or lake, and paying over to the private owners of such fishing rights, a proportionate share, to be determined by the Commissioner, of the rent received for the whole. 60 V. c. 9, s. 12.

FISHERY LEASES.

Fishery leases and licenses.

11. The Commissioner may issue, or authorize to be issued, fishery leases or fishing licenses, for fisheries and fishing wheresoever situated or carried on, in Provincial waters, subject always to such regulations, conditions and restrictions as may from time to time be made, ordered, established or fixed in that behalf, by the Lieutenant-Governor in Council, and published in the *Ontario Gazette*, or as may be contained in the lease or license; but leases or licenses for any term exceeding five years shall be issued only under authority of the Lieutenant-Governor in Council. 60 V. c. 9, s. 4.

If for more than five years.

Rental.

12. The rental shall be fixed by the Commissioner and shall be paid in advance, at the time or times specified therefor in the lease, and a lessee who fails to pay the rental, when and as by his lease provided, shall forfeit all rights thereunder, and thereupon the lease may be declared void by the Commissioner who may re-let the said rights; but notwithstanding the forfeiture of the said lease, and the said re-letting the said lessee shall be liable, at the suit of Her Majesty, for the said rental, and the expenses incurred by such forfeiture and re-letting. 60 V. c. 9, s. 5.

Forfeiture for non-payment.

Transfer of leases.

13. No lessee, or licensee, shall have the right to sub-let, transfer or assign any right, interest or privilege granted or conferred upon him under the provisions of this Act without first having obtained the written consent of the Commissioner or other officer thereto authorized by him. 60 V. c. 9, s. 6.

Lessee not entitled to compensation in case of deficiency.

14. If, in consequence of any incorrectness of survey, or other error or cause whatsoever, a fishery lease comprises lands included in a fishery lease of a prior date, the fishery lease last granted shall be void in so far as it interferes or purports to interfere with that previously issued, and the holder or proprietor of the lease so rendered void shall have no claim for indemnity or compensation on account thereof. 60 V. c. 9. s. 7.

Rights of passage.

15. Every fishery lease shall be deemed to have been made and granted, subject to the right of passage to and from any waters in favour of the occupants (if any), under title from the Crown, of the lands in rear of those included in the fishery lease, whether so expressed in the lease or not. 60 V. c. 9, s. 9.

Appointment of guardians.

16.—(1) The Commissioner may, upon the request of any lessees of fishery leases, or without such request, appoint as many guardians as may be deemed necessary for the effectual protection of the fisheries, or rights of fishing in any waters; such guardians shall be sworn to the faithful discharge of their duties, and especially, to prevent the taking or killing,

or attempting to take, or kill, fish in the waters under their charge, by illegal means, or in an illegal manner, or at times when the taking or killing of fish is prohibited by lawful authority; they shall be employed for such length of time as the Commissioner considers necessary, and their services shall be paid for by the lessee or lessees in such proportions and at such times and in such manner as may be determined by the Commissioner.

(2) If thereunto required by the Commissioner, a lessee shall keep and maintain, at his own expense, within the limits granted to, or conferred upon him, by a fishery lease, and for such time or times as the Commissioner may in that behalf prescribe, one or more efficient guardians, whose duties shall, in all respects, be the same as those of the guardians in the preceding subsection mentioned. 60 V. c. 9, s. 10.

Return by lessees.

17. It shall be a condition of every fishery lease, that the lessee shall, as soon as possible after the close of every fishery season, transmit to the Department of Crown Lands, a statement of the number and weight of each species of fish caught in the waters affected by the lease; and default in so doing shall render him liable to forfeiture of his lease, and also to a penalty of not less than $10 nor more than $100, to be recovered at the instance of the Crown before any Stipendiary or Police Magistrate, or before any two Justices of the Peace having jurisdiction in the locality. 60 V. c. 9, s. 11,

Fishing permits.

18. It shall be lawful for the Commissioner, or any officer thereto authorized by him, to grant permits to fish in any waters adjoining or covering Crown lands not under lease, for a period not exceeding one month, upon such terms, and subject to such restrictions and conditions as shall be provided by order of the Lieutenant-Governor in Council or as may be contained in the permit. 60 V. c. 9, s 13.

Cancellation of leases, etc.

19. Any fishery lease, or fishing license, or permit, held by any person convicted of any contravention of this Act or of any regulations made as aforesaid, may be annulled and cancelled by the Commissioner, and thereupon such person shall forfeit all his rights and privileges under such lease, license or permit, and shall not be entitled to, or have any claim or right to any indemnity or compensation in respect thereof. 60 V. c. 9, s. 14.

Liability of lessee for damage to lands included in lease.

20. Every lessee shall be answerable for damage done to the lands in the lease described and the timber growing thereon, or on adjoining lands, either by himself or his agents, or any person under his control, either from waste or from want of sufficient precaution in lighting, watching over or extinguishing fires; and it shall be incumbent on every lessee in case of damage caused by fire, to prove that all such precautions have been taken. 60 V. c. 9, s. 16.

21. A fishery lease shall entitle the lessee to institute in his own name, any action or proceeding against any person unlawfully trespassing upon, damaging or invading, the rights, property, premises or privileges, granted or demised by the lease and also to sue for and recover any damages sustained by him as such lessee. 60 V. c. 9, s. 15.

Lessee to have right of action for trespass.

22.—(1) Every person not being lawfully authorized so to do, who enters upon, or passes over, the land described in and the subject of a fishery lease without permission of the lessee or his representative, shall be deemed a trespasser, and on conviction thereof shall incur, and pay, a fine of not less than $1 nor more than $10, with costs of prosecution, for each offence, and in default of immediate payment of such fine and costs, shall be imprisoned in the common gaol of the county (or district), within which the offence was committed, for a period not exceeding one month.

Penalty for trespass.

(2) This section shall not apply to any person entering upon or passing over such lands in discharge of any duty imposed by law, nor, when the lands are included in a timber license, to the holder thereof, who shall at all times have the right to cut and take away all trees, timber and lumber within the limits of his license; nor to prevent the owners or occupiers of lands bordering on any waters using a general right of passage to and from such waters, nor to prevent the public use of any waters or the banks thereof either for the conveyance of timber and lumber of any kind or for the free navigation thereof, by vessels, boats or other craft; nor to any user under license by the Crown of any such lands or waters for any purpose or occupation not inconsistent withthe provisions of this Act. 60 V. c. 9, s. 8.

23. If any person, without permission of the lessee or his representative, fishes, or employs or induces another person to engage or assist in fishing, within the limits included in a fishery lease, or removes or carries away, or employs or induces or assists another person to remove or carry away any fish caught or taken within such limits, he shall not acquire any right to the fish so caught or taken, but the same shall be forfeited and become the absolute property of the lessee, and such person shall therefor, and upon conviction thereof, incur and pay a penalty of not less than $5 nor more than $20 with costs, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county (or district) within which the offence was committed for a period not exceeding one month; and the lessee or any person by him authorized, and any fishery overseer may on view forthwith seize and remove any net, article, apparatus or appliance so used in fishing or to assist in fishing contrary to the provisions of this section, to be afterwards dealt with according to law; provided always, that the

Fishing within limits of fishing lease without permission of lessee prohibited.

occupation of any fishing grounds or waters leased for the express purpose of net fishing, shall not interfere with, nor prevent, angling for other purposes than those of sale or traffic. 60 V. c. 9, s. 17.

Penalty for fishing in private waters

24. Whoever, without permission of the proprietor, fishes in that portion of a pond, stream or other water in which fish are lawfully cultivated, owned and maintained, by a private owner or lessee, shall render himself liable to a fine of not less than $5, and not more than $20, and to a further penalty in each case of $1, for each fish taken. 60 V. c. 9, s. 44.

Waters in certain cases may be reserved from lease.

25. It shall be lawful for the Lieutenant-Governor in Council, upon the recommendation of the Commissioner, to reserve from lease or license, for one or more years, for purposes of improvement any waters, the exclusive right of fishing in which is within the meaning of section 2 of this Act. 60 V. c. 9, s. 38.

INDIANS AND SETTLERS.

Lease or license to Indians to fish in certain waters.

26. The Commissioner may appropriate, and license or lease, certain waters in which certain Indians shall be allowed to catch fish for their own use, in whatever manner, and at whatever time, and subject to whatever terms and conditions, are specified in the license or lease. 60 V. c. 9, s. 39.

Licenses to settlers and Indians.

27.—(1) The Lieutenant-Governor in Council may, by regulation, provide for the issue of licenses, free of charges, to frontier settlers in any of the said districts or in any new part of the Province, or to any Indians residing on any reserve, or to any band of Indians residing on a reserve, to take fish in such waters, other than speckled or brook trout, or black or other bass, by net or night or set line, with not more than five set lines, exclusively for use and consumption by their own families; and any settler or other person to whom such license issues who sells or barters fish caught under such licenses shall be subject to the penalty provided by section 48, and to forfeiture of his license.

(2) Provided, nevertheless, that nothing herein contained, shall prejudicially affect any rights specially reserved to, or conferred upon Indians by any treaty or regulation in that behalf made by the Government of Canada, nor shall anything herein apply to, or prejudicially affect, the rights of Indians, if any, in any portion of the Province as to which their claims have not been surrendered or extinguished. 60 V. c. 9, s. 41.

FISHING IN CLOSE SEASON.

Penalty for fishing, etc., during close season.

28. No person shall fish for, catch, take or kill in such waters any kind or species of fish during the "close season,"

as by law or regulation the same is fixed or determined, for or in respect of that particular kind or species of fish, or buy, sell or have in his possession, at any time after the expiration of five days from the beginning of the close season in any year, any of such kinds or species of fish caught in such waters, under a penalty of not less than $10 nor more than $30, and a further penalty of $1 for each fish so caught or taken or found in possession after the expiration of such five days. 60 V. c. 9, s. 31.

RESTRICTIONS ON FISHING.

29.—(1) No person shall use dynamite or any other explosive, or any poison, for the purpose of destroying or taking fish, in or from said waters, under a penalty of $100 and two months' imprisonment in the county or district gaol for each offence. Use of explosives prohibited.

(2) No person shall use lime or other injurious substance for the purpose of injuring, killing or taking fish, in or from, said waters, under a penalty of $50 and imprisonment not exceeding three months in the county or district gaol in default of payment. 60 V. c. 9, s. 30.

30. No person shall fish for, take, catch or kill from, or in such waters, lake trout, salmon trout, whitefish, sturgeon or any other kind of fish which inhabit said waters, or attempt so to do, with any kind of net, seine or snare, rack, trap or weir, or night-line, or set-line, or fish in any such inland waters therewith, for other kind of fish, without first having obtained a license, signed by the Commissioner, or by a fishery overseer duly authorized to grant such license, under a penalty for the first offence of not less than $10 nor more than $50, and for a second or subsequent offence of not less than, $20 nor more than $100. But this section shall not apply to mullett, or suckers, or pike while they are running where fished for or taken under a permit issued by the Commissioner. 60 V. c. 9, s. 28. Use of nets and snares prohibited without license.

31. No person shall, at any time, fish for, catch or kill, speckled trout or brook trout, bass, pickerel (doré) maskinonge, muskilonge or muscallonge, in such waters, by other means than angling with hook and line in such waters. 60 V. c. 9, s. 27. Certain fish to be caught by hook and line only.

32. No person shall fish for, catch, take, kill or molest fish in such waters, when passing, or attempting to pass through any fish-way or fish-pass, or when surmounting any obstacle or leaps; nor use any invention to catch, kill or molest fish in the mill-heads and water-courses appurtenant thereto. 60 V. c. 9, s. 29. Catching fish in fishways, mill heads, etc.

33. No person shall, in such waters, kill, or retain, or carry away, any speckled or brook trout of less than five inches in Trout under five inches to be returned to water.

length. But when any such trout of a length less than five inches is taken or caught, the same shall be forthwith returned to the water by the person taking or catching the same, without unnecessary injury. 60 V. c. 9, s. 26.

Number of brook trout which may be taken in one day.

34. No person shall take or catch or kill in any Provincial waters, or carry away, a greater number than fifty speckled or brook trout in any one day, or more speckled or brook trout, than, in the aggregate, weigh more than fifteen pounds, in any one day. 60 V. c. 9, s. 25.

Number of bass which may be taken by tourist in one day.

35. No tourist or summer visitor shall take, catch or kill in any Provincial water, or carry away, in any one day, a greater number than one dozen black, or Oswego, or large-mouthed bass, or twenty green bass. 60 V. c. 9, s. 23.

Small bass to be returned to water.

36. A tourist or summer visitor who takes or catches in such waters black, or Oswego, or large-mouthed bass of less than ten inches in length, shall forthwith return the same to the water without unnecessary injury. 60 V. c. 9, s. 24.

Buying, selling or having fish in close season prohibited.

37. No one shall, without lawful excuse (the proof whereof shall lie on him), buy, sell or possess any fish, or portion of any fish, caught or killed in Provincial waters, at a time, or in a manner prohibited by law. 60 V. c. 9, s. 46.

Fish taken for scientific purposes.

38. The Commissioner may take, or authorize, or cause to be taken, fish at any time, and in any manner, for purposes connected with fish culture or scientific observation. 60 V. c. 9, s. 45.

FISH AND GAME COMMISSIONERS.

Fish and Game Commissioners to have supervision of Fisheries.

Rev. Stat. c. 287, s. 20.

39. The Fish and Game Commissioners shall have a general oversight or supervision over the fisheries of the Province, subject to any existing Acts of the Legislature, and to such regulations as shall, from time to time, be made by the Lieutenant-Governor in Council; but nothing herein contained, nor the appointment of such Commissioners, nor the assignment of duties to them, shall abrogate or interfere with, the powers and authority conferred upon the Lieutenant-Governor or the Lieutenant-Governor in Council, or the Commissioner, by this Act. 60 V. c. 9, s. 32.

Powers and duties of Commissioners.

40. Subject to such regulations, such Fish and Game Commissioners shall examine, or cause to be examined, dams and all other obstructions existing in rivers and streams flowing over or upon the lands of the Crown, and prescribe the necessity of fishways, and the location, form and capacity thereof, examine into, and report upon, the best methods of introducing and disseminating valuable species of fish into waters

where they do not exist, and of protecting and increasing, the production of such valuable species as are to be found in the waters of the Province, and may cause experiments to be made, and spawn to be placed in suitable waters, and may re-stock streams with fish suitable for food, or for scientific purposes, and may take and employ such means for the purposes aforesaid, as may be required by such general regulations as shall be approved of by the Lieutenant-Governor. 60 V. c. 9, s. 33.

Commissioners to direct prosecutions and to report.

41. Such Fish and Game Commissioners shall also examine into the workings of the fishery laws and direct prosecutions for offences against the same, and report annually to the Lieutenant-Governor, and perform any other duties which may be prescribed by law or regulation. 60 V. c., 9 s. 42.

FISHERY OVERSEERS.

Appointment of fishery overseers.

42. The Lieutenant-Governor in Council may appoint fishery overseers, whose duties shall be as defined by this Act, and the regulations made under this Act, and every overseer so appointed, and having taken the oath of office prescribed by this Act, shall be, *ex officio*, a Justice of the Peace for all the purposes of this Act, and of any regulations made under authority thereof, within the county or district or territory for which he is appointed to act as such overseer. 60 V. c. 9, s, 18.

Oath of overseer.

43. Every fishery overseer shall, before acting as a Justice of the Peace under this Act, take and subscribe the following oath :—

"I, A. B., a fishery overseer in and for the (county *or* district *or* territory) described in my appointment, do solemnly swear, that, to the best of my judgment, I will faithfully, honestly and impartially, fulfil, execute and perform, the office and duty of such overseer, according to the true intent and meaning of *The Ontario Fisheries Act*, and of all regulations made, or to be made thereunder, So help me God."

60 V. c. 9, s. 19.

Right of passage.

44. In the discharge of his duties, every fishery overseer, and every person by him accompanied, or authorized for that purpose, may enter upon, and pass through, or over, private property, without being liable for trespass. 60 V. c. 9, s. 36.

Remuneration of overseers, etc.

45. The remuneration of the fishery overseers, and of all other persons employed to perform any duty imposed by this Act, or by the regulations made under it, shall be determined by the Lieutenant-Governor in Council, and shall be paid out of moneys derived under the provisions of this Act, or appropriated for that purpose, by the Legislature. 60 V. c. 9, s. 37.

Certain reports to be laid before the Assembly.

46. Such annual or other reports of the fishery overseers as the Lieutenant-Governor from time to time directs, shall be laid before the Legislative Assembly. 60 V. c. 9, s. 40.

REGULATIONS.

Regulations may be made by the Lieutenant-Governor in Council.

47.—(1) So far as the Legislature of Ontario has authority so to enact, the Lieutenant-Governor in Council may, from time to time, make regulations, and may, from time to time, vary, amend, alter or repeal, all and every such regulation, as may be found necessary, or deemed expedient, for the better management and regulation of Crown Lands, leased under the operation of this Act, or of regulations made thereunder, and the fishing rights thereto pertaining, or of any fishing license which may be made or granted, by virtue of this Act, or of said regulations; and to prevent the destruction of fish, and to forbid fishing, in any waters within the Province, except under authority of a fishing lease, or fishing license or permit, and for the preservation of fish and fisheries in Provincial waters and for the purpose of carrying the provisions of this Act into effect, and all regulations so made, shall have the same force and effect as if herein contained and enacted, and every offence against any such regulations may be stated as having been made in contravention of this Act.

(2) The publication of any regulation in the *Ontario Gazette* shall be sufficient notice to give legal effect to the same; and the production of a copy of the paper purporting to be the *Ontario Gazette* and containing any such regulations, shall, so far as the Legislature of Ontario has authority so to enact or direct, be admitted in all courts as sufficient evidence of such regulations. 60 V. c. 9, s. 20.

PENALTIES.

Penalty for contravention of Act where no special penalty.

48. Where any of the provisions of this Act, or of any regulations made under the authority thereof by the Lieutenant-Governor in Council, are contravened, and no other penalty is herein provided for such contravention, the person guilty of such contravention shall, on conviction thereof, incur and pay a fine of not less than $10, nor more than $50, with costs of prosecution, and in default of immediate payment of such fine and costs, shall be imprisoned in the common gaol of the county or district within which the offence was committed, for a period not exceeding one month. 60 V. c. 9, s. 48.

Who may hear and determine complaints when penalty is less than $50.

49. All prosecutions for the punishment of any offence under this Act, for which offence the penalty does not exceed the sum of $50, and imprisonment or imprisonment at hard labour in default of payment thereof, and of the costs, may take place before any Fishery Overseer, Stipendiary or Police Magis-

trate, or one or more of Her Majesty's Justices of the Peace having jurisdiction in the county or district in which the offence is committed. 60 V. c. 9, s. 56.

Who may hear complaints in other cases.

50. All prosecutions for the punishment of any offender under this Act, other than those in the next preceding section mentioned, may take place before any Stipendiary or Police Magistrate, or any two or more of Her Majesty's Justices of the Peace having jurisdiction in the county or district in which the offence was committed, or before any of such Justices and any Fishery Overseer. 60 V. c. 9, s. 57.

Offences in boundary waters.

51. Where any offence under this Act is committed in, upon, or near, any waters forming the boundary between different counties or districts, such offence may be prosecuted before any Magistrate or Fishery Overseer, for either of such contiguous counties or districts. 60 V. c. 9, s 50 (7).

Destruction of illegal fishing apparatus.

52. Any Fishery Overseer or Magistrate may, on view, or otherwise, convict for any offence against the provisions of this Act, or of any regulation made thereunder, and shall instantly capture and detain, or destroy, all seines, or nets, or other materials and articles illegally set or in use which are shown to have been illegally in use. 60 V. c. 9, s. 50 (6).

Separate offences.

53. Contravention, on any day, of any of the provisions of this Act, or of any regulation made under the authority thereof, by the Lieutenant-Governor in Council, shall constitute a separate offence, and may be punished accordingly. 60 V. c. 9, s. 49.

Who may be prosecutor or complainant.

54. Any person may be the prosecutor or complainant in prosecutions under this Act, and it shall be the duty of every Fishery Overseer and Fire and Wood Ranger, constable and peace officer, and every Game and Deputy Game Warden, to aid in the observance of the provisions of this Act, and in bringing offenders to justice. 60 V. c. 9 s. 53.

Provisions with respect to summary proceedings.

55. The following provisions shall have effect with respect to summary proceedings for offences, fines and penalties under this Act:—

1. The information or complaint shall be laid within three months after the commission of the offence.

2. The description of an offence, in the words either of this Act, or of any regulations made by authority thereof, or in any similar words, shall be sufficient in law.

3. Any exception, exemption, proviso, excuse or qualification, whether or not it accompanies the description of the offence in this Act, or in any regulation made by authority thereof, may be proved by the defendant, but need not be

specified or negatived in the information or complaint, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant or complainant. 60 V. c. 9, s. 50 (1-3).

Evidence.

56.—(1) Upon the hearing of any information or complaint exhibited, or made, under this Act, the person giving or making the information or complaint shall be a competent witness, notwithstanding that such person may be entitled to part of the pecuniary penalty on the conviction of the offender.

(2) On the trial of any complaint, proceeding, matter or question under this Act, the person opposing, or defending, or who is charged with any offence against or under any of the provisions of this Act, shall be competent and compellable to give evidence in or with respect to such complaint, proceeding, matter or question, and on any such trial no person, witness or party shall be excused from answering any question upon the ground that the answer to such question may tend to criminate him, or may tend to establish his liability to a civil proceeding at the instance of the Crown or any other person; provided, however, that no evidence so given shall be used or receivable in evidence against such person in any criminal proceeding thereafter instituted against him, other than a prosecution for perjury in giving such evidence. 60 V. c. 9, s. 55.

57. Wherever it appears, to the satisfaction of the convicting Magistrate, that an offence against this Act, or any regulation made thereunder, has been committed in ignorance of the law, and that, because of the poverty of the offender, the fine or penalty imposed would be oppressive, a discretionary power may be exercised. 60 V. c. 9, s. 50 (5).

Committal on non-payment of fine.

58. In default of the payment of any penalty imposed by this Act, and costs, by any person convicted of any offence under this Act, the offender may be committed to the common gaol of the district or county where the offence was committed for a period not exceeding three months, unless the penalty and costs, and the costs and charges of the commitment, and carrying the defendant to prison, are sooner paid, and the amount of such costs and charges of commitment and carrying the offender to prison shall be ascertained and stated in the warrant or commitment. 60 V. c. 9 s. 54

Certain Acts to apply to prosecutions under this Act Rev. Stat. c. 90.

59. Save where otherwise provided by this Act, all the provisions and forms authorized under *The Ontario Summary Convictions Act* shall apply as far as they may be applicable, to all prosecutions and proceedings under this Act, where not inconsistent with this Act, except on proceedings on appeal; and the practice and procedure upon and with respect to appeals and all proceedings thereon and thereafter, shall be governed by *The Act respecting the procedure on Appeals to*

the Judge of a County Court from Summary Convictions. 60 V. c. 9, s. 52. Rev. Stat. c. 92.

60. A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a Court of summary jurisdiction, against which a person is authorized to appeal, shall not be removed by certiorari or otherwise, either at the instance of the Crown or of any private person, into the High Court, except for the purpose of the hearing and determination of a special case. 60 V. c. 9, s. 50 (4). Defects of form. Convictions not removable on certiorari.

61.—(1) One half of every fine or penalty imposed by virtue of this Act, shall belong to Her Majesty, for the uses of the Province, and the remaining half shall be paid to the prosecutor, together with any costs which he may have incurred. Application of fines.

(2) All seines, nets, or other materials, apparatus, or appliances used, and all fish had or taken in contravention of this Act, or any regulation made thereunder, shall be confiscated to Her Majesty, for the uses of the Province, and may be seized and confiscated or destroyed on view, or otherwise, by any Fishery Overseer, or by any person authorized by him, or may be taken and removed, by any person, for delivery to any Magistrate or Fishery Overseer; and the proceeds thereof shall belong to Her Majesty, for the uses of the Province, and may be applied towards defraying expenses incurred under the provisions of this Act; but nothing in this subsection contained shall apply to any forfeiture of fish under the provisions of this Act.

(3) The moiety of every fine or penalty belonging to Her Majesty for the uses of the Province, and all proceeds derived from the sale of articles confiscated to Her Majesty under this Act, shall be paid over to the Treasurer of the Province through the Commissioner, and shall be applied towards the expenses incurred in carrying out the provisions of this Act.

(4) Persons aggrieved by such conviction or confiscation may appeal, by petition, to the Commissioner, who shall have power to remit fines and penalties, and restore forfeitures, under this Act. 60 V. c. 9, s. 51, *part*; 60 V. c. 3, s. 3.

62. This Act shall go into effect on such day as the Lieutenant-Governor in Council may by proclamation appoint and not before, and upon the said day chapter 32 of *The Revised Statutes of Ontario, 1887*, and chapter 10 of the Acts passed in the 55th year of Her Majesty's reign, entitled *An Act for the Protection of the Provincial Fisheries*, shall be repealed. 60 V. c. 9, s. 58, s. 59. Commencement of Act

CHAPTER 289.

An Act for the Protection of Insectivorous and other Birds.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 287, not affected.

Cage birds and poultry.

1. Nothing in this Act contained shall be held to affect *The Ontario Game Protection Act*, or to apply to any imported cage birds or other domesticated bird or birds generally known as cage birds, or to any bird or birds generally known as poultry. 52 V. c. 50, s. 1.

Birds that may be killed.

2.—(1) Except as in section 6 of this Act provided, it shall not be lawful to shoot, destroy, wound, catch, net, snare, poison, drug, or otherwise kill or injure, or to attempt to shoot, destroy, wound, catch, net, snare, poison, drug or otherwise kill or injure any wild native birds other than hawks, crows, blackbirds and English sparrows, and the birds specially mentioned in *The Ontario Game Protection Act*.

Rev. Stat. c. 287.

(2) Any person may, during the fruit season, for the purpose of protecting his fruit from the attacks of such birds, shoot or destroy, on his own premises, the bird known as the robin without being liable to any penalty under this Act. 52 V. c. 50, s. 2.

Trapping and selling forbidden.

3. Except as in section 6 of this Act provided, it shall not be lawful to take, capture, expose for sale or have in possession any bird whatsoever, save the kinds hereinbefore or hereinafter excepted, or to set, wholly or in part, any net, trap, springe, snare, cage, or other machine or engine, by which any bird whatsoever, save and except hawks, crows, blackbirds, and English sparrows, might be killed and captured; and any net, trap, springe, snare, cage or other machine or engine, set either wholly or in part for the purpose of either capturing or killing any bird or birds, save and except hawks, crows, blackbirds and English sparrows, may be destroyed by any person without such person incurring any liability therefor. 52 V. c. 50, s. 3.

Nest, young or eggs not to be taken.

4. Save as in section 6 of this Act provided, it shall not be lawful to take, injure, destroy or have in possession any nest,

young or eggs of any bird whatsoever, except of hawks, crows, black-birds, and English sparrows. 52 V. c. 50, s. 4.

Power to seize birds unlawfully possessed.

5. Any person may seize, on view, any bird unlawfully possessed, and carry the same before any Justice of the Peace, to be by him confiscated, and if alive to be liberated; and it shall be the duty of all market clerks and policemen or constables, on the spot to seize and confiscate, and if alive, to liberate such birds. 52 V. c. 50, s. 5.

Permit may be granted by Chief Game Warden to ornithologists, etc. Rev. Stat. c. 287.

6. The Chief Game Warden for the time being under *The Ontario Game Protection Act*, may, on receiving from any ornithologist, or student of ornithology, or biologist, or student of biology, an application and recommendation, according to the Forms A and B in the Schedule hereto, grant to such applicant a permit, according to Form C in said Schedule, empowering the holder to collect, and to purchase or exchange all birds or eggs otherwise protected by this Act, at any time or season he may require the same for the purpose of study, without the liability to penalties imposed by this Act. 52 V. c. 50, s. 6; 56 V. c. 49, s. 26; 57 V. c. 57, s. 5.

Duration of permit. Rev. Stat. c. 287.

7. The permits granted under the last preceding section shall continue in force until the end of the calendar year in which they are issued, and may be renewed at the option of the Chief Game Warden for the time being under *The Ontario Game Protection Act*. 52 V. c. 50, s. 7; 56 V. c. 49, s. 26; 57 V. c. 57, s. 5.

Penalties.

8.—(1) The violation of any provision of this Act shall subject the offender to the payment of not less than $1 and not more than $20 with costs, on summary conviction, on information or complaint before one or more Justices of the Peace.

Application of fines.

(2) The whole of the fine shall be paid to the prosecutor, unless the convicting Justice has reason to believe that the prosecution is in collusion with and for the purpose of benefiting the accused, in which case the said Justice may order the disposal of the fine as in ordinary cases.

Imprisonment.

(3) In default of payment of the fine and costs, the offender shall be imprisoned in the nearest common gaol for a period of not less than two and not more than twenty days, at the discretion of the Justice. 52 V. c. 50, s. 8.

Conviction not invalid for want of form.

9. No conviction under this Act shall be quashed for any defect in the form thereof, or for any omission or informality in any summons or other proceeding under this Act, so long as no substantial injustice results therefrom. 52 V. c. 50, s. 9.

SCHEDULE.

FORM A.

(*Section* 6.)

FORM OF APPLICATION.

I, of hereby apply for a permit granting to me the right to collect birds, and their nests and eggs, for strictly scientific purposes only, in accordance with chapter 289 of the Revised Statutes of Ontario 1897, intituled "*An Act for the Protection of Insectivorous and other Birds.*"

Dated at the day of 18

A. B.
Applicant.

To

The Chief Game Warden,
Toronto.

52 V. c. 50. Sched. "A."

FORM B.

(*Section* 6.)

FORM OF RECOMMENDATION.

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We, the undersigned, personally know and believe him to be a person of good character, and fit to be entrusted with the privilege of collecting wild birds, and their nests and eggs in accordance with chapter 289 of the Revised Statutes of Ontario 1897, intituled "*An Act for the Protection of Insectivorous and other Birds,*" which Act we have carefully examined and fully comprehended.

A. B.
(Address.)

52 V. c. 50, Sched. "B."

FORM C.

(*Section* 6.)

FORM OF CERTIFICATE.

Mr. of the in the County of in the Province of Ontario is hereby authorized to collect birds, and their nests and eggs, for strictly scientific purposes only, in accordance with chapter 289 of the Revised Statutes of Ontario 1897, intituled "*An Act for the Protection of Insectivorous and other Birds.*"

Dated at the day of 18

Chief Game Warden.

52 V. c. 50, Sched. "C."

CHAPTER 290.

An Act to encourage the Destroying of Wolves.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

When any person producing to a J. P. the head of a wolf with the ears on, entitled to a reward.

1. If any person produces the head of a wolf with the ears on, before any Justice of the Peace acting for any county in Ontario, and makes oath or affirmation (as the case may be), or otherwise proves to the satisfaction of such Justice, that the wolf was killed within that county, or within one mile of an actual settlement in the county, he shall be entitled to receive from the treasurer of the county the sum of $10 as a bounty for the same. R. S. O. 1887, c. 223, s. 1; 55 V. c. 59, s. 1.

J. P. to give his certificate.

2. In case the Justice of the Peace before whom the head of the wolf is produced, is satisfied of the fact that the wolf was killed as in the preceding section mentioned, he shall first cut off the ears thereof, and then give the person a certificate that the fact of the wolf having been killed as in the last section mentioned has been proved to his satisfaction, and such certificate shall authorize the person holding the same to demand and receive from the treasurer of the county the said bounty of $10. R. S. O. 1887, c. 223, s. 2; 55 V. c. 59, s. 1.

Treasurer to pay the reward if in funds.

3. The Treasurer of the county shall forthwith pay such bounty to the person presenting the certificate, provided the county funds in his hands enable him so to do; and if the said funds do not so enable him, then the said treasurer shall pay the same out of the moneys of the county which next thereafter come into his hands. R. S. O. 1887, c. 223, s. 3.

Provincial Treasurer to refund $4 on every bounty paid.

4. Upon the production of the said certificate and a written acknowledgment of the payment by said county, signed by the person to whom the same has been paid, the corporation of the county, except the Provisional County of Haliburton, shall be entitled to receive from the Provincial Treasurer the sum of $4 upon every bounty of $10 so paid, and the said Treasurer may pay the same out of such moneys as may be voted by the Legislature for that purpose. 55 V. c. 59, s. 2.

Other County expenses to be first paid.

5. The Treasurer of a county shall not pay the bounty to which any such certificate entitles the person presenting the same, until he has paid the annual expenses of the county,

arising from the building of a court house and gaol, and keeping the same in repair, the fees of the Clerk of the Peace, the salary of the gaoler, and the maintenance of the prisoners. R. S. O. 1887, c. 223, s. 4.

If not paid certificate may be tendered in discharge of rates.

6. When the funds of any county do not enable the Treasurer thereof to pay the bounty, the certificate thereof shall be a lawful tender to the full value and amount therein specified, for and towards the discharge of any county rate or assessment to be collected from any person within the county in which the wolf was destroyed, and shall be accepted and taken by the collector of any township within the county as equivalent to so much of the current money of Canada, and may be by him paid and delivered over to the County Treasurer, by whom the same shall in like manner be taken and accepted as equivalent to so much of the current money aforesaid. R. S. O. 1887, c. 223, s. 5.

Reward for production wolf's head.

7. Where any wolf is so killed in any district of the Province which does not form part of any county, or in the Provisional County of Haliburton, upon the production of the head with the ears on, before any District Judge or Stipendiary Magistrate or Police Magistrate, Sheriff, Crown Lands or Free Grant Agent, or before any Division Court Clerk of or within such district, or in the Provisional County of Haliburton, and the person so killing the same makes oath or affirmation, as the case may be, and establishes to the satisfaction of such officer that the wolf was killed within such district, he shall be entitled to receive from the Treasurer of the Province the sum of $10 as a bounty for the same. 55 V. c. 59, s. 3 *part*.

Officer to whom head produced to cut off ears and give certificate.

8. In case the officer before whom the head is produced is satisfied that the wolf was killed as in the preceding section is mentioned, he shall first cut off the ears thereof and then give the person a certificate, as mentioned in section 2 of this Act, and that such person is entitled to receive from the Provincial Treasurer the said sum of $10; and the Treasurer may pay the same upon the production of the certificate upon being duly satisfied that the same has been duly signed by any such officer, out of such moneys as may be voted by the Legislature for that purpose. 55 V. c. 59, s. 3 *part*.

9. The Lieutenant-Governor in Council may make regulations prescribing the manner in which proof shall be made and otherwise in order to carry this Act into effect. 55 V. c. 59, s. 3 *part*.

SECTION XV.

EDUCATION.

CHAPTER 291.

An Act respecting the Education Department.

SHORT TITLE, s. 1.
DEPARTMENT OF EDUCATION, s. 2.
JURISDICTION, s. 3.
POWERS, s. 4.
EDUCATION COUNCIL, s. 5.
MINISTER OF EDUCATION, ss. 6, 7.
REGULATIONS AND ORDERS IN COUNCIL, s. 8.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Education Department Act*. 59 V. c. 69, s. 1.

Department established.

2. There shall continue to be a Department of Education which shall consist of the Executive Council, or a committee thereof, appointed by the Lieutenant-Governor: and one of the said Executive Council, to be nominated by the Lieutenant-Governor, shall hold the office of "Minister of Education." 59 V. c. 69, s. 2.

Jurisdiction of the Department.

3. Subject to any statute in that behalf the Education Department shall have the management and control of the following, namely: Kindergartens, Public and Separate Schools, High Schools and Collegiate Institutes, Art Schools, Model Schools, Normal Schools, the Ontario Normal College, Teachers' Institutes and Public Libraries, with power to appoint such inspectors, teachers and other officers for instruction and supervision as may be deemed expedient. 59 V. c. 69, s. 3.

Power to Department to make regulations as to certain matters.

4. The Education Department shall have power, subject to the provisions of any statute in that behalf, to make regulations:—

1. For the classification, organization, government and examination of all schools and institutes hereinbefore mentioned, and for the equipment of school houses and the arrangement of school premises; and for determining the fees to be paid by candidates at departmental examinations;

2. For the authorization of text-books for the use of pupils and teachers in training attending such schools or institutes, and for the selection of books of reference for the use of teachers and pupils, and for the management of public and school libraries;

3. For determining the qualifications and duties of inspectors, examiners and teachers of such schools and institutes, and for the appointment from time to time of such examiners as may be requisite for that purpose;

4. For the payment of the allowances of superannuated inspectors and teachers, and the distribution of all moneys set apart by the Legislative Assembly for educational purposes.

Rev. Stat. c. 292.

5. For extending on such evidence as to efficiency as may be deemed necessary, any certificate issued under the authority of *The Public Schools Act*;

6 For the study of agriculture, domestic economy and for scientific instruction as to the nature of alcoholic stimulants and narcotics with special reference to their effect upon the human system;

7. For affiliating with the Ontario Normal College such high schools or collegiate institutes as may be necessary for practical instruction in the art of teaching;

8. For accepting in lieu of the annual departmental examination the certificate of any normal school or the examination of any university in the British Dominions;

Rev. Stat. c 292.

9. For setting apart a separate school in any city or county as a model school for the training of teachers for separate schools, and in such case, appointing a competent person possessing the qualifications prescribed by *The Public Schools Act*, to be a member of the county board of examiners of such city or county in addition to the number now authorized. 59 V. c. 69, s. 4.

Educational Council.

5.—(1) For the purpose of conducting the examinations prescribed by the Education Department, and the annual examination for matriculation into the University of Toronto (not including the examinations known as the Supplemental or the Scholarship examinations unless requested so to do by the Senate of the said University) there shall be established an Educational Council of twelve persons to be appointed by the Lieutenant-Governor in Council on or before the 15th of October in each year. The Senate of the University shall have power to nominate six of the twelve persons to be so

appointed, and, in the event of the Senate failing or neglecting to make such nominations on or before the date above mentioned, the Lieutenant-Governor in Council may make such appointments. Vacancies in the Council shall be filled by the Lieutenant-Governor in Council, but if the vacancy occur among the members nominated by the Senate, the Senate shall have power to nominate a person to fill such vacancy.

(2) The Senate may withdraw the conduct of the annual Matriculation examination aforesaid from the Educational Council on giving notice of such withdrawal to the Minister of Education, on or before the 15th of October in any year; in such case, the right of the Senate to nominate Members of the Council shall cease and determine and the Lieutenant-Governor-in-Council may thereafter appoint the full Council. Should the Council fail or neglect to perform any of the duties assigned to it, then such duties may be performed by the Education Department.

(3) The first meeting of the Council in each year shall be called by the Minister of Education. The Council shall appoint its own chairman, and shall hold such meetings from time to time as may be necessary for the transaction of its proper business. Four members shall form a quorum. The Registrar of the Council shall be appointed by the Education Department.

(4) The Council shall appoint examiners well qualified by experience as teachers in either a University or High School for the purpose of preparing uniform examination papers for the combined Matriculation examination aforesaid and the Departmental examinations conducted upon the same course of study. The Council shall also appoint associate examiners for reading the answer papers of candidates at such examinations and such associate examiners shall be persons actually engaged in teaching, and graduates of a University in the British Dominions or specialists according to the Regulations of the Education Department; the number to be appointed from year to year for each examination paper shall be determined by the Minister of Education.

(5) The associate examiners shall be selected from lists, to be furnished by the Minister of Education, of persons qualified as above; such list shall contain at least twice the number of persons to be appointed. No examiner or associate examiner shall be appointed, to whom objection is taken by four of the Members of the Council nominated by the Senate, or by four of the persons appointed by the Lieutenant-Governor in Council without such nomination.

(6) The Council shall have power to instruct the examiners with respect to the character of the examination papers to be prepared by them and the number of questions on each paper. The Council shall direct the associate examiners during the

reading of the answer papers, and settle the results of the examination and report thereon. The powers of the Council in all matters in this subsection contained shall be subject to such regulations as may be agreed upon from time to time by the Education Department and the Senate of the University.

(7) The Council shall, subject to the regulations of the Education Department, appoint such examiners and associate examiners as may be required for preparing, reading and valuing the examination papers of candidates at all other Departmental examinations or for reading the answer papers of candidates who have appealed to the Minister of Education for a re-examination of their answer papers, and for settling the results of such examinations.

(8) Except in the case of an emergency, no examiner or associate examiner shall be appointed for more than three consecutive years. All presiding examiners charged with the conduct of examinations at High Schools and other centres shall be appointed by the Education Department and shall be subject to the regulations of the Education Department from time to time. 60 V. c. 14, s. 70.

Powers of Minister.

6. It shall be the duty of the Minister of Education and he shall have power:—

Apportionment of grant.

1. To apportion all sums of money voted by the Legislative Assembly for public and separate schools among the several counties, townships, cities, towns, and incorporated villages according to the population in each as compared with the whole population of the Province, as shewn by the last annual returns received from the municipal clerks, (provided that the amount payable in every rural school in the territorial districts shall be at least $100), and to see that the money so apportioned is paid on or before the first day of July in each year to the treasurer of every county, city, town and village as the Lieutenant-Governor in Council may direct;

Grant payable on the first of July in each year.

Division between public and separate schools.

2. To divide the amount so apportioned between public and separate schools according to the average number of pupils attending such schools respectively, during the next preceding twelve months, or during the number of months which may have elapsed from the establishment of a new separate school, as compared with the whole average number of pupils attending school in the same city, town, village or township;

Distribution of grant.

3. To direct the county inspector to distribute among the school sections of each township under his jurisdiction the public school grant according to the average attendance of pupils at each public school as compared with the whole average number of pupils attending the public schools of the township. All such grants shall be payable by the township treasurer to the order of the secretary or secretary-treasurer of the board of trustees on the inspector's

order. Notice of such distribution shall be given by the inspector to the trustees concerned.

High School grant, how paid.

4. To apportion all sums of money voted by the Legislative Assembly for high school purposes among the several high schools of the Province subject to the regulations of the Education Department on the basis of average attendance, the salaries paid to teachers, the provision made for teaching the subjects on the course of study, the extent and suitability of the school site, and the character and equipment of the school buildings and their appendages; to give notice of such apportionment to the county clerk of each county, and to see that the same is paid to the high school treasurer as the Lieutenant-Governor in Council may direct;

Other grants, how paid.

5. To apportion out of any grant made by the Legislative Assembly for such purposes, all sums payable under any statute in that behalf towards the maintenance of the normal college, normal schools or other schools or institutes for the training of teachers, county model schools, public libraries, art schools, inspection of schools, and the examination of teachers, and all other incidental departmental expenses subject to the regulations of the Education Department;

Minister may submit questions arising upon school law to High Court. Rev. Stat. cc. 292-294.

6. To submit a case on any question arising under *The Public Schools Act* or *The High Schools Act*, or under *The Separate Schools Act* to any Judge of the High Court for his opinion and decision, or, with the consent of such Judge, to a Divisional Court of the said High Court for its opinion and decision;

Power to settle disputes and complaints

7. To decide upon all disputes and complaints laid before him the settlement of which is not otherwise provided for by law, and upon all appeals made to him from the decision of any inspector or other school officer;

Power to appoint commissioners.

8 To appoint one or more persons, as he may deem expedient, to inquire into and report to him upon any school matter. Such person or persons, or any of them, shall have power to administer oaths to witnesses, or require them to make solemn affirmation of the truth of the matters they may be examined upon;

Compelling attendance of witnesses.

9. To apply to the High Court for a writ of subpœna *ad testificandum* and also *duces tecum* upon the *præcipe* of the Minister of Education therefor, containing the names of the witnesses intended to be summoned thereby, such writ to be directed to the person who is required to attend and give evidence under oath, at such times, and places, and before such person or persons as the Minister shall appoint; and default of any person in obeying such subpœna shall be punishable as in any action or cause in the said Court:

Annual report to be made by Minister of Education.

10. To report annually to the Lieutenant-Governor upon all the schools and institutes herein mentioned with such

suggestions for promoting education generally as he may deem expedient. 59 V. c. 69, s. 6.

Powers of minister as to separate schools not affected.

7. Except as provided in sections 3 and 4 of this Act nothing in this Act contained shall be deemed, taken or construed as, in any manner or for any purpose, altering, varying or affecting any power, right or authority which, before the passing of this Act, was by law vested in or held, had or possessed by the Minister of Education or the Department of Education in respect either to Roman Catholic Separate Schools or of any matter or thing whatsoever pertaining to or affecting said Separate Schools. 59 V. c. 69, s. 7.

Regulations and Orders in Council to be laid before the Legislative Assembly.

8.—(1) Every regulation or Order in Council made under this Act or under the public, separate or high schools Acts, shall be laid before the Legislative Assembly forthwith if the Legislature is in session at the date of such regulation or Order in Council, and if the Legislature is not in session such regulation or Order in Council shall be laid before the said House within the first seven days of the session next after such regulation or Order in Council is made;

(2) In case the Legislative Assembly at the said session, or if the session does not continue for three weeks after the said regulation or Order in Council is laid before the House, then at the ensuing session of the Legislature, disapproves by resolution of such regulation or Order in Council either wholly or of any part thereof, the regulation or Order in Council, so far as disapproved of, shall have no effect from the time of such resolution being passed. 59 V. c. 69, s. 8.

CHAPTER 292.

An Act respecting Public Schools.

SHORT TITLE, s. 1.
INTERPRETATION, s. 2.
EXISTING ARRANGEMENTS CONTINUED, ss. 3-5.
PUBLIC SCHOOLS TO BE FREE, s. 6.
RELIGIOUS INSTRUCTION, s. 7.
CONTINUATION CLASSES, s. 8.
SCHOOL CORPORATIONS, s. 9.
BOARDS OF EDUCATION, s. 10.
RURAL PUBLIC SCHOOLS—
School sections, s. 11.
Election of trustees, ss. 12-15.
Organization and duties of Board, s. 16.
Secretary-treasurer, ss. 17, 18,
Requisites of valid corporate acts, s. 19.
Admission of pupils at urban schools, s. 20.
Auditors, ss. 21-23.
SECTIONS IN UNORGANIZED TOWNSHIPS, ss. 24-27.
ASSESSMENT ROLLS, ss. 25, 26.
COLLECTOR, s. 28.
TOWNSHIP BOARDS, ss. 29, 30.
RURAL SCHOOL SITES, ss. 31-37.
ALTERATION OF SCHOOL BOUNDARIES, s. 38.
APPEALS RESPECTING SCHOOL BOUNDARIES, ss. 39-41.
UNION SCHOOL SECTIONS, ss. 42-48.
UNIONS WITH URBAN MUNICIPALITIES, ss. 49, 50.
EQUALIZATION OF UNION SCHOOL ASSESSMENTS, s. 51.
BY-LAWS ALTERING BOUNDARIES, TIME FOR MOVING TO QUASH, s. 52.
URBAN SCHOOL BOARDS, ss. 53-56.
Election of trustees, ss 57-61.
Duties of trustees, ss. 62-65.
TOWNSHIP ASSESSMENT FOR SCHOOLS, ss. 66-69.
SCHOOL DEBENTURES
In rural sections, ss, 70, 71.
In urban sections, ss. 72-74.
TREASURERS OF SCHOOL MONEYS, s. 75.
TEACHERS—
Duties, s. 76.
Agreements with, s. 77.
Certificates to, s. 78.
COUNTY BOARDS OF EXAMINERS, s. 79.
COUNTY MODEL SCHOOLS, s. 80.
TEACHERS' INSTITUTES, s. 81.
INSPECTORS, ss. 82, 83.
ALLOWANCES TO ARBITRATORS AND INSPECTORS, s. 84, 86.
SUPERANNUATION, ss. 87-89.
NON-RESIDENT PUPILS, s. 90.
HOLIDAYS, s. 91.
AUTHORIZED BOOKS, s. 92.
APPEALS FROM DIVISION COURT DECISIONS, s. 93.
SCHOOL VISITORS, s. 94.
PENALTIES AND PROHIBITIONS, ss. 95-115.
Recovery of penalties, s. 116.
CONFIRMING AND SAVING CLAUSES, s. 117.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *"The Public Schools Act,"* 59 V. c. 70, s. 1.

Interpretation. **2.** Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears.

"Teacher." 1. "Teacher" shall mean any person holding a legal certificate of qualification;

"County." 2. "County" shall include a union of counties;

"Township." 3. "Township" shall include unions of townships made for municipal purposes;

"School site." 4. "School site" shall mean such area of land as may be necessary for the school house, teacher's residence, caretaker's residence, offices and playgrounds connected therewith;

"School section." 5. "School section" shall mean the municipality or any portion thereof, or any portion of two or more municipalities under one public school corporation;

"Owner." 6. "Owner" shall include a mortgagee, lessee or tenant, or other person entitled to a limited interest, and whose claims may be dealt with by arbitration as herein provided;

"Ratepayer." 7. "Ratepayer" shall mean any person entered on the last revised assessment roll of the school section for public school rates;

"Board of trustees." 8. "Board of trustees" shall include a board of education in all cases of a union between public and high school trustees.

"Urban municipality." 9. "Urban municipality" shall mean a city, town or incorporated village.

"The Municipal Act." 10. "The Municipal Act" shall mean *The Municipal Act*, or in case such Act is amended or repealed, and amended provisions or new provisions substituted, dealing with the matter to which the sections of this Act mentioning "The Municipal Act" refer, then the said expression shall refer to the said Act as amended or the Act containing such new provisions. 59 V. c. 70, s. 2.

Rev. Stat. c. 223.

Application of regulations Rev. Stat. c. 291.

3. All regulations made under the *The Education Department Act*, shall apply to any matter or thing in this Act contained, so far as the same are consistent with this Act, though not specially referred to in any section thereof. 59 V. c. 70, s. 3.

No rate on supporters of Roman Catholic separate schools.

4. Nothing in this Act authorizing the levying or collecting of rates on taxable property for public school purposes shall apply to the supporters of Roman Catholic separate schools. 59 V. c. 70, s. 4.

Existing school arrangements continued.

5. All boards of education, and all public school sections or other public school divisions, together with all elections of trustees and appointments to office, all agreements, contracts, assessments, and rate-bills heretofore duly made in relation to public schools, and existing when this Act comes into force, shall continue subject to this Act. 59 V. c. 70, s. 5.

PUBLIC SCHOOLS TO BE FREE.

Public schools to be free.

6. All schools established under this Act shall be called public schools and shall be free schools, and every person between the age of five and twenty-one years shall have the right to attend some school. Pupils may attend kindergarten schools from four to seven years of age, subject to such fees as to the trustees may seem expedient. 59 V. c. 70, s. 6.

RELIGIOUS INSTRUCTION.

Religious exercises.

7.—(1) No person shall require any pupil in any public school to read or study in or from any religious book, or to join in any exercise of devotion or religion, objected to by his or her parents or guardians.

(2) Pupils shall be allowed to receive such religious instructions as their guardians or parents desire, according to any regulations provided for the organization, government and discipline of public schools. 59 V. c. 70, s. 7.

CONTINUATION CLASSES.

Continuation classes in public schools where there is no high school.

8.—(1) Subject to the regulations of the Education Department the school corporation of any municipality or section in which there is no high school shall have power to establish a continuation class for pupils who have completed the course of study prescribed for public schools and who have passed the public school leaving examination, and also to provide for such class suitable accommodation, and to impose such fees for tuition, upon the pupils in attendance who have passed the said leaving examinations, whether residents or non-residents of the municipality, as they may deem expedient.

Who may be admitted to continuation class.

(2) The school corporation may admit to such continuation class pupils who have passed the entrance examination to a high school, but all such pupils who are residents of the municipality or section shall be exempted from tuition fees. Where non-residents are admitted such fees may be charged as the trustees may deem expedient.

Course of study in continuation class. Teachers.

(3) The course of study for continuation classes shall be the course prescribed for the primary examination of the Education Department. Teachers of continuation classes shall possess at least the qualifications of an assistant in a high school, subject to the regulations of the Education Department in that behalf.

Grant to school having continuation class.

(4) The Minister of Education may apportion to any school conducting continuation classes, out of any money appropriated by the Legislature for that purpose, a sum equal to the average amount per pupil paid by the Legislature towards the

maintenance of high school pupils. The municipal council of any county may pay for the maintenance of such classes a sum equal to the legislative grant appropriated by the Minister of Education for such class or such further sums as may seem expedient. 59 V. c. 70, s. 8.

SCHOOL CORPORATIONS.

Trustees to be a corporation.

9.—(1) The trustees of every school section shall be a corporation under the name of "The Board of Public School Trustees for School Section of the Township of in the County of ", as the case may be.

Trustees, term of office of.

(2) For every rural school section there shall be three trustees, each of whom, in rotation, shall hold office for three years, and until his successor has been elected. The persons qualified to be elected trustees shall be such persons as are British subjects and resident ratepayers or farmers' sons, within the meaning of *The Municipal Act* of the full age of twenty-one years, not disqualified under this Act.

Trustees, qualification of.

Rev. Stat. c. 223.

Corporation not to cease by want of trustees.

(3) No school corporation shall cease to exist by reason of the want of trustees, but in case of such want any two ratepayers of the section, or the inspector, may, by giving six days' notice, to be posted in at least three of the most public places of the section, call a meeting of the ratepayers, who shall proceed to elect three trustees, in the manner prescribed in section 13 and the following sections of this Act; and the trustees thus elected shall hold office in the manner prescribed by this Act.

Tenure of office.

Council may appoint trustees when no election.

(4) Where the ratepayers of any school section, for two years neglect or refuse to elect trustees, the municipal council of the township may appoint trustees for the said school section, who shall hold office for the same term as if elected by the ratepayers; or the municipal council may by by-law declare such section dissolved, and shall (in case of dissolution) attach the same, in such proportions as they may deem expedient, to adjoining sections. The assets of every section so dissolved shall be disposed of as may be determined by the municipal council. 59 V. c. 70, s. 9.

Dissolution of school section on non-election of trustees.

BOARDS OF EDUCATION.

Unions of public and high school boards.

10. The trustees of any public and high school may unite, as provided in *The High Schools Act* for the management of the public and high schools of any municipality as one corporation, under the name "The Board of Education for the city, town, incorporated village or township of" (*as the case may be*). Boards of education shall have the powers of both public and high school trustees. 59 V. c. 70, s. 10.

Rev. Stat. c. 293.

RURAL PUBLIC SCHOOLS.

School sections in townships.

11.—(1) The municipal council of every township (except where township boards have been established), shall subdivide the township into school sections, so that every part of the township may be included in some section, and shall distinguish each section by a number; provided that no section formed hereafter shall include any territory distant more than three miles in a direct line from the school-house.

Assessors to value lands situated in each section.

(2) Where the land or property of any individual or company is situated within the limits of two or more school sections, the parts of such land or property so situated shall be assessed and returned upon the assessment roll separately, according to the divisions of the school sections within the limits of which such land or property is situate.

Area of new school sections.

(3) No section shall be formed which contains less than fifty children, between the ages of five and twenty one years, whose parents or guardians are residents of the section, unless such section is more than four square miles in area, except in cases where such area cannot be obtained because of lakes or other natural obstacles.

Township clerk to prepare maps of school sections.

(4) It shall be the duty of every township clerk to prepare in duplicate, a school map of the township, showing the divisions of the township into school sections and parts of union school sections; to furnish one copy of such map to the county clerk, for the use of the county council, and retain the other in the township clerk's office, for the use of the township corporation.

Proceedings on formation of new school section.

(5) Where a new school section is formed in any township the clerk of the township shall cause notice of the first annual meeting to be posted in three of the most public places in the new section, at least six days before the last Wednesday in December, in the year in which such new section was formed; and the first meeting in every new school section shall be held at the same time and conducted in the same manner as the annual meeting in organized school sections.

Term of office of trustees, first election.

(6) At the first meeting in every new section the first trustee elected shall hold office for three years, the second for two years and the third for one year. In case of a poll being taken the trustees shall rank in seniority according to the number of votes polled. The casting vote of the chairman shall be counted as a vote in case of a tie. 59 V. c. 70, s. 11.

Who may vote on school questions.

12. Every ratepayer, of the full age of twenty-one years, who is a public school supporter of the section for which such person is a ratepayer and every person qualified to vote as a farmers' son under *The Municipal Act* shall be entitled to

Rev. Stat. c. 223.

vote at any election for school trustee, or on any school question whatsoever. 59 V. c. 70, s. 12.

ANNUAL MEETING OF RATEPAYERS.

Annual meeting, when held.

13.—(1) A meeting of the ratepayers of every section shall be held annually on the last Wednesday of December, or if such Wednesday be a holiday, then on the next day following, commencing at the hour of ten o'clock in the forenoon, for the purpose (among other things) of electing a school trustee or trustees.

Meetings to be called in default of first or annual meeting.

(2) In case, from the want of proper notice or other cause, any first or annual school meeting was not held at the proper time, the inspector, or any two ratepayers in the section may call a school meeting, by giving six days' notice, to be posted in at least three of the most public places in the school section; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called.

Order of business.

(3) The ratepayers of a school section present at any school meeting shall elect one of their own number as chairman to preside over its proceedings, and shall also appoint a secretary, who shall record the minutes of the meeting, and perform such other duties as may be required of him by this Act.

Chairman, duties of.

(4) The chairman shall submit all motions to the meeting in the manner desired by the majority. In case of an equality of votes, he shall give the casting vote but no other vote. He shall decide all questions of order, subject to an appeal to the meeting.

Order of business.

(5) The business of every school meeting may be conducted in the following order:—(*a*) receiving the annual report of the trustees, and disposing of the same; (*b*) receiving the annual report of the auditor or auditors, and disposing of the same; (*c*) electing an auditor for the ensuing year; (*d*) miscellaneous business; (*e*) instructing the trustees by resolution, if deemed expedient, to insure the school buildings and furniture; (*f*) fixing the remuneration if any to be paid the secretary-treasurer for attending to repairs and other duties assigned him by the board of trustees; (*g*) electing a trustee or trustees to fill any vacancy or vacancies. 59 V. c. 70, s. 13.

ELECTION OF RURAL SCHOOL TRUSTEES.

Poll to be granted on application of two ratepayers.

14.—(1) A poll may be demanded by any two ratepayers at any meeting for the election of trustees, or for the settlement of any school question, and such poll shall be granted by the chairman forthwith, if demanded, within ten minutes after the vote of the meeting has been declared from the chair.

(2) When a poll is granted for the election of a trustee the secretary shall enter in a poll-book, in separate columns, the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the ratepayers offering to vote at the election within the time prescribed by this Act, and shall, in the column on which is entered the name of a candidate voted for by a voter, set the figure '1' opposite the voter's name, with the residence of the voter. Proceeding in case of a poll.

(3) When a poll is granted upon any public school question the name of each voter shall be similarly placed in separate columns, marked "for" or "against." Entries in poll-book.

(4) In case objection is made to the right of any person to vote at any school meeting, the chairman of the meeting, or other presiding officer (if the name of such person appears on the assessment roll relating to such section) shall require such person to make the following declaration or affirmation: When voter is objected to.

(1) I, *A. B.*, do declare and affirm that I am an assessed ratepayer (*or* farmer's son entitled to vote under *The Municipal Act*) in school section No . Declaration.

(2) That I am of the full age of 21 years;

(3) That I am a supporter of the public school in said school section No.

(4) That I have the right to vote at this election.

Whereupon the person making such declaration shall be entitled to vote.

(5) The poll at every election of a rural school trustee or on any school question, shall not close before twelve o'clock noon, but may close at any time thereafter when a full hour has elapsed without any vote having been polled, and shall not be kept open later than four o'clock in the afternoon of the day on which the election or voting is commenced; and when the poll is closed the chairman and secretary shall count the votes polled for the respective candidates or for the school question submitted, as the case may be, and shall declare the candidate elected for whom the highest number of votes was polled, and in case the majority of votes is cast in favour of the adoption of the school question submitted, he shall declare the same adopted. In case of a tie the chairman shall give the casting vote. When poll shall close.

(6) A correct copy of the minutes of the first and of every annual and of every special school meeting, and a copy of the poll-book where a poll has been taken (all of which shall be signed by the chairman and secretary), shall be forthwith transmitted by the chairman of the meeting to the county inspector. Copy of minutes to be sent to inspector.

(7) The secretary of every school meeting at which any person or persons were elected as school trustees shall forthwith notify in writing each of such persons of his election, and every person so notified shall be considered as having accepted Acceptance of office by trustees.

such office unless a notice to the contrary effect has been delivered by him to the chairman of the meeting within twenty days after the date of the election.

Complaints as to elections.

(8) When complaint is made to the inspector by any ratepayer that the election of a trustee, or that the proceedings or any part thereof of any school meeting, have not been in conformity with this Act, the inspector shall investigate the same, and confirm or set the election or proceedings aside, and appoint the time and place for a new election, or for the reconsideration of the school question at issue, but no complaint in regard to any election or proceeding at a school meeting shall be entertained by any inspector unless made to him in writing within twenty days after the holding of the election or meeting. 59 V. c. 70, s. 14.

Term of vacancies.

Trustees may resign.

Re-election of any trustee lawful.

15. A trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected. A trustee of a rural school section may resign with the consent, expressed in writing, of his colleagues in office. A retiring trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for four years next after leaving office. 59 V. c. 70, s. 15.

ORGANIZATION OF THE BOARD.

Organization of board.

16.—(1) Every board of rural school trustees shall hold its first meeting at the school house of the section over which it has jurisdiction, on the Wednesday following the annual meeting, at the hour of 4 o'clock in the afternoon and shall be organized by the election of a chairman, a secretary and a treasurer or a secretary-treasurer. A majority of the board shall form a quorum.

Inspection of school property at first meeting of board.

(2) It shall be the duty of the board of trustees at its first meeting to examine the school house, outbuildings and school furniture, maps and apparatus, with a view to ascertain what repairs or improvements may be necessary, and to make suitable provision for lighting fires and keeping the school house and premises in a cleanly and sanitary condition by appointing some person for that purpose. Subsequent meetings shall be held as the board may deem expedient. 59 V. c. 70, s. 16.

Security to be given by secretary-treasurer.

17.—(1) The treasurer or secretary-treasurer, who may be a member of the board, shall give such security as may be required by a majority of the trustees—such security to be deposited with the clerk of the municipality;

(2) The treasurer or secretary-treasurer shall receive all school moneys collected from the ratepayers or other persons and shall account for the same and shall disburse all moneys as directed by the trustees. He shall produce when called for by the trustees, auditors or other competent authority, all papers and money belonging to the corporation.

(3) Where the majority of a board of trustees refuse or neglect to take security from the treasurer or secretary-treasurer on the demand of any trustee such demand being duly entered on the minutes) such trustee shall be relieved from all personal liability in case of the default of such officer.

Compensation of secretary-treasurer.

(4) The secretary or secretary-treasurer may be allowed such compensation for his services or for attending to the repairs of the schoolhouse or premises as shall be agreed upon by resolution of the annual meeting duly entered on the minutes. 59 V. c. 70, s. 17.

18. It shall be the duty of the secretary or secretary-treasurer :— Duties of secretary-treasurer.

1. To keep a full and correct record of the proceedings of every meeting of the board in the minute-book provided by the trustees for that purpose, and to see that the minutes, when confirmed, are signed by the chairman or presiding trustee ; Minutes of meetings.

2. To call, at the request in writing of two trustees, or on the petition of ten ratepayers, a special meeting of the board of trustees ; Calling special meetings.

3. To give notice in writing, before the 15th day of January in each year, to the inspector and to the clerk of the township, of the names and post-office addresses of the several trustees then in office, and of the teachers employed by them, and to give reasonable notice in writing from time to time of any changes therein ; Names and addresses of trustees and teachers to be given to township clerk.

4. To give the notice required by this Act of each annual school meeting of the ratepayers of the section ; to call a special meeting of the ratepayers when directed by the trustees, or on the petition of ten ratepayers, for filling any vacancy in the board of trustees occasioned by death, removal, or other cause ; or for the selection of a new school site ; or the appointment of a school auditor ; or any other lawful school purpose ; and to cause notices of the time and place, and of the objects of such meeting, to be posted in three or more public places in the section, at least six days before the time of holding such meeting ; Filling vacancies in board. Notice.

5. To cause to be prepared for the annual meeting of the ratepayers, a report for the year then ending, containing, among other things, a summary of the proceedings of the trustees during the year, together with a detailed account of all school moneys received and expended on behalf of the section, for any purpose whatsoever, during such year. Such report shall be signed by the trustees and by either or both of the school auditors of the section ; Report at annual meeting.

6. To transmit to the inspector all returns on or before the fifteenth day of January in each year according to the forms prescribed by the Education Department. 59 V. c. 70, s. 18. Annual and semi-annual returns.

Corporate acts must be adopted at lawful trustee meetings.

19. No act or proceeding of a rural school corporation which is not adopted at a regular or special meeting at which at least two trustees are present shall be valid or binding on any person affected thereby, unless notice of such meeting has been given to the trustees by the secretary, or by one of the trustees to the others, either personally or in writing, and a minute of such act or proceeding is made in writing and and signed by two of the trustees. 59 V. c. 70, s. 19.

Providing for admission of pupils from rural school section to urban schools.

20. The ratepayers of any rural school section may by resolution at the annual or any special meeting, authorize the trustees to provide for the admission of the pupils of such section to the schools of any adjoining city or town, subject to the approval of the Minister of Education and the trustees of such city or town, and such arrangement so approved shall be taken in lieu of the accommodation which trustees are required by this Act to make for the pupils of the section, and as a public school within the meaning of section 66 of this Act. In such cases it shall be lawful for the trustees to levy and collect upon the taxable property of the section such sums as may be necessary to pay the fees of pupils attending the schools of the city or town, and also such other sums as they may deem expedient, or as may be required by this Act. The average attendance of the pupils belonging to such section at such schools shall be taken by the inspector as the basis on which to divide any grants authorized by the Legislature to be paid to the township to which such section belongs. 59 V. c. 70, s. 20.

AUDITORS.

Appointment of auditors.

21.—(1) Every board of rural school trustees shall, on or before the first day of December, appoint an auditor, and in case of their neglect, or the neglect of the ratepayers at an annual or special meeting to do so, or in case of an auditor being appointed or elected who refuses, or is unable to act, then the inspector shall at the request in writing of any two ratepayers make the appointment.

Trustees and secretary-treasurer to lay accounts, etc., before auditors.

(2) The trustees, or their secretary-treasurer shall lay all their accounts before the school auditors of the section, or either of them, together with the agreements, vouchers, contracts and books in their possession, and the trustees or their secretary-treasurer, shall afford to the auditors, or either of them, all the information in their or his power as to the receipts and expenditure of school moneys.

Time of audit.

(3) The auditors appointed, or one of them, shall, on or immediately after the first day of December in each year, appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the school section. 59 V. c. 70, s. 21.

22. It shall be the duty of the auditors of every school section:— Duties of auditors.

1. To examine into and decide upon the accuracy of the accounts of the section, and whether the trustees have duly accounted for and expended for school purposes the moneys received by them, and to submit the said accounts, with a full report thereon at the next annual school meeting.

2. In case of difference of opinion between the auditors on any matter in the account, it shall be referred to and decided by the county inspector.

3. If both of the auditors object to the lawfulness of any expenditure made by the trustees, they shall submit the matters in difference to the annual meeting, which may either determine the same, or submit the matter to the Minister of Education, whose decision shall be final. 59 V. c. 70, s. 22.

23. It shall be competent for the auditors or one of them:— Powers of auditors.

(1) To require the attendance of all or any of the persons interested in the accounts, and of their witnesses, with all such books, papers, and writings as the auditor or auditors may direct them, or either of them, to produce; and to administer oaths to such persons and witnesses.

(2) To issue their or his warrant to any person named therein, to enforce the collection of any moneys by them awarded to be paid; and the person named in the warrant shall have the same power and authority to enforce the collection of the moneys mentioned in the said warrant, with all reasonable costs by seizure and sale of the property of the party or corporation against whom the same has been issued, as any bailiff of a division court has in enforcing a judgment and execution issued out of such court.

(3) The auditors shall remain in office until their audit is completed. 59 V. c. 70, s. 23.

SECTIONS IN UNORGANIZED TOWNSHIPS.

24.—(1) In unorganized townships in any county or district, the public school inspector of the county or district may form a portion of a township, or of two or more adjoining townships, into a school section. Formation of school sections.

(2) No section shall, in length or breadth, exceed five miles in a straight line, and, subject to this restriction, the boundaries may be altered by the inspector from time to time, and the alteration shall go into operation on the 25th day of December thereafter; provided no school section shall be formed except on the petition of five heads of families resident therein. Limits of section.

(3) Any person whose place of residence is at a distance of more than three miles in a direct line from the site of the Exemption from rates on account of distance.

schoolhouse of the section shall be exempt from all rates for school purposes, unless a child of such ratepayer attends such school; but this exemption shall not apply to lands liable to taxation for school purposes owned by such person within the distance of three miles.

Election of school trustees.

(4) After the formation of a school section, it shall be lawful for any two of the petitioners, by notice posted for at least six days in not less than three of the most public places in the section, to appoint a time and place for a meeting for the election, as provided by law, of three school trustees for the section.

Trustees' powers and obligations.

(5) The trustees elected at such meetings, or at any subsequent school meetings of the section, as provided by law, shall have the powers and be subject to all the obligations of public school trustees generally. 59 V. c. 70, s. 24.

REVISION OF ASSESSMENT ROLLS.

Court of Revision.

25.—(1) The secretary-treasurers of all boards of public school trustees in unorganized townships shall be, *ex officio*, members of a court of revision, and three of them, acting together, shall be a legally constituted court for the revision and correction of school section assessment rolls, and for the hearing and settlement of any appeals against the same. The members of such court shall be paid reasonable travelling expenses by their respective boards of trustees for attendance as a court of revision.

Sections to be divided into groups.

(2) The inspector of schools for the district shall divide the school sections into groups of three sections in every group, or as near thereto as practicable, and shall notify the secretary-treasurers of the sections concerned of the group to which they respectively belong. Such grouping may be changed from year to year as the inspector may direct.

When inspector to act as court of revision.

(3) In every case where from the sparseness of settlements, it would be inconvenient for a court of revision as herein constituted to meet for the revision and equalization of the assessment roll, it shall be lawful for the inspector, on the request of any board of trustees, to assume the functions of such court of revision for the section on behalf of which such request is made, whereupon he shall be the court of revision for such section and all the proceedings of the inspector in the matter of the revision or correction of the assessment roll, shall be subject to the provisions of this Act, and shall have the same effect as if made in a court of revision constituted under the preceding subsection. 59 V. c. 70, s. 25.

Annual assessment roll.

26.—(1) The trustees of all school sections in unorganized townships shall, annually, appoint a duly qualified person to make out an assessment roll for the section, the secretary-treasurer of which shall submit a certified copy of the same to

the proper Court of Revision for the correction of errors or improper entries that may be found therein.

Assessor to make oath

(2) The person appointed for preparing such assessment roll shall be subject to the provisions of *The Assessment Act* with regard to the equitable rating of all taxable property in such school section, and shall, before returning his assessment roll to the secretary of the school section, attach thereto a certificate signed by him and verified upon oath or affirmation according to the form prescribed in *The Assessment Act*.

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Appeal against assessment.

(3) A copy of the roll as corrected shall be open to inspection by all persons interested, at some convenient place in the section, notice whereof, signed by the secretary-treasurer of the section, shall be annually posted in at least three of the most public places in the section, and shall state the place and the time at which the court will hear appeals against the said assessment roll, and such notice shall be posted as aforesaid by the trustees for at least three weeks prior to the time appointed for hearing the appeals.

Manner of appeal.

(4) All appeals shall be made in the same manner and after the same notice, as nearly as may be, as appeals are made to a court of revision in the case of ordinary municipal assessments, and the court of revision, as constituted according to section 25, shall have the same powers as ordinary municipal courts of revision.

Confirmed roll binding.

(5) The annual roll, as finally passed and signed by the chairman of the court of revision, shall be binding upon the trustees and ratepayers of the section, until the annual roll for the succeeding year is passed and signed as aforesaid.

Appeals in unorganized townships.

(6) Where any township under the jurisdiction of a township board is unorganized, appeals against its certified assessment roll, shall be made to the Stipendiary Magistrate or Judge of the district or county.

Union school sections.

(7) In forming union school sections between and out of an organized township municipality and an unorganized township or locality within any territorial or judicial district, it shall be lawful for such union school section to be formed or altered according to the provisions of this Act, except that the inspector shall act for the unorganized township or locality, and the reeve of the organized township for his township. 59 V. c. 70, s. 26.

School in unorganized townships.

27.—(1) In any portion of the Province not surveyed into townships, the inhabitants thereof who are twenty-one years of age, may at a public meeting called for that purpose, elect three of their number to serve as public school trustees, and the trustees so elected shall have all the powers of trustees in unorganized townships, and shall in all other respects be subject to the provisions of this Act.

Notice to the Minister of Education.

(2) On receipt of notice by the Education Department signed by the trustees so elected, that a public school has been established and suitable accommodation provided for public school purposes, the Minister of Education may pay over to the trustees out of the appropriation made by the Legislature for public schools such sum of money for their maintenance as may be approved by the Lieutenant-Governor in Council. 59 V. c. 70, s. 27.

Appointment and duties of school collector.

28.—(1) The trustees may appoint some fit and proper person, or one of themselves, to collect the rates imposed by them upon the ratepayers of their school section, or the sums which the inhabitants or others may have subscribed, or a rate-bill imposed on any person; and may pay to such collector at the rate of not less than five, or more than ten per centum on the moneys collected by him; and every collector shall give such security as is satisfactory to the trustees, which security shall be lodged for safe keeping with the inspector by the trustees.

Powers and liabilities of school collector.

(2) Every collector shall have the same powers in collecting the school rate, rate-bill, or subscriptions, and shall be under the same liabilities and obligations, and proceed in the same manner in the school section or township, as a township collector in collecting rates in his township, as provided in the municipal and assessment Acts from time to time in force. 59 V. c 70, s. 28.

TOWNSHIP BOARDS.

Boards in municipalities without county organization.

29. In districts composed of more than one township, but without county organization, it shall be optional with the municipal councils thereof to form portions of the townships comprising the district into school sections, or to establish a board of public school trustees, two members being elected for each ward, and if not divided into wards, two for each township thereof, and such board shall possess all the powers and duties of township boards, and shall also, upon the petition of at least five heads of families, provide school accommodation and a teacher for their children and others. 59 V. c. 70, s. 29.

Petition for repeal of by-law and for reforming sections.

30.—(1) In case twenty ratepayers in more than one-half of the school wards of the township petition the township council to submit a by-law to the vote of the ratepayers of the township for the repeal of any by-law under which a township school board was established a by-law shall be submitted to such vote accordingly, and the proceedings shall be in conformity with *The Municipal Act*, except that the vote shall not be by ballot; and in case in the majority of such wards the majority of the votes are for such repeal, the township council shall pass a by-law to disestablish such township school

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board and form school sections instead thereof; but no repeal shall take effect until the twenty-fifth day of the month of December next following the voting upon the by-law for that purpose.

Adjusting claims.

(2) The council shall, in the same or by another by-law, appoint the inspector jointly with two other competent persons, not residents of the township, and they or any two of them shall, in a report to the council, value the schoolhouses, school sites, and other school property which may thereupon become the property of each school section, and shall also adjust and settle the respective rights and claims consequent on such repeal between the respective school sections, or between any school section, and the township, and all payments to be made by or to any of them. 59 V. c. 70, s. 30.

RURAL SCHOOL SITES.

New sites.

31.—(1) The trustees of every rural school section shall have power to select a site for a new schoolhouse or to agree upon a change of site for an existing schoolhouse, and shall forthwith call a special meeting of the ratepayers of the section to consider the site selected by them; and no site shall be adopted, or change of school site made, except in the manner hereinafter provided, without the consent of the majority of such special meeting.

When trustees and ratepayers differ as to site.

(2) In case a majority of the ratepayers present at such special meeting differ as to the suitability of the site selected by the trustees, each party shall then and there choose an arbitrator, and the county inspector, or, in case of his inability to act, any person appointed by him to act on his behalf, shall be a third arbitrator; and such three arbitrators, or a majority of them present at any lawful meeting, shall have authority to make and publish an award upon the matter submitted to them.

Award.

Reconsideration of award.

(3) With the consent, or at the request of the parties to the reference, the arbitrators, or a majority of them, shall have authority, within one month from the date of their award, to reconsider such award and within two months thereafter to make and publish a second award, which award (or the previous one, if not reconsidered by the arbitrators) shall be binding upon all parties concerned for at least five years from the date thereof. 59 V. c. 70, s. 31.

Owner refuses to sell.

32.—(1) If the owner of the land selected for a new school site, or required for the enlargement of school premises, refuses to sell the same, or demands therefor a price deemed unreasonable by the trustees of any section, then such owner and the trustees shall each forthwith appoint an arbitrator, and the arbitrators thus appointed, together with the inspector, or in case of his inability to act, any person appointed by him on

his behalf as third arbitrator, or any two of them, shall appraise the damages for such land.

Appointment of arbitrators —their powers.

(2) If the majority of the school trustees, or the majority of a public school meeting, neglect or refuse, where there is a difference in regard to the selection of a school site, to appoint an arbitrator, as provided in this Act, or if the owner of land selected as a school site, neglects or refuses to appoint an arbitrator, it shall be competent for the inspector with the arbitrator appointed, to meet and determine the matter; and the inspector in case of such refusal or neglect, shall have a second or casting vote if he and the arbitrator appointed do not agree.

Proceedings where an arbitrator is absent.

(3) If only a majority of the arbitrators appointed to decide any case arising under the authority of this Act are present at any lawful meeting, in consequence of the neglect or the refusal of the other arbitrator to meet them, it shall be competent for those present to make and publish an award upon the matter or matters submitted to them, or to adjourn the meeting for any period not exceeding ten days, and they shall give the absent arbitrator notice of the adjournment.

Additional powers of arbitrator.

(4) The arbitrators aforesaid, or any two of them, shall have the power to hear and determine all claims or rights of incumbrancers, lessees, tenants, or other persons, as well as those of the owner in respect of the land required for the purpose of the school site, upon notice in writing to every such claimant or person.

Taking land.

(5) Upon the tender of payment of the amount of such damages to the owners or other persons entitled thereto, by the school trustees, or its payment into the High Court under the authority hereinafter conferred, the land may be taken and used for the purpose aforesaid. 59 V. c. 70, s 32.

Award to constitute title.

33.—(1) Any award for a school site made and published under this Act, if there be no conveyance, shall thereafter be deemed to be the title of the trustees to the land mentioned in it, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper registry office on the affidavit of the secretary-treasurer of the board of trustees verifying the same.

Cost of arbitration.

(2) The parties concerned in all such disputes shall pay all the expenses incurred in them, according to the award or decision of the arbitrators. 59 V. c. 70, s. 33,

Selection of school site.

34.—(1) A school site shall not be selected in a township within a hundred yards of the garden, orchard, pleasure ground, or dwelling house of the owner of the site without his consent.

Fence.

(2) Any wall or fence deemed necessary by the trustees or required by the regulations of the Education Department for the enclosure of the school premises shall be erected and main-

...d by the board of trustees at the expense of the school ...tion. 59 V. c. 70, s. 34; 60 V. c. 3, s. 3.

Enlargement of school site.

35 Where the area of a school site is less than is required by the regulations of the Education Department the trustees may, without reference to a special meeting of the ratepayers, enlarge the same, but no such enlargement shall be made in connection of, or including an orchard, garden or dwelling-house without the consent of the owner of the land required, unless the school site cannot be otherwise enlarged. 59 V. c. 70, s. 35.

Who may convey school sites.

36.—(1) All corporations and persons whatsoever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, femes-coverts, or other person, seised, possessed of or interested in any land, may contract for, sell or convey all or part thereof to school trustees for a school site or an addition to the school site, or for a teacher's residence; and every contract, agreement, sale, conveyance and assurance so made shall be valid and effectual to all intents and purposes whatsoever; and the corporations or persons so conveying are hereby indemnified for what they respectively do by virtue of or in pursuance of this Act.

Remedy in case of absence of owner.

(2) If the owner of land duly selected for the said purpose ... the trustees may procure from a sworn surveyor a certificate that he is not interested in the matter; that he knows the land and that some certain sum therein named is, in his opinion, a fair compensation for the same; and on filing the said certificate with the Judge of the County Court of the county in which the land lies, accompanied by an affidavit or affidavits which satisfy the Judge that the owner is absent from the county and that, after diligent inquiry, he cannot be found, the Judge may order a notice to be inserted for such time as he sees fit in some newspaper published in the county; and he may, in addition thereto, order a notice to be sent to any person ... or may direct service of the same to be effected in ... other way as he sees fit.

What notice shall contain.

(3) The notice shall contain a short description of the land, ... a declaration ... shall give the name of a person to be certified as aforesaid, shall name the time within which ... is not accepted, shall name the time within which ... offer is to be accepted, ... and shall contain any other particulars which the County Judge may direct.

Arbitrators.

Judge may

(4) If within such time as the Judge directs, the owner

ed by them, or notify to them the name of a person whom he appoints as arbitrator, the Judge shall, on the application of the trustees, appoint a sworn surveyor to be sole arbitrator for determining the compensation to be paid for the property. 59 V. c. 70, s. 36.

Responsibility of trustees as to compensation.

37.—(1) Where land is taken by the trustees without the consent of the owner, the compensation to be paid therefor shall stand in the stead of the land; and after the trustees have taken possession of land, any claim to, or incumbrance upon the same or any portion thereof, shall as against the trustees, be converted into a claim to the compensation or to a proportion thereof, and the trustees shall be responsible accordingly whenever they have paid such compensation or any part thereof to a party not entitled to receive the same, saving always their recourse against such party.

In case of incumbrance.

(2) If the trustees have reason to fear any claims or incumbrance, or if any party to whom the compensation or any part thereof is payable refuses to execute the proper conveyance, or if the party entitled to claim the same cannot be found or is unknown to the trustees, or if for any other reason the trustees deem it advisable, they may pay the arbitration and other expenses, and pay the amount of the compensation into the High Court, or in such other manner as the inspector may direct, with interest thereon for six months, and may deliver therewith an authentic copy of the conveyance, or of the agreement or award if there be no conveyance; and such agreement or award shall thereafter be deemed to be the title of the trustees to the land therein mentioned, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper registry office on an affidavit of the secretary-treasurer of the board of trustees verifying the same. 59 V. c. 70, s. 37.

Payment of compensation money into High Court.

Award to be registered.

ALTERATION OF SCHOOL BOUNDARIES.

Powers of Township Councils.

38. Every township council shall have power:—

Union of existing sections.

1. To pass by-laws to unite two or more sections in the same township into one, in case at a public meeting in each section called by the trustees or inspector for that purpose, a majority of the ratepayers present at each of such meetings request to be united;

Alteration, etc., of school sections.

2. To alter the boundaries of a school section, or divide an existing section into two or more sections, or to unite portions of an existing section with another section, or with any new section, in case it clearly appears that all persons to be affected by the proposed alteration, division or union respectively, have been duly notified, in such manner as the council may deem expedient, of the proposed proceeding for this purpose, or of any application made to the council to do so;

3. Any such by-law shall not be passed later than the first day of June in any year, and shall not take effect before the 25th day of December next thereafter, and shall remain in force, unless set aside as hereinafter provided, for a period of five years. The township clerk shall transmit forthwith a copy of such by-law and minutes relating thereto to the trustees of every school section affected thereby, and to the public school inspector. By-law for altering school sections.

4. Where part of any school section has been added to a city or town by order of the Lieutenant-Governor in Council, the municipal council in which such section is situated may pass a by-law for the readjustment of the boundaries of the remaining portion of such section, notwithstanding the passing of a by-law within five years affecting the limits of such section or adjoining sections. 59 V. c. 70, s. 38. When part of section is added to city or town.

APPEALS TO COUNTY COUNCIL.

39.—(1) A majority of the trustees, or any five ratepayers of any one or more of the school sections concerned, may within twenty days, by notice filed in the office of the county clerk appeal to the county council of the county in which such section or sections are situated, against any by-law of the township council for the formation, division, union or alteration of their school section or school sections; or against the neglect or refusal of the township council, on application being made to it by the trustees or any five ratepayers concerned, to alter the boundaries of a school section or school sections within the township. Appeal to county council.

(2) The time herein mentioned for appeal shall run from the date of the by-law complained of, or from the date of the meeting at which the council refused to pass such by-law, or from the first meeting after which notice was received from the clerk of the application of the trustees or ratepayers asking for such by-law to be passed, as the case may be.

(3) The county council may appoint as arbitrators not more than five, nor less than three competent persons, two of whom shall be the County Judge, or some person named by him, and the county inspector, and a majority of whom shall form a quorum to hear such appeal and to revise, determine or alter the boundaries of the school section or school sections, so far as to settle the matters complained of; but the alterations or determination of the said matters shall not take effect before the 25th day of December in the year in which the arbitrators so decide, and shall thence continue in full force for the period of five years at least, and until lawfully changed by the township council. Appointment of arbitrators.

(4) No person shall be competent to act as arbitrator, who is a member of the township council, or who was a member at Who may act as arbitrators.

the time at which the council passed, or refused or neglected to pass the by-law or resolution.

Notice.

(5) Due notice of the alterations or the determination of the said matters made by the arbitrators shall be given by the inspector to the clerk of the township, and to the trustees of the school sections concerned. 59 V. c. 70, s. 39.

Adjustment of claims between unions in same township.

40. On the formation, dissolution, division or alteration of any school section in the same township, in case the trustees of the sections interested are unable to agree, the county inspector and two other persons appointed by the township council as arbitrators, shall value and adjust in an equitable manner all rights and claims consequent upon such formation, division, dissolution or alteration between the respective portions of the township affected, and determine in what manner and by what portion or by whom the same shall be settled; and the determination of the said arbitrators or any two of them shall be final and conclusive. 59 V. c. 70, s. 40.

Disposal of school property when not wanted.

41. In case a school site or school-house or other school property is no longer required in a section, in consequence of the alteration or the union of school sections, the same shall be disposed of, in such a manner as a majority of the ratepayers in the altered or united school sections may decide at a public meeting called for that purpose; and the ratepayers transferred from one school section to another shall be entitled, for the public school purposes of the section to which they are attached, to such a proportion of the proceeds of the sale of such school-house or other public school property as the assessed value of their property bears to that of the other ratepayers of the school section from which they have been separated; and the residue of such proceeds shall be applied to the erection of a new school house in the old school section, or to other public school purposes of such old section. In the case of united sections, the proceeds of the sale shall be applied to the like public school purposes of such united sections. 59 V. c. 70, s. 41.

UNION SCHOOL SECTIONS.

Unions existing 1st April, 1896.

42. All school sections existing on the 1st day of April, 1896, and all union school sections which on that day existed in fact, and whether formed in accordance with the provisions of the law in that behalf or not, shall be deemed to have been legally formed, and shall continue to exist, subject, however, to the provisions of this Act so far as applicable as if they had been formed thereunder; and in cases where any union has before said date been adjudged by any Court or Judge to have been illegally formed, or where any proceedings were pending at said date on that ground, further proceedings may be stayed, upon payment of such costs or expenses, if any, as the Court or Judge may award. 59 V. c. 70, s. 42.

43. A union school section may be established between *(a)* parts of two or more adjoining townships, or (*b*) parts of one or more townships and an adjoining urban municipality and union school sections may be formed, altered or dissolved as follows :— What unions may be formed.

1. On the petition of five ratepayers from each of the municipalities concerned, to their respective municipal councils, asking for the formation, alteration or dissolution of a union school section, each municipal council so petitioned may appoint an arbitrator (who must not be a member of the council), and notice of the appointment shall be sent by the respective clerks to the inspector or inspectors of the district or districts concerned who shall be *ex officio* arbitrators ; a council may act upon a petition addressed to the councils concerned or to any two or more of them jointly, if such petition is signed by five ratepayers of the municipality acting thereon. Procedure for formation, alteration or dissolution of union.

2. In cases where the persons so appointed arbitrators would be an even number, the senior County Court Judge, or some person by him appointed to act in his behalf, shall be added, or in the case of an arbitration affecting two or more counties, then the senior County Court Judge of the county having the largest population according to the last Dominion census, or some person by him appointed to act in his behalf shall be added. Where even number of arbitrators appointed county judge to act.

3. The first meeting of the arbitrators shall be called by the inspector representing the greatest number of schools, who shall give ten days' notice in writing of such meeting to the clerks of the municipalities concerned. First meeting of arbitrators.

4. In case the arbitrators determine upon the formation of a new union section, or upon the alteration of the boundaries of an exisiting union school, they shall in their award set forth the specific parcels of land to be included in such new union school section, or in such altered section as the case may be. In the event of the transfer of any parcel or parcels of land from an existing union section to some other section or sections the arbitrators shall in their award set forth to what other section or sections such transfer shall be made, and any such transfer shall be binding and operative for all school purposes till altered as provided by this Act. Award what to contain.

5. In case the arbitrators determine upon the dissolution of an existing union they shall set forth in their award the section or sections to which the parcels of land comprising such union shall be attached for school purposes, and any such transfer of the parcels of land comprising a union school section to an adjoining section or sections shall be binding and operative till the boundaries of such section or sections are altered as provided by this Act.

6. Where the arbitrators find that it would be in the interest of the parties concerned, and where in their opinion it

is practicable so to do, they may at their discretion form part of the territory of any union section into a non-union section, or form a new union, and in such cases they shall indicate the parcels of land of which such union or non-union section shall be composed. The remainder of the union section shall be disposed of as hereinbefore provided.

7. When a new union school section is formed or an existing union school section altered the arbitrators shall determine and fix the proportion which the part in each municipality shall be liable to contribute towards the erection and maintenance of the school and other requisite expenses, and such determination shall be binding for a period of three years.

8 In any award made under this section the arbitrators shall value and adjust, in an equitable manner, all rights and claims consequent upon the formation, alteration or dissolution of union sections between the respective municipalities, school sections and ratepayers concerned, and shall also determine in what manner and by what municipality or municipalities, or what portions thereof the same shall be paid and the sum of money to be paid by one portion of the municipalities or school sections concerned to the union schools so formed or altered, and the disposition of the property of the union and any payment by one portion to the other and the right of any ratepayer affected by the award, and such valuation, adjustment and determination shall form and be considered an integral portion of their award, and shall be binding on the municipalities and school sections concerned, subject to this Act.

9. When a new union school section is formed by arbitration, as herein provided, the inspector authorized under the clause numbered 3 of this section to call the first meeting of the arbitrators, shall call the first meeting for the election of trustees, and shall proceed as the clerk of the municipality is directed to proceed in the case of the formation of a new section under this Act.

10. Such union, alteration or dissolution shall not take effect until the 25th day of the month of December, after the award of the arbitrators or a certified copy thereof is filed with the clerks of the municipalities concerned.

11. No union school section shall be altered or dissolved for a period of five years after the award of the arbitrators has gone into operation, whether such award did or did not change the boundaries of existing sections, but nothing herein contained shall be construed as restraining any municipal council from enlarging the boundaries of any union school section from time to time as may be deemed expedient. 59 V. c. 70, s. 43.

Appeal relating to union school within a county.

44. Where the territory which it is proposed to form into a union school section or where the union school section which it is proposed to alter or dissolve, lies wholly within a county

the trustees or any five ratepayers in the territory or union section concerned, or the inspector or inspectors, may within one month after the making thereof appeal in writing to the county council against any award made by the arbitrators either for or against the formation, alteration or dissolution of such section, or against the neglect or refusal of the township council or councils concerned to appoint arbitrators, as provided in section 43 of this Act, and on receipt of such appeal the county council shall have power to appoint not more than three arbitrators, who shall neither be ratepayers in the territory or school section concerned, nor members of the municipal councils concerned, and such arbitrators shall have all the powers of arbitrators appointed under section 43, and the decision of a majority of them shall be final and conclusive. The first meeting of such arbitrators shall be called by the county clerk. 59 V. c. 70, s. 44.

Appeal relating to union school within two or more counties.

45. Where the territory which it is proposed to form into a union school or where the union school section which it is proposed to alter or dissolve, lies partly within two or more counties, the trustees or any five ratepayers in the territory or union school section concerned, or the inspector or inspectors, may within one month after the making thereof appeal against any award made by arbitrators for or against the formation, alteration or dissolution of such section, or against the refusal or neglect of the township council or councils concerned to appoint arbitrators, to the Minister of Education, who shall have power to alter, determine or confirm such award, or where no award was made, then at his discretion to appoint not more than three arbitrators who shall have all the powers of arbitrators appointed under section 43 of this Act, and the decision of a majority of them shall be final and conclusive. The first meeting of such arbitrators shall be called by the Minister of Education. 59 V. c. 70, s. 45.

Collection of rates in union school sections.

46. The collectors of each municipality in which a part of a union section is situate shall collect the school rates for that part; and the amount collected from the several ratepayers in each part of the union section shall be paid by the respective collectors to the treasurer of the municipality in which such part of the union section is situate, and the treasurer shall pay over the same without any charge or deduction to the trustees entitled thereto. 59 V. c. 70, s. 46.

School sections when municipality divided.

47. When any township municipality is divided by Act of the Legislature for municipal purposes, all school sections which may, by such division, be situated partly in each of the newly formed municipalities, shall be deemed union sections until otherwise altered under the provisions of this Act. 59 V. c. 70, s. 47.

Election of trustees, and inspection of union school sections.

48. Every union school section shall, for the election of trustees, be deemed one school section, and shall be considered in respect to inspection as within the municipality in which the school-house is situated, or if there be two or more school-houses then in the municipality having the largest amount of assessed property. 59 V. c. 70, s. 48.

UNIONS WITH URBAN MUNICIPALITIES.

Continuation of boundaries of rural sections.

49.—(1) In case a portion of the territory composing one or more school sections becomes incorporated as an urban municipality, the boundaries of such school section or sections shall continue in force and shall be deemed a union school section, and the provisions of this Act respecting the election of public school trustees in urban municipalities shall apply thereto until such union is altered or dissolved as provided by this Act.

Where ratepayers to vote when municipality divided into wards.

(2) In the case of an urban municipality divided into wards to which a part of an adjoining township or townships is attached for school purposes, the board of trustees of such union school section shall by resolution determine in which ward or wards the ratepayers of the township shall vote for the election of school trustees and at elections on other school questions, and in case of no such resolution, then such portion of the township shall be considered for all election purposes as attached to the ward or wards adjacent, and if two or more wards are adjacent any such ratepayer may vote in either of such wards. 59 V. c. 70, s. 49

Where part of a township is annexed to a city.

50.—(1) Where any portion of a township municipality is annexed to an urban municipality by proclamation, the portion so annexed shall for all school purposes be deemed to be part of such city or town, provided always that when the portion annexed does not include the whole of any contiguous school section, the respective municipalities shall, unless determined by mutual agreement between themselves after such annexation, each appoint an arbitrator who, with the senior County Judge of the county, shall value and adjudge in an equitable manner the rights and claims of all parties affected by such annexation, and shall determine by what municipality or portion thereof, the same shall be adjusted, paid or settled.

(2) The award of the arbitrators shall be final and conclusive, and the money found due, either by mutual agreement or under the award, shall be deemed money for school purposes and the provisions of section 70 of this Act shall not apply to the money so required to be paid under the award or mutual agreement, and a debenture or debentures may issue to be payable out of the taxable property of that part of the school section remaining in the indebted municipality, upon a requisition of the trustees of said school section, without calling a special meeting of the electors, and

upon the terms and conditions set forth in a by-law of the said municipality, anything in this Act to the contrary notwithstanding.

(3) In all cases in which two municipal corporations are united by proclamation or by any Act of the Legislature, all the assets and liabilities of each school corporation shall be assumed by the school corporation of the united municipality. 59 V. c. 70, s 50.

Adjustment of assets and liabilities upon union of municipalities

EQUALIZATION OF UNION SCHOOL ASSESSMENTS.

51.—(1) Once in every three years the assessors of the municipalities in which a union school section is situated, shall, after they have completed their respective assessments and before the first day of June, meet and determine what proportion of the annual requisition made by the trustees for school purposes shall be levied upon and collected from the taxable property of the respective municipalities out of which the union school section is formed. Notice of such determination shall be given forthwith to the secretary-treasurer of the union school section concerned;

Assessors to determine proportion.

(2) In the event of the assessors disagreeing as to such proportion, as aforesaid, the inspector in whose district the union school section is situated shall name an arbitrator who, with the assessors aforesaid shall determine the said matter and report the same to the clerks of the respective municipalities, on or before the first day of July, and the decision of a majority shall be final and conclusive for the period of three years;

Arbitration where assessors disagree.

(3) When the union school section is composed of portions of two adjoining counties, then on the disagreement of the assessors the inspector of the county in which the schoolhouse of the union section is situated shall name an arbitrator, and the decision of a majority shall be final and conclusive for the period of three years;

When school section lies in two counties.

(4) The meeting of the assessors, for the purposes herein set forth, shall be called by the assessor of the municipality in which the schoolhouse of the union section is situated;

Meeting of assessors to determine proportion.

(5) The assessors or the assessors and arbitrator appointed as herein required may, at the request of the inspector or five ratepayers, within one month after the filing thereof with the clerk reconsider their award, and alter or amend the same so far as to correct any omission or error in the terms in which such award is expressed. 59 V. c. 70, s. 51.

Reconsideration of award.

52.—(1) Any by-law of a municipality for forming, altering or dissolving a school section or sections, and any award made by arbitrators appointed to consider an appeal from a township council with respect to any matter authorized by this Act shall be valid and binding for a period of at least five years notwithstanding any defect in substance or form, or in the manner

By-law altering sections to be valid unless notice to quash given.

or time of passing or making the same, unless notice to quash such by-law or to set aside such award is filed in the office of the township clerk within one month of the publication of such by-law or award, and the same is subsequently quashed or set aside.

What deemed publication of by-law.

(2) Such by-law or award shall be deemed to be published when a copy thereof is served upon the secretary or secretary-treasurer of each board of trustees affected thereby. 59 V. c. 70, s. 52.

URBAN SCHOOL BOARDS.

Board to be a corporation.

53.—(1) Every board of public school trustees in urban municipalities, elected as provided by this Act shall be a corporation by the name of "The Public School Board" (prefixing to the words "Public School Board" the name of the city, town or incorporated village for which such trustees are elected), and shall have and possess all the powers usually possessed by corporations, so far as the same are necessary for carrying out the purposes of this Act.

Who may be elected trustees.

(2) Any ratepayer who is a British subject and resident in the municipality of the full age of twenty-one years may be elected a public school trustee, and every trustee shall continue in office until his successor has been elected and the new board organized. 59 V. c. 70, s. 53.

First election of trustees.

54.—(1) In case any unincorporated village becomes incorporated, or in case a village or town changes its corporate status, the trustees having jurisdiction over the school property situated within such village, or town, prior to its incorporation or prior to the change of its corporate status shall exercise all the powers conferred by this Act upon the trustees of urban municipalities, until a new election of trustees is held, and such trustees shall call a meeting of the ratepayers of such urban municipality within one month after the date of such incorporation for the election of a new public school board;

(2) In calling the meeting of the ratepayers of such newly incorporated urban municipality, the provisions of section 57 of this Act shall be complied with so far as the same are applicable. Where the trustees of the municipality whose corporate status was changed were elected by ballot, the provisions of section 58 of this Act shall apply to the election of trustees in such newly incorporated urban municipality. 59 V. c. 70, s. 54

Trustees in city, etc., divided into wards.

55.—(1) For every ward into which any urban municipality is divided there shall be two school trustees, each of whom, after the first election of trustees, shall continue in office for two years, and until his successor has been elected and the new board organized;

(2) One of the trustees in each ward (to be determined by lot at the first meeting of trustees after their election, which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school meeting, and the other shall continue in office one year longer and then retire, after which one trustee shall be elected annually for each ward;

(3) When any town or incorporated village is annexed to a city, the town or incorporated village so annexed, shall for all the purposes of this Act, be deemed to be part of the city.

(4) The provisions of this section shall not be held to invalidate or make void section 10 of the Act passed in the 54th year of Her Majesty's reign, chaptered 82, relating to the city of Toronto, but the said section 10 and the subsections thereof shall be read and construed as if incorporated in this Act. 59 V. c. 70, s. 55. 54 V. c. 82, s. 10 not affected.

56.—(1) In every incorporated village not divided into wards there shall be six trustees, each of whom, after the first election for trustees, shall continue in office for two years and until his successor has been elected and the new board organized; Trustees in villages not divided into wards.

(2) Three of the trustees (to be determined by lot at the first meeting of trustees after their election which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and the other three shall continue in office one year longer and then retire; after which three trustees shall be elected annually. 59 V. c. 70, s. 56.

ANNUAL ELECTION OF TRUSTEES.

57. The annual and other elections of public school trustees, unless otherwise ordered, as provided by section 58 of this Act, shall be subject to the following provisions:— Provisions for elections of trustees.

1. A meeting of the ratepayers for the nomination of candidates for the office of public school trustee, shall take place at noon on the last Wednesday in the month of December, annually, or if a holiday, on the day following, at such place as shall from time to time be fixed by resolution of the public school board, and in municipalities divided into wards, in each ward thereof, if the board in its discretion thinks fit. Nominations.

2. The public school board shall by resolution before the second Wednesday in December each year name the returning officer or officers to preside at the meeting or meetings for the nomination of candidates, and also for holding the election in case of a poll, and in case of the absence of such officer the chairman chosen by the meeting shall preside, and the public school board shall give at least six days' notice of such meeting. Returning officer.

Proceedings at nominations.

3. If at such meeting only the necessary number of candidates to fill the vacant offices are proposed and seconded, the returning officer or person presiding, after the lapse of one hour, shall declare such candidates duly elected, and shall so notify the secretary of the public school board; but if two or more candidates are proposed for any one office and a poll in respect of any such office is demanded by any candidate or elector, the returning officer or chairman shall adjourn the proceedings for filling such office until the first Wednesday of the month of January then next, or if a holiday, then to the day following, when a poll or polls shall be opened at such place or places, and in each ward, where the municipality is divided into wards, as shall be determined by resolution of the trustees;

Hours of polling.

4. The polls shall be opened at the hour of ten of the clock in the forenoon, and shall continue open until five o'clock in the afternoon, and no longer, and any poll may close at any time after eleven o'clock in the forenoon, when a full hour has elapsed without any vote having been polled;

In cities and towns divided into wards, clerk of municipality to furnish voters' list to public school boards.

5. In urban municipalities, and in townships where public school boards exist, the clerk of the municipality shall furnish to the public school board, within three days after request in writing, 'The Voters' List,' of such municipality, together with a supplementary list either printed or in writing of the names of persons being supporters of separate schools, and also a list of the names, alphabetically arranged, of all ratepayers not being already upon 'The Voters' List.'

Certified copy of list and a poll book to be provided for each polling place

Entries in poll book.

6. The public school board shall provide each polling place with the lists aforesaid, and also a poll book; and at every election at which a poll is demanded, the returning officer or person presiding, or the poll clerk, shall enter in such book in separate columns the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the ratepayers offering to vote at the election, and shall, in each column in which is entered the name of a candidate voted for by a voter set the figure '1' opposite the voter's name, with the residence of the voter;

Duty of returning officer after close of election.

7. The returning officer or person presiding shall, on the day after the close of the election, return the poll book to the secretary or secretary-treasurer of the public school board, with his solemn declaration thereto annexed, that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer;

Duty of secretary

8. The secretary-treasurer shall add up the number of votes for each candidate for any office, as appears from the poll book so returned, and shall declare elected, the candidate or candidates having the highest number of votes, and shall forthwith notify the candidates in writing of the number of votes polled for each of them respectively in said election.

Casting vote.

9. In case two or more candidates have an equal number of votes, the member of the board present at the first meeting thereof after such election and before the organization of the board, who is assessed highest as a ratepayer on the last revised assessment roll, shall give a vote for one or more such candidates, so as to decide the election. 59 V. c. 70, s. 57.

ELECTION BY BALLOT.

Elections of trustees on same day as municipal elections.

58.—(1) The board of public school trustees of any urban municipality or township, may, by resolution of of which notice shall be given to the clerk of the municipality on or before the first day of October in any year, require the election of school trustees for such urban municipality, or township, to be held by ballot on the same day as municipal councillors, or aldermen are elected, as the case may be. In like manner any board of trustees may discontinue the use of the ballot in trustee elections on giving notice to the clerk of the municipality to that effect at the time hereinbefore mentioned, and thereafter elections for the purposes of this Act shall be conducted as provided in section 57 of this Act.

Trustees may discontinue use of ballot at elections.

Ballot not to be discontinued or resumed for three years after the change.

(2) Where any board of trustees requires elections to be held by ballot, and elections are so held, no change shall be made in the mode of conducting such election for a period of three years, and should the mode of conducting the elections by ballot be discontinued at any time, then the provisions of section 57 shall apply for a period of three years at least after such discontinuance.

Mode of conducting elections by ballot.

(3) In every case in which notice is given as aforesaid requiring the election of public school trustees to be held by ballot, such election shall thereafter be held at the same time and place, and by the same returning officer or officers, and conducted in the same manner as the municipal nominations and elections of aldermen or councillors are conducted; and the provisions of *The Municipal Act* respecting the time for opening and closing the poll, the mode of voting, corrupt or improper practices, vacancies, and declarations of office, shall *mutatis mutandis* apply to the election of public school trustees.

R.S.O. Stat. c. 223.

Form of ballot papers.

(4) A separate set of ballot papers shall be prepared by the clerk of the municipality for all the wards or polling subdivisions, containing the names of the candidates nominated for school trustees, of the same form as those used for councillors or aldermen, except the substitution of the words "school trustee" for councillors or aldermen, as the case may be; and no ballot shall be delivered to any person who is entered on the list of voters as a supporter of separate schools.

Oath to be administered when voter objected to.

(5) In case any objection is made to the right of any person to vote at any election of school trustees the deputy returning

officer shall require the person whose right of voting is objected to, to make the following oath or affirmation :—

Form of oath

You swear (*or* solemnly affirm) that you are the person named, (*or intended to be named,*) in the list (*or* supplementary list) of voters now shewn to you (*shewing the list to voter*) ;

That you are a ratepayer ;

That you are of the full age of twenty-one years ;

That you are a public school supporter ;

That you have not voted before at this election, either at this or any other polling place in this Ward *or* (in this Municipality, *where the municipality is not divided into wards*) for School Trustee ;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election ;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election ;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election : So help you God.

59 V. c. 70, s. 58 ; 60 V. c. 15, *Sched.* B. (31).

Vacancy in office of trustee.

59.—(1) In case the office of trustee becomes vacant from any cause, the remaining trustees shall, except as provided in the next subsection, forthwith hold a new election in the manner provided by this Act for the annual election of trustees to fill such vacancy, and the person thereupon elected shall hold his seat for the remainder of the term for which his predecessor was elected.

(2) In the case of an urban municipality should such vacancy occur within three months of the expiry of the term of office, the remaining trustees may allow the office to remain vacant until the next ensuing election. 59 V. c. 70, s. 59.

CONTESTED ELECTIONS.

Judge of county court to receive and investigate complaints.

60.—(1) Any complaint respecting the validity or mode of conducting the election of school trustees in any urban municipality shall be made to the Judge of the County Court within twenty days after such election, who shall, within a reasonable time, in a summary manner, hear and determine the same ; and may cause the assessment rolls, collector's rolls, poll books, and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, and cause such persons to appear before him as he may deem expedient.

(2) The Judge may confirm the election or set it aside, or order that some other candidate was duly elected ; and the Judge may order the person found by him not to have been elected to be removed ; and in case the Judge determines that

any other person was duly elected, the Judge may order him to be admitted: and, in case the Judge determines that no person was duly elected, the Judge shall order a new election to be held, and shall report such decision to the secretary-treasurer of the public school board. 59 V. c. 70, s. 60.

First meeting of Board.

61.—(1) Every urban board of school trustees shall hold its first meeting in each year on the third Wednesday in January, at the hour of seven o'clock in the afternoon, or at such other hour and place on the same day as may have been fixed by resolution of the former board.

President at first meeting

(2) At such meeting the secretary of the board shall preside at the election of chairman, or, if there be no secretary, the members present shall appoint one of themselves to preside at such election, and the member so appointed to preside may vote as a member.

Casting vote.

(3) In case of an equality of votes at the election of chairman the member who is assessed as a ratepayer for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member.

Quorum of school boards, etc.

(4) A majority of the members of the board shall be necessary to form a quorum, at any meeting and the vote of the majority of such quorum shall be necessary to bind the corporation. 59 V. c. 70, s. 61.

DUTIES OF TRUSTEES.

Duties of Board.

62. It shall be the duty of the trustees of all public schools and they shall have power:—

Appointment of secretary and others.

1. To appoint a secretary and treasurer or secretary-treasurer, and such committees, officers and servants as they may deem expedient;

To fix meetings of the board.

2. To fix the time and place of meetings of the board, the mode of calling and conducting them, and of keeping a true and correct account of the proceedings of such meetings, and to transmit to the Minister of Education all returns and reports required by the Education Department;

To provide adequate accommodation.

3. To provide adequate accommodation for all the children between the ages of five and sixteen years, resident in the municipality (in the case of rural schools for two-thirds of such children resident in the section) as ascertained by the census taken by the municipal council for the next preceding year; Provided that in computing such residents the children of persons on whose behalf a separate school has been established under *The Separate Schools Act* shall not be included 59 V. c. 70, s. 62 (1-3); 60 V. c. 3, s. 3; *see* 54 V. c. 55, s. 107 (3); 60 V. c. 53, s. 14.

R.S.O. Stat. c. 294.

To provide school premises, apparatus, prize books and library.

4. To purchase or rent school sites or premises, and to build repair, furnish, and keep in order the schoolhouses, furniture, fences and all other school property; to keep the well, closets and premises, generally in a proper sanitary condition; to procure registers, maps, globes, apparatus, and, if they deem it expedient, procure prize books and establish and maintain school libraries;

To determine number of schools, etc.

5. To determine the number, grade, territorial boundaries and description of schools to be opened and maintained; the teachers to be employed; the terms on which they are to be employed, and their remuneration and rank (whether principals or assistants); and, as they may deem expedient, to establish kindergartens and classes for industrial training and instruction in needle work and domestic economy;

Dismissal of refractory pupils.

6. To dismiss from the school any pupil who is adjudged so refractory by the trustees and the teacher that his presence in school is deemed injurious to the other pupils, and, where practicable, to remove such pupil to an industrial school;

Trustees may collect a fee from parents, for books, etc.

7. To collect, at their discretion, from the parents or guardians of the pupils attending school a sum not exceeding twenty cents per month, per pupil, to defray the cost of text-books, and other school supplies; or to purchase for the use of pupils text-books and other school supplies at the expense of the corporation;

Exemption of indigent persons from school rates.

8. To exempt, in their discretion, from the payment of school rates, wholly or in part, any indigent persons (notice of such exemption to be given by the trustees to the clerk of the municipality, on or before the first day of August) and where deemed necessary to provide for the children of such persons text-books and other school supplies at the expense of the corporation;

To lay before council estimates for moneys.

9. To submit to the municipal council, on or before the first day of August, or at such time as may be required by the municipal council, an estimate of the expenses of the schools under their charge for the twelve months next following the date of application;

Payment of teachers' salaries.

10. To provide (in the case of rural schools) for the payment of teachers' salaries quarterly and, if necessary, to borrow on their promissory note, under the seal of the corporation, at interest not exceeding eight per cent. per annum, such moneys as may be required for that purpose, until the taxes imposed therefor are collected;

To publish auditors' report.

11. To submit in the case of urban municipalities all accounts, books and vouchers to be audited by the municipal auditors, whose duty it shall be to audit the same and to publish at the end of every year, in one or more of the public newspapers, or otherwise, an abstract of the annual report of the auditors, with such findings and recommendations as the auditors deem expedient;

12. To take possession of all property which has been acquired or given for public school purposes, and to hold the same according to the terms on which it was acquired or received; and to dispose, by sale or otherwise, of any school site or property not required in consequence of a change of site, or other cause; to convey the same under their corporate seal, and to apply the proceeds thereof to their lawful school purposes or as directed by this Act; Custody and disposal of school property.

13. To supplement out of school funds, at their pleasure, any allowance payable under this Act to superannuated teachers. 59 V. c. 70, s. 62 (4, 13). Supplementing superannuation allowances.

63. Trustees shall not be liable to any prosecution, or the payment of any damages, for acting under any by-law of a municipal council before it has been quashed or in case a by-law, order or resolution of a municipal council is illegal, in whole or in part, and in case anything has been done under it, which by reason of the illegality gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing of the intention to bring such action has been given to the corporation. Every such action shall be brought against the municipal corporation alone, and not against any person acting under the by-law, order or resolution. 59 V. c. 70, s. 63. Trustees acting under by-laws not liable.

64. The trustees of cities when so requested by any charitable organization having in charge children of school age shall have power to employ teachers for such children, and to furnish for their use all school supplies if they deem it expedient, and such children shall be considered public school pupils and shall be subject to this Act. 59 V. c. 70, s. 64. Employing teachers in charitable institutions.

65. Every urban school board shall have power to take and acquire land for a school site or for enlarging school premises already held. In the event of any dispute between the owner of the land selected and the trustees, with regard to the price of such land, sections 31 to 37 of this Act shall apply. 59 V. c. 70, s. 65. School sites.

TOWNSHIP ASSESSMENTS.

66.—(1) The municipal council of every township shall levy and collect by assessment, upon the taxable property of the public school supporters of the whole township, in the manner provided by this Act, and by the Municipal and Assessment Acts, the sum of $150 at least for every public school which has been kept open the whole year exclusive of vacations. Where the school has been kept open for six months or over, a proportionate amount of the said sum of $150 at least shall be levied and collected by assessment upon the taxable Amount to be levied by township council for school purposes.

property of the whole township. An additional sum of $100 at least shall be levied and collected in a similar manner for every assistant teacher engaged for the whole year, and a proportionate amount if such assistant teacher was engaged for six months or over;

(2) In the case of union school sections the municipal council of each municipality of which the union school section is composed shall levy and collect upon the taxable property of the respective municipalities the said sum in the proportion fixed by the equalization provided under section 51 of this Act. This section shall not apply to union sections formed between townships and urban municipalities. 59 V. c. 70, s. 66.

Councils to levy sums required by trustees.

67.—(1) The council of every municipality shall levy and collect upon the taxable property of the municipality (or of the sections in the case of rural schools), in the manner provided in this Act, and in the Municipal and Assessment Acts, such sums as may be required by the trustees for school purposes; and shall pay the same to the treasurer of the public school board from time to time as may be required by the board for teachers' salaries and other expenses. In the case of rural schools, all moneys collected shall be paid to the secretary-treasurer of the section on or before the 15th of December;

Establishment of libraries.

(2) The council of every municipality may, in addition to any requisition of the public school trustees, raise by assessment such other sums as it may deem expedient for the establishment and maintenance of a school library, or for aiding new or weak schools or continuation classes within such municipality, or for the support of model schools, or for supplementing teachers' salaries or retiring allowances;

Correction of errors in collection of rates in previous years.

(3) Every municipal council shall have power, and it shall be their duty to correct any errors or omissions that may have been made within the three years next preceding such correction in the collection of any school rate duly imposed or intended so to be, to the end that no property shall escape from its proper proportion of the rate and that no property shall be compelled to pay more than its proper proportion of such rate. 59 V. c. 70, s. 67.

Return shewing rating of separate school supporters.

68. It shall be the duty of the clerk of every township:—

1. To transmit not later than the first day of December in each year to the county school inspector a list of the supporters of separate schools against whom any county rate for public school purposes has been placed upon the collector's roll shewing the amount so rated against each and the total amount so rated. The county inspector shall, before issuing his order for the payment of the county grant to the public school sections, deduct therefrom the amount so certified to him by the clerk of such municipality, and shall give the trustees of the separate school section an order on the town-

Separate school amounts to be deducted.

ship treasurer for the amount thereof, and it shall be the duty of such treasurer to pay over the same;

Clerk to give copy of assessment to inspector.

Statement to be furnished to board by clerk.

2. To give to the public school inspector when requested by him, a statement of the assessed value of each school section as shewn by the revised assessment roll for the year, and at the request of any board of trustees to furnish the board with a statement shewing the several parcels or lots of land composing the school section for which they are trustees, the assessment of each parcel or lot and the amount of taxes entered on the collector's roll against each parcel of such lands, and the population of each school section between the ages of five and sixteen years. The cost of preparing the latter statement shall be paid by the board of trustees applying for the same. 59 V. c. 70, s. 68. *See also Cap. 294, Sec. 52.*

Clerks to make returns of population.

69. It shall be the duty of the clerk of every county to make a return to the Minister of Education shewing the population of each minor municipality within the county, and of the clerk of every city and of every town separated from a county to make a return showing the population of such city or town, as shown by their respective assessment rolls for the previous year, said returns to be made on or before the first day of April in each year. 59 V. c. 70, s. 69.

DEBENTURES IN RURAL SECTIONS.

Township school debentures.

70.—(1) On the application of any board of rural school trustees for the issue of debentures for the purchase of a school site for the erection of a schoolhouse, or any addition thereto, or for the purchase or erection of a teacher's residence, the municipal council of the township shall pass a by-law for the said purpose, and shall forthwith issue debentures to be repayable out of the taxable property of the school section concerned in such annual amount as they may deem expedient, provided always the proposal for such loan has been submitted by the trustees to and sanctioned at a special meeting of the ratepayers of the section, called for the purpose.

Applications for loans to be made to, and debentures issued by council.

(2) All applications for a loan, for the purposes herein mentioned, shall be made by the trustees of a union school section to the council of the municipality within which the school house or site of such union section is situated, and all debentures for the payment of such loan shall be issued by such municipality. Any other municipality or municipalities forming part of the union school section shall pay, on the requisition of the clerk of the municipality by which the debentures were issued, as they come due, its or their share of the loan, including interest, according to its or their liability for school purposes, as determined by section 51 of this Act.

Liability for loan.

(3) Notwithstanding any alteration which may be made in the boundaries of any school section, the taxable property situated in the school section at the time when such loan was effected, shall continue to be liable for the rate which may be levied by the township council for the repayment of the loan

Expenses of publishing by-laws.

(4) The expenses of preparing and publishing any by-laws or debentures, and all other expenses incident thereto, shall be paid by the school section on whose behalf such debentures were issued, and the amount of such expenses may be deducted from any school rates collected by the municipal council for such school section. 59 V. c. 70, s. 70.

Application to council for school moneys

71.—(1) The trustees of any rural school may require the council to raise, by one yearly rate, such sums as may be necessary for the purchase of a schoolhouse or site, or the erection of a schoolhouse or teacher's residence.

Council not to levy more than one rate except in certain cases.

(2) No municipal council shall levy or collect during any one year more than one school rate except for the purchase of a school site, or for the erection of a schoolhouse. 59 V. c. 70, s. 71.

DEBENTURES IN URBAN MUNICIPALITIES.

Submission of question to vote of electors.

72.—(1) The municipal council of any urban municipality may, on the application of the board of public school trustees, pass a by-law for any of the purposes mentioned in the preceding sections. Where the municipal council refuses to raise or borrow the sum required, then the question shall be submitted by the municipal council, if requested by the board of trustees, to the vote of the electors qualified to vote under *The Municipal Act* for the creating of debts, who are supporters of public schools, in the manner therein provided, and on the assent of such electors being obtained the council shall raise or borrow such sum.

Rev. Stat. c. 223.

Form and term of debenture.

(2) Debentures issued for school purposes may be in the form given by this Act, and for such term of years and for such amount as the council sees fit, not exceeding thirty years, or the municipal council may, in its discretion make the principal and interest of such debt repayable by annual or other instalments, in the manner provided in *The Municipal Act*.

Rev. Stat. c. 223.

(3) Application for the issue of debentures for school purposes by the trustees of urban municipalities to which part of an adjoining township is attached shall be subject to the provisions of this section. 59 V. c. 70, s. 72.

Exemption by by-law not to affect liability for school rates.

73. No by-law passed by any municipality after the 14th day of April, 1892, for exempting any portion of the rateable property of a municipality from taxation in whole or in part shall be held or construed to exempt such property from school rates of any kind whatsoever. 59 V. c. 70, s. 73.

School corporations may borrow surplus moneys.

74. Any school corporation may, with the consent of the ratepayers first had and obtained at a special meeting duly called for that purpose, by resolution authorize the borrowing from any municipal corporation of any surplus moneys derived from the Ontario Municipalities Fund, or from any other source, for such term and at such rate of interest as may be set forth in such resolution, for the purpose of purchasing a school site, or erecting a schoolhouse; and any sum so borrowed shall be applied to that purpose, and to that only. 59 V. c. 70, s. 74.

TREASURERS OF SCHOOL MONEYS.

Sub-treasurers of school moneys.

75.—(1) For all school purposes township treasurers shall be considered sub-treasurers of the county treasurer, provided always that the county council may by by-law constitute the county treasurer, the sub-treasurer for municipalities not separated from the county. The treasurer or secretary-treasurer of the school board of each city or town separated from the county shall receive the government grants apportioned to the city or town and shall hold the same for school purposes subject to the order of the board of trustees.

Treasurer and sureties,—responsible to municipality.

(2) The treasurer and sub-treasurer and their sureties shall be accountable for school moneys to the county city or town (as the case may be), and any bond or security given by them for duly accounting for and paying over moneys coming into their hands, belonging to the county, city or town, shall apply to all school moneys, and may be enforced against the treasurer or his sureties, in case of default on his or their part.

Bonds to apply to school moneys, etc.

(3) The bond of the treasurer and his sureties shall apply to school moneys, and all public moneys of the Province, and, in case of any default, Her Majesty may enforce the responsibility of the county, city or town, either by stopping a like amount out of any public moneys payable to the county, city, or town, or to the treasurer thereof or by action against the corporation.

City, etc., responsible for default of treasurer, etc.

(4) Any person aggrieved by the default of the municipal treasurer may recover from the corporation of any county, city or town, the amount due or payable to such person as money had and received to his use. 59 V. c. 70, s. 75.

DUTIES OF TEACHERS.

To teach according to law, preserve discipline, etc.

76. It shall be the duty of every teacher of a public school,

1. To teach diligently and faithfully all the subjects in the public school course of study; to maintain proper order and discipline in the school; to encourage the pupils in the pursuit of learning; to inculcate by precept and example, respect for religion and the principles of Christian morality, and the highest

regard for truth, justice, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues;

Use of English language.

2. To use the English language in the instruction of the school and in all communications with the pupils in regard to discipline and the management of the school, except where impracticable by reason of the pupil not understanding English. Recitations requiring the use of a text-book may be conducted in the language of the text-book;

Duties in and about the school-house, registers, etc.

3. To see that the schoolhouse is ready for the reception of pupils at least fifteen minutes before the time of opening in the morning and five minutes before the time of opening in the afternoon, to call the roll every day according to the register prescribed by the Education Department; to enter in the visitors' book visits made to the school; to give the inspector, trustees and visitors access, at all times, to the register and visitors' book; and to deliver the register, the schoolhouse key and other school property in his possession to the corporation employing him on demand, or when his agreement with such corporation has expired;

Classification of scholars and conduct of classes.

4. To classify the pupils strictly according to the course of study prescribed by the Education Department; to conduct the school according to a time-table accessible to pupils and visitors; to prevent the use by pupils of unauthorized text-books; to attend regularly the teachers' institutes in the inspectoral division; to notify the trustees and inspector of absence from school, through illness or other unavoidable cause; and to make at the end of each school term, and subject to revision by the inspector such promotions from one class or form to another as he may deem expedient;

Examinations.

5. To hold during each half year a public examination of the school, and to give due notice thereof to the trustees, to any school visitors who reside in the school section, and through the pupils, to their parents or guardians, and to hold such other examinations as may be required by the inspector for the promotion of pupils, or for any other purpose as the inspector may direct;

Information for department.

6. To furnish the Minister of Education, or the school inspector with any information which it may be in his power to give respecting the condition of the school premises, the discipline of the school, the progress of the pupils or any other matter affecting the interests of the school, and to prepare such reports of the corporation employing him as are required by the Education Department;

Care of health of scholars, preservation of school property.

7. To give assiduous attention to the health and comfort of the pupils, to the cleanliness, temperature and ventilation of the school-rooms, to the care of all maps, apparatus and other school property, to the preservation of shade trees and the orderly arrangement of the playgrounds, and to report prompt-

ly to the trustees and municipal health officer the appearance of any infectious or contagious disease in the school, or the unsanitary condition of outhouses and surroundings;

Infectious diseases among pupils.

8. To refuse admission to the school of any pupil affected with, or exposed to smallpox, scarlatina, diphtheria, whooping cough, measles, mumps, or other contagious disease until furnished with a certificate of a physician or of a health officer to the effect that all danger from exposure to contact with such pupil has passed away;

Disciplinary powers.

9. To suspend any pupil guilty of persistent truancy, violent opposition to authority, habitual neglect of duty, the use of profane or improper language or conduct injurious to the moral tone of the school, and to notify the parent or guardian of the pupil, and the trustees, of such suspension. The parent or guardian of any pupil suspended may appeal against the action of the teacher to the trustees, who shall have power to consider such appeal and remove or confirm such suspension. 59 V. c. 70, s. 76.

AGREEMENTS.

Valid agreements with teachers.

77.—(1) All agreements between trustees and teachers shall be in writing, signed by the parties thereto, and shall be sealed with the seal of the corporation.

Suspension of certificate for breach of agreement.

(2) Any teacher who wilfully neglects or refuses to carry out his agreement, shall, on the complaint of the trustees, be liable to the suspension of his certificate by the inspector under whose jurisdiction he may be for the time being.

Qualified teacher defined.

(3) No person engaged to teach a public school shall be deemed a qualified teacher who does not at the time of entering into an agreement with the trustees, and during the whole period of such agreement, hold a legal certificate of qualification.

Proportion of salary to which teacher entitled.

(4) Any teacher who enters into an agreement with a board of trustees for one year, and who serves under such agreement for three months or over, shall be entitled to be paid his salary in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year.

Case of sickness.

(5) Every teacher shall be entitled to his salary during sickness, certified by a physician, for a period not exceeding four weeks for the entire year; this period may be increased at the pleasure of the trustees.

Protection of teachers in regard to salary.

(6) If at the expiration of a teacher's agreement with a board of trustees his salary has not been paid in full, the salary shall continue to run at the rate mentioned in the agreement until paid, provided always that an action shall be commenced within three months after the salary is due and payable by the trustees.

Provision in case of difference between teacher and trustees.

(7) All matters of difference between trustees and teachers, in regard to salary or other remuneration under a valid agreement, shall, whatever may be the amount in question, be brought in the Division Court of the division where the cause of action arose, subject to appeal, as provided by this Act. 59 V. c. 70, s. 77.

TEACHERS' CERTIFICATES.

Three classes of certificates.

78.—(1) Any person a subject of Her Majesty, who is not less than eighteen years of age, of good moral character and who passes the examinations prescribed by the Education Department, may be awarded a first, second or third-class certificate according to the standards required by such examination.

First, second and third-class certificates.

(2) Subject to any regulations of the Education Department with regard to experience in actual teaching, certificates of the first and second class shall be valid during good conduct; certificates of the third class shall be valid for a period of three years. Every third-class certificate shall have the signature of at least one public school inspector.

District certificates.

(3) The inspectors of the territorial districts, or any county board of examiners, may issue certificates valid only within the district of such inspector, or the jurisdiction of the county board, for a term not exceeding one year, subject to the regulations of the Education Department.

Former certificates continued.

(4) Certificates granted before the fifteenth day of February, in the year 1871, shall remain in force on the terms of the Act under which they were granted.

First-class valid.

(5) First-class certificates issued under any Act of this Province before the fifteenth day of February, 1871, and valid on the 24th day of March, 1874, shall be valid in the Province during the good conduct of the holder thereof.

Second-class valid.

(6) Second-class certificates issued and valid as aforesaid, shall, when the holders, thereof, have taught for ten years in Ontario, be valid during good conduct within the territory in which they were granted.

Suspension of certificate for misconduct, etc.

(7) The inspector may suspend the certificate of any teacher under his jurisdiction for inefficiency, misconduct, or a violation of this Act or of the regulations of the Education Department. In every case of suspension, he shall notify in writing the trustees concerned, and the teacher, of the reasons for such suspension.

Meeting of county board, consideration of suspension.

(8) The inspector shall forthwith call a meeting of the county board of examiners for the consideration of such suspension, of which due notice shall be given to the teacher so suspended, and the decision of the board shall be final. 59 V. c. 70, s. 78.

COUNTY BOARDS OF EXAMINERS.

79.—(1) The municipal council of each county shall appoint annually a board of examiners, consisting of the inspector or inspectors having jurisdiction within the county or any part thereof, and not more than two other persons holding first-class certificates of qualification, for the purpose of examining candidates for teachers' third class certificates and for such other purposes as are prescribed by this Act. The members so appointed shall continue in office till their successors are appointed, and shall hold at least one examination each year. A majority of the board shall form a quorum. To examine teachers and give certificates.

(2) Where deemed necessary from the general use of the French or German language, the county council may appoint additional examiners, not exceeding two, for the purpose of conducting the examination of candidates for a teachers' certificate in either of the languages aforesaid. Additional examiners.

(3) The treasurer of the county shall, on the requisition of the chairman of the board pay all the incidental expenses of the examination of third-class teachers. He shall also, on a like requisition, pay each member of the board the sum of $4 per diem and travelling expenses while engaged as examiner. Expenses of examination.

(4) Every member of a county board of examiners while engaged in conducting an investigation affecting the standing of any teacher within the jurisdiction of the board shall be paid the sum of $4 per diem and travelling expenses by the treasurer of the county. Fees of examiner in investigating standing of teacher.

(5) After the passing of this Act no person shall be appointed a member of a county board of examiners who is not actually engaged in teaching and who has not had at least three years' experience as a teacher in a public or separate school. 59 V. c. 70, s. 79. None but teachers to be examiners.

COUNTY MODEL SCHOOLS.

80.—(1) The board of examiners of every county shall, subject to the regulations of the Education Department, set apart at least one public school in each county as a county model school for the training of teachers for third-class certificates. One school in each county to be set apart as county model school.

(2) Where more model schools than one have been established in any county and where the whole number of teachers in training for the two preceding years at such schools has not exceeded twenty-five, the county board of examiners may with the approval of the Education Department, discontinue one or more of such schools, but not so as to reduce the number below that required by this Act. When model schools may be discontinued.

Aid to county model schools.

(3) The municipal council of every county shall pay to the treasurer of each public school within the county to which a model school is attached an amount at least equal to the sum voted by the Legislative Assembly for each county model school, but the amount to be provided by the county council shall not be less than the sum of $150 annually, and the council may, if it sees fit, provide a larger amount of aid.

Setting apart school for training third class teachers.

(4) The board of trustees of any city may set apart one or more of such city schools for the training of third-class teachers, subject to the regulations of the Education Department. 59 V. c. 70, s. 80.

TEACHERS' INSTITUTES.

Organization of teachers' institutes.

81.—(1) The teachers of one or more inspectoral districts may organize themselves into a Teachers' Institute for the purpose of receiving instruction in methods of teaching and for discussing educational matters, subject to the regulations of the Education Department.

Aid to teachers' institutes.

(2) The Minister of Education may apportion out of any moneys voted by the Legislative Assembly for that purpose the sum of $25 to each teachers' institute organized and conducted according to the regulations of the Education Department, and the municipal council of each county or city shall pay annually to the order of the president of each teachers' institute within the county or city a sum at least equal to the amount so apportioned by the Minister of Education. 59 V. c. 70, s. 81.

INSPECTORS.

Qualification for appointment as inspector.

82.—(1) No person shall be appointed inspector of public schools in any county, city, or town who does not hold an inspector's certificate of qualification, as prescribed by the regulations of the Education Department, and no inspector shall, during his tenure of office, engage in, or hold any other employment, or calling, which interferes with the full discharge of his duties as inspector.

When more than one inspector to be appointed.

(2) The board of trustees of every city and town separated from the county shall appoint an inspector of public schools for such city or town. When the teachers engaged by the trustees of any city exceed three hundred in number the board shall appoint two inspectors, and likewise an additional inspector for every three hundred teachers on the staff above six hundred.

Number of inspectors.

(3) The municipal council of every county shall appoint an inspector for such county, provided always that any inspector appointed hereafter for a county or part of a county, shall be the inspector of the schools of any town not separated from the county in the district to which he has been appointed.

(4) No county inspector hereafter appointed shall have charge of more than one hundred and twenty schools or less than fifty, but it shall not be necessary to appoint more than one inspector in each electoral division of a county. Jurisdiction of inspectors.

(5) In counties containing any municipality wherein the French or German language is the common or prevailing language, an inspector may have charge of any number of schools not less than forty. French or German.

(6) In counties where there are more than fifty public schools, the county council may appoint two or more inspectors, and prescribe and number the territorial divisions of each, and change or remove the inspectors from one division of the county to another. Counties may appoint additional inspectors and change inspectors.

(7) In the event of a vacancy occurring in the office of county inspector, the warden of the county may appoint any person legally qualified to fill such vacancy until the next ensuing meeting of the county council. Notice of such appointment or of any appointments by the county council shall be given to the Minister of Education forthwith. Warden may supply vacancies in the office of inspector

(8) The county council shall pay quarterly to every county inspector at the rate annually of $5 for every teacher occupying a separate room with a separate register, and, in addition, reasonable travelling expenses, such expenses to be determined by the county council. Remuneration of county inspector.

(9) When the public school board of any town not separated from the county has before the passing of this Act appointed an inspector, other than the county inspector within whose district such town is situated, the county treasurer, on demand, shall pay to the order of such board a sum of money equal to the amount collected within such town for the payment of the salary of the county inspector. Payment of inspector's salary in towns not separated.

(10) The sum of $5 for every teacher occupying a separate room with a separate register, shall be paid out of any sum of money appropriated by the Legislature for that purpose as the Lieutenant-Governor in Council may direct towards the salary of the county inspector and a similar sum to the school board of any city or town separated from the county, towards the payment of the salary of the inspector of the city or town. Grants in aid of inspector's salary

(11) In cases where any inspector requires the testimony of witnesses to the truth of any fact alleged in any complaint or appeal made to him or to the Minister of Education or the Education Department, it shall be lawful for such inspector to administer an oath to such witnesses or to require their solemn affirmation before receiving their testimony. Inspector to swear witnesses in certain cases.

(12) Any public school inspector shall, in case of misconduct or inefficiency, be subject to dismissal by the Lieutenant-Governor in Council, or by a majority of the members of the Conditions of dismissal of inspector.

council or board of trustees appointing him, or without cause by a vote of two-thirds of such council or board, and no such inspector shall be re-appointed without the concurrence of the party who dismissed him. 59 V. c. 70, s. 82.

Duties of inspectors.

83. It shall be the duty of every public school inspector :—

To visit each school once a term

1. To visit every public school within his jurisdiction once in each term, unless otherwise directed by the county council or board of trustees by which he was appointed; to deliver from time to time, public lectures in his district on some subject connected with public school education; to call a special meeting of the section when deemed expedient and to see that every school is conducted according to this Act and the regulations of the Department;

Examine the state of the school.

2. To examine into the condition of the school, as respects the progress of the pupils in learning, the order and discipline observed, the system of instruction pursued, the mode of keeping the school registers, the average attendance of pupils, the character and sanitary condition of the buildings and premises, and to give such advice to the teachers, pupils and officers of the school as he may consider proper;

To withhold order for grant in certain cases.

3. To withhold his order for the amount apportioned from the legislative or municipal grant,

(*a*) Where any school was kept open for less than six months in the year, or

(*b*) Where the trustees fail to transmit the annual or semi-annual school returns properly filled up, or

(*c*) Where the trustees fail to comply with the school Act or the regulations of the Education Department, or

(*d*) Where the teacher uses, or permits to be used, as a text-book any book not authorized by the Education Department; and in every case to report to the trustees and to the Education Department his reasons for so doing;

Report of health officer.

4. To report to the trustees and to the medical health officer of the municipality in which the school house is situated, in every case in which the school premises or buildings are found to be in an unsanitary condition and to withhold the school grants in all such cases until he receives a certificate from such health officer or board of health that the provisions of *The Public Health Act* have been duly complied with;

Rev. Stat., c. 248.

To give information and report to Minister.

5. To give when desired any information in his power to the Minister of Education, respecting any matter in connection with a public school within his jurisdiction, and to prepare and transmit to the Minister of Education, on or before the first day of March, an annual report in the form prescribed by the Education Department;

6. To give, at his discretion, any candidate, on due examination, a certificate of qualification to teach a school within his district until the next ensuing professional examination of teachers; and to discharge such other duties as may be required by the Minister of Education, the county council or the board of trustees by which he was appointed; May give temporary certificates to teachers.

7. To deliver over to his successor, on retiring from office, copies of his official correspondence, and all school papers in his custody, on the order of the county council or public school board appointing him. 59 V. c. 70, s. 83. Deliver up papers on retiring from office.

ALLOWANCE TO ARBITRATORS AND INSPECTORS.

84. Arbitrators, in making their award, shall, among other things, determine the liabilities of the parties concerned for the costs of the arbitration, and such determination shall be final and conclusive. 59 V. c. 70, s. 84 (1) *part.* Costs of arbitration.

85 Any person engaged as arbitrator on any matter arising under this Act shall be paid the sum of $4 per diem and travelling expenses. 59 V. c. 70, s. 84 (1) *part.* Allowance to arbitrators.

86. Where any complaint is made to an inspector with regard to any matter affecting the validity of the election of a public school trustee, or the procedure of a school meeting, requiring the taking of evidence where the cause of complaint arose, the trustees of the school section concerned shall pay the inspector while conducting such investigation the sum of $4 per diem and travelling expenses. 59 V. c. 70, s. 84 (2). Allowance to inspectors in certain cases.

SUPERANNUATION.

87.—Every teacher or inspector whose name is entered as having paid into the fund for superannuated teachers, may continue to contribute to such fund in such manner as may be prescribed by the Education Department, the sum of at least $4 annually, but no payment of arrears to the fund shall be allowed after the 30th day of March, 1886. 59 V. c. 70 s. 85. Superannuation fund.

88.—(1) On the decease of any teacher or inspector, his wife, her husband, or legal representative, shall be entitled to receive back the amount paid into the superannuation fund by such teacher or inspector, with interest at the rate of seven per cent. per annum. Repayment to wife, etc., of deceased teacher.

(2) No teacher or inspector who has reached the age of sixty years shall be held to be disqualified from superannuation by reason of his having retired from active service before reaching the age of sixty provided that such teacher or inspector has served for a period of thirty-five years, and that

no payment shall be made to such teacher or inspector until he has reached the age of sixty. 59 V. c. 70, s. 86.

Right of teacher to retire on reaching sixty years of age.

89.—(1) Every teacher or inspector who, while engaged in his profession, contributes to the superannuated teachers' fund as provided by this Act, shall on reaching the age of sixty years, if he retires from the profession receive an annual allowance at the rate of $6 per annum, for every year of service in Ontario, upon furnishing evidence of good moral character, age, and length of service.

Teachers under sixty.

(2) Every teacher or inspector, under sixty years of age who has contributed as aforesaid, and who is disabled from practising his profession, shall be entitled to a like annual allowance upon furnishing evidence as to length of service, moral character, and disability.

$1 per annum extra to certain teachers.

(3) Every superannuated teacher who holds a first or second class provincial certificate, or a first-class county board certificate, and every principal of a high school or collegiate institute shall be entitled to receive a further allowance at the rate of $1 per annum for every year of service while he held such certificate, or while he acted as principal of a high school or collegiate institute.

Proviso in regard to good moral character.

(4) The retiring allowance shall cease at the close of the year of the death of the recipient, and may be discontinued at any time should the teacher's moral character be unsatisfactory to the Education Department.

Teacher resuming profession.

(5) If any superannuated teacher or inspector shall, with the consent of the Education Department, resume the profession of teaching or inspecting, his allowance shall be suspended during the time of his being so engaged.

Again retiring.

In case such teacher or inspector is again placed on the superannuation list an allowance for the additional time of service shall be made on compliance with this Act, and the regulations of the Education Department.

Forfeiture of claims.

(6) Any teacher or inspector who, having resumed his profession, draws or continues to draw upon the superannuation fund for any part of his allowance as a superannuated teacher, shall forfeit all claim to the fund, and his name shall be struck off the list of superannuated teachers.

Teachers not availing themselves of Act.

(7) In the case of those teachers or inspectors who may not avail themselves of the provisions of section 87 or subsection 8 of this section of this Act, the provisions of sections 87 to 89 inclusive shall apply so far as relates to all sums of money already paid into the fund for superannuated teachers.

Repayment to contributors.

(8) Any teacher who retires from the profession, or any teacher or inspector who desires to remove his name from the list of contributors to the superannuated teachers' fund, shall be entitled to receive back from the Minister of Education one

half of any sums paid by him or her to the fund, through the public school inspector, or otherwise. 59 V. c. 70, s. 87.

NON-RESIDENT PUPILS.

Admission of non-resident pupils.

90.—(1) The trustees of every public school shall admit to their school any non-resident pupils who reside nearer such school than the school in their own section, providing always the inspector reports the accommodation of the school room sufficient for the admission of such pupils. In case of dispute as to the distance from the school, the decision of the inspector shall be final.

Fees of non resident pupils.

(2) The parents or guardians of such non-resident children shall pay to the trustees of the school to which their children have been admitted such fees monthly as may be mutually agreed upon, provided such fees, together with the taxes paid to such school (if any), do not exceed the average cost of the instruction of the pupils of such school.

A resident of one section sending his children to another section.

(3) Any person residing in one school section, and sending his children to a neighboring school, shall be liable for the payment of all rates assessed on his taxable property for the school purposes of the section in which he resides, but it shall be lawful for any board of trustees to remit the fees paid to the trustees of the neighboring section.

Attendance of children of non-residents.

(4) Where the property of a non-resident is assessed for an amount equal to the average assessment of residents the children of such non-resident shall be admitted to the public school of the section on the same terms and conditions as the children of residents.

Remission of school tax where certain fees paid.

(5) When the children attending a neighboring section are three miles or more distant in a direct line from the school-house in the section to which they belong, the trustees of the section in which such children are resident shall remit as much of the taxes chargeable upon the parents or guardians of such children, for school purposes, as would be at least equal to the fees paid to such neighboring section.

Pupils in house of refuge.

(6) In case a county council establishes a house of refuge in any county any person of school age maintained in such house of refuge shall for the purposes of this Act be deemed a non-resident, and the county council shall pay to the trustees of the school attended by such person or persons such monthly fees as may be mutually agreed upon, provided such fees do not exceed the average cost of the instruction of the pupils of such school. 59 V. c. 70, s. 88.

HOLIDAYS.

91.—(1) The public school teaching year shall consist of two terms: in rural schools the first term shall begin on the

third Monday of August, and end on the 22nd day of December; the second term shall begin on the 3rd day of January, and end on the 30th day of June.

(2) In urban municipalities the first term shall begin on the first day of September, and end on the 22nd day of December; the second term shall begin on the 3rd day of January, and end on the 30th day of June.

(3) Every Saturday, every public holiday, the week following Easter Sunday, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged, shall be a holiday in public schools.

(4) In the territorial districts and in the Provisional County of Haliburton the trustees of any rural school may allot the time herein allowed for holidays at Easter and midsummer to suit the convenience of pupils and teachers, provided always that the same number of holidays be allowed and in periods of the same duration as herein set forth. 59 V. c. 70, s. 89; 60 V. c. 14, s. 72.

AUTHORIZED BOOKS.

Change of text-book.

92.—(1) Any authorized text-book in actual use in any public or model school may be changed by the teacher of such school for any other authorized text-book in the same subject on the written approval of the trustees and the inspector, provided always such change is made at the beginning of a school term, and at least six months after such approval has been given;

Substitution of unauthorized text-books.

(2) In case any teacher negligently or wilfully permits any unauthorized text-book to be used by the pupils of his school, he shall for each such offence, on conviction thereof before a Police Magistrate or Justice of the Peace, be liable to a penalty payable to the municipality for public school purposes, not exceeding $10, together with costs, as the Police Magistrate or Justice may think fit. 59 V. c. 70, s. 90.

APPEALS FROM DIVISION COURT DECISIONS.

Appeals from Division Courts.

Rev. Stat. c. 293.

93.—(1) The Judge of any Division Court wherein any action between teachers, inspectors, trustees, or others acting under this Act, or *The High Schools Act*, is tried, may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Minister of Education to appeal the case.

Minister may appeal to High Court.

(2) The Minister may, within one month after the rendering of judgment in any such case, appeal from the decision of the Division Court Judge to a Divisional Court of the High Court of Justice, by serving notice in writing of such appeal upon the clerk of the Division Court appealed from, which appeal shall be entitled "The Minister of Education for Ontario,

Appellant, in the matter between (A. B. and C. D.)" But nothing herein contained shall be held to interfere with the right of any of the parties to the action to exercise the ordinary right of appeal.

Judges to send papers to High Court.

(3) The Judge whose decision is thus appealed from, shall thereupon certify under his hand, to the Central Office of the High Court at Toronto, the summons and statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections made thereto. After notice of appeal has been served as hereinafter provided no further proceedings shall be had in such case until the matter of appeal has been decided by the High Court.

No further proceedings to be taken after notice of appeal.

Judge to certify proceedings to the Minister.

(4) On the Judge receiving a notice of appeal from his decision (under the authority of this Act), he shall thereupon certify under his hand, to the Minister of Education, the summons and statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections thereto. The High Court shall give such order or decision to the court below, touching the judgment to be given in the matter, as the circumstances of the case require. Upon receipt of such order, direction and certificate, the Judge of the Division Court shall forthwith proceed in accordance therewith.

Order of Court.

Proceedings in division court when appeal decided.

Costs.

(5) The Court may also in its discretion award costs against the appellant, which costs shall be certified to and form part of the judgment of the court below. All costs awarded against an appellant, and all costs incurred by him, may be paid by the Minister, and charged as contingent expenses of his office. 59 V. c. 70, s. 91.

SCHOOL VISITORS.

Public school visitors defined.

94.—(1) Judges, members of the Legislature, members of county councils, and aldermen shall be school visitors in the municipalities where they respectively reside. All clergymen shall be school visitors in the municipalities where they have pastoral charge.

Authority to visit public schools.

(2) School visitors may visit public schools as in this Act provided. They may also attend the examination of schools, and at the time of any such visit, may examine the progress of the pupils, and the state and management of the school, and give such advice to the teacher and pupils, and any others present, as they deem expedient. 59 V. c. 70, s. 92.

PENALTIES AND PROHIBITIONS.

Clerk neglecting or refusing to perform duties.

95. If any township clerk neglects or refuses to prepare and furnish the map of the school sections of his municipality as required by this Act, or if he neglects for one month to make any return required by this Act, he shall be liable to a penalty

not exceeding $10, to be recovered before a Justice of the Peace, for the school purposes of his municipality, at the instance of any ratepayer thereof. 59 V. c. 70, s. 93.

Also declaration as to right to vote.

96. Any person who wilfully makes a false declaration of his right to vote at any school meeting or election of school trustees shall be liable to a penalty of not less than $5 nor more than $10 to be sued for and recovered with costs before a Justice of the Peace, by the public school trustees of the city, town, village, or school section, for its use. 59 V. c. 70, s. 94.

Disqualified persons acting as trustees.

97. Any public school trustee who refuses to serve after being duly elected shall be liable to a penalty of $5, and any person elected as a school trustee who attends any meetings of the school board as such, after being disqualified under this Act, shall be liable to a penalty of $20 for every meeting so attended. 59 V. c. 70, s. 95.

Trustees not to hold certain offices.

98. No public school trustee shall be eligible to appointment as public school inspector, or teacher, within the section of which he is a trustee; nor shall the teacher of any public, high, or separate school hold the office of public school trustee, nor shall an inspector be a teacher or trustee of any public, high or separate school while he holds the office of inspector. 59 V. c. 70, s. 96.

Seat vacated by conviction for crime, etc.

99. Any trustee who is convicted of any felony or misdemeanor, or becomes insane, or absents himself from the meetings of the board for three consecutive months, without being authorized by resolution entered upon its minutes, or ceases to be an actual resident within the school section for which he is a trustee, shall *ipso facto* vacate his seat and the remaining trustee or trustees shall declare his seat vacant and forthwith order a new election. 59 V. c. 70, s. 97.

Seat vacated by interest in contract with corporation.

100. Any trustee who has any pecuniary interest, profit or promise or expected benefit in, or from any contract, agreement or engagement, either in his own name, or in the name of another, with the corporation of which he is a member, or who receives, or expects to receive any compensation for any work, engagement, employment or duty, on behalf of such corporation, shall *ipso facto* vacate his seat, and every such contract, agreement, engagement or promise shall be null and void, and on the complaint of two ratepayers of the section or of the remaining trustee or trustees, the County Judge may declare the seat vacant, and forthwith order a new election, provided always that it shall be lawful for the trustees of any rural school section to allow the secretary or secretary-treasurer such compensation for his services, for the purposes specified in this Act, as may be approved at the annual meeting of the ratepayers and duly entered in the minutes. 59 V. c. 70, s. 98.

101. In case any annual or other rural school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give the notice, shall forfeit the sum of $5 to be sued for and recovered before a Justice of the Peace, by any resident inhabitant in the rural school section, for the use thereof. 59 V. c. 70, s. 99. Penalty for not calling school meetings.

102. Any person who wilfully disturbs, interrupts, or disquiets the proceedings of any school meeting authorized to be held by this Act, or anyone who wilfully interrupts or disquiets any public school established and conducted under its authority, or other school, by rude or indecent behaviour, or by making a noise either within the place or where such school is kept or held, or so near thereto as to disturb the order of exercises of the school, shall, for each offence, on conviction thereof before a Justice of the Peace, on the oath of one credible witness, forfeit and pay for public school purposes to the school section, city, town, or village within which the offence was committed, a sum not exceeding $20 together with the costs of the conviction, as the said Justice may think fit. 59 V. c 70, s. 100. Penalty for disturbing a school or school meeting.

103. Every person elected as trustee who has not refused to accept the office, and who at any time refuses or neglects to perform its duties, shall forfeit the sum of $20 to be sued for and recovered before a Justice of the Peace, by the trustees, or any person whatsoever for the purposes of such trustees. 59 V. c. 70, s. 101. Penalty for refusing to perform duties.

104. Any trustee or public school corporation who wilfully neglects or refuses to exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them, shall be held to be personally responsible for the fulfilment of such contract or agreement. 59 V. c. 70, s. 102. Penalty for refusing to exercise corporate powers.

105. Any chairman who neglects to transmit to the county inspector a minute of the proceedings of any annual or other rural school section meeting over which he has presided, within ten days after the holding of such meeting shall be liable, on the complaint of any ratepayer, to a fine of not more than $5 to be recovered as provided by this Act. 59 V. c. 70 s. 103. Penalty on chairman for neglect.

106. If any trustees refuse or neglect to take proper security from the secretary-treasurer or other person to whom they entrust school moneys, they shall be held personally responsible for the moneys. 59 V. c. 70, s. 104. Liability for neglect to take security.

107. If any part of the public school fund or moneys is embezzled or lost, through the dishonesty or faithlessness of Responsibility in case of lost school moneys.

any trustee, secretary-treasurer, or other person to whom it has been entrusted, and proper security against the loss has not been taken, the person or persons whose duty it was to have exacted the security shall be personally responsible for the sums so embezzled or lost; and such sums may be recovered from him or them by the person entitled to receive the same, by action in any court having jurisdiction to the amount, or by information at the suit of the Crown. 59 V. c. 70, s. 105.

Penalty on secretary-treasurer, or trustee for refusing to account.

108. No secretary-treasurer appointed by the school trustees of any school section, and no person having been such secretary-treasurer, and no trustee or other person who may have in his possession any books, papers, chattels, or moneys, which came into his possession as such secretary-treasurer, trustee or otherwise, shall wrongfully withhold, or neglect or refuse to deliver up, or account for, and pay over the same or any part thereof to the person, and in the manner directed by the school corporation then in office, or by other competent authority; and such withholding, neglect or refusal to deliver up or account for, shall be punishable, as provided in the three following sections of this Act. 59 V. c. 70, s. 106.

Mode of proceeding.

109.—(1) Upon application to the Judge of the County Court, by a majority of the trustees, or by any two ratepayers of the section supported by their affidavit made before some Justice of the Peace, of such wrongful withholding or refusal, the Judge shall make an order that such secretary-treasurer, or person having been such secretary-treasurer or trustee, or other person, do appear before him at a time and place to be appointed in the order.

Service of order.

(2) Any bailiff of a Division Court, upon being required by the Judge, shall serve the order personally on the person complained against, or leave the same with a grown-up person at his residence.

Judge to issue order

(3) At the time and place so appointed, the Judge being satisfied that service has been made, shall, in a summary manner, and whether the person complained of does or does not appear, hear the complaint, and if he is of opinion that the complaint is well founded, the Judge shall order the person complained of to deliver up, account for, and pay over the books, papers, chattels, or moneys as aforesaid, by a certain day to be named by the Judge in the order, together with such reasonable costs incurred in making the application as the Judge may tax.

Effects of non-compliance with judge's order.

(4) In the event of non-compliance with the terms specified in such order, or any of them, the Judge shall order the said person to be forthwith arrested by the sheriff of any county in which he may be found, and to be committed to the common gaol of his county, there to remain without bail until the Judge is satisfied that the person has delivered up, accounted for, or paid over the books, papers, chattels or

moneys in question, in the manner directed by the majority of the trustees, or other competent authority as aforesaid; upon proof of his having so done, the Judge shall make an order for his discharge, and he shall be discharged accordingly.

(5) No such proceedings shall impair or affect any other remedy which the said trustees, or other competent authority, may have against the secretary-treasurer, or person having been such secretary-treasurer or his sureties, or against any trustee or other person as aforesaid. 59 V. c. 70, s. 107. Other remedy not affected.

110. The trustees, or their secretary-treasurer in their behalf, shall not refuse to furnish the auditors of any accounts of the school corporation or either of them, with any papers or information in their power, which may be required of them relative to their school accounts, and for any contravention of this section upon prosecution therefor by either of the auditors, or any ratepayer, shall be liable to a penalty of $20. 59 V. c. 70, s. 108. Penalty on trustees refusing information, etc., to auditor.

111. In case the trustees of any rural school section neglect to transmit to the county inspector, on or before the 15th day of January in every year, a correct and verified statement of the average attendance of pupils in each of the schools under their charge during the twelve months then immediately preceding, then the school section shall not be entitled to the apportionment from the school fund for the said twelve months, and the trustees so neglecting shall be personally responsible for the amount of the loss of such apportionment. 59 V. c. 70, s. 109. Penalty for neglect to send half yearly returns.

112. In case the trustees of any school section neglect to prepare and forward the aforesaid annual report to their county inspector by the 15th day of January in every year, each of them shall, for every week after such 15th day of January, and until such report has been prepared and presented, forfeit the sum of $5 to be sued for by the county inspector, and collected and applied in the manner provided for by this Act. 59 V. c. 70, s. 110. Penalty for delaying yearly report.

113.—(1) If any trustee of a public school knowingly signs a false report, or if any teacher of a public school keeps a false school register, or makes a false return, with the view of obtaining a larger sum than the just proportion of school moneys coming to such school, or for any other improper purpose, the trustee or teacher shall, for every offence, forfeit to the public school fund of the municipality the sum of $20 for which any person whatever may prosecute him before a Justice of the Peace, and the trustee or teacher may be convicted on the oath of one credible witness other than the prosecutor. Penalty for false school reports and registers.

(2) If upon conviction, the penalty is not forthwith paid, the same shall, under the warrant of the Justice be levied Recovery by distress.

with costs by distress and sale of the goods and chattels of the offender, and shall be paid by the Justice to the public school board. 59 V. c. 70, s. 111.

Trustees personally responsible for moneys lost.

114. The trustees of every school section shall be personally responsible for the amount of any school moneys forfeited by or lost to the school section in consequence of the neglect of duty of the trustees during their continuance in office. The amount thus forfeited or lost shall be collected and applied in the manner provided for by this Act. 59 V. c. 70, s. 112.

GENERAL PROHIBITIONS.

No inspector, trustee, teacher, etc., to act as agent for the sale of books, maps, etc.

115.—(1) No teacher, trustee, inspector, or other person officially connected with the Education Department, the normal, model, public, or high schools or collegiate institutes, shall become or act as agent for any person or persons to sell, or in any way to promote the sale for such person or persons, of any school, library, prize or text-book, map, chart, school apparatus, furniture or stationery, or shall receive compensation or other remuneration or equivalent for such sale, or for the promotion of sale in any way whatsoever.

Refusal to give up key, etc.

(2) Any teacher who refuses to give up to the school trustees possession of any visitor's book, school register, schoolhouse key or any other school property in his possession shall not be deemed a qualified teacher until restitution is made, and shall also forfeit any claim which he may have against the said trustees. 59 V. c. 70, s, 113.

HOW FINES AND PENALTIES MAY BE RECOVERED.

How penalties under this Act shall be recoverable.

116.—(1) Unless it is in this Act otherwise provided, all fines, penalties, and forfeitures recoverable by summary proceedings, may be sued for, recovered, and enforced with costs, by and before any Police Magistrate or Justice of the Peace having jurisdiction within the municipality in which such fine or penalty has been incurred.

(2) If the fine or penalty and costs are not forthwith paid, the same shall, by and under the warrant of the convicting Justice, be enforced, levied and collected with costs, by distress and sale of the goods and chattels of the offender, and shall be by the Police Magistrate or Justice paid over to the school treasurer of the school section, city, town, or village, or other party entitled thereto.

(3) In default of such distress, the Police Magistrate or Justice shall, by his warrant, cause the offender to be imprisoned for any time not exceeding thirty days, unless the fine and costs, and the reasonable expenses of endeavouring to collect the same, are sooner paid. 59 V. c. 70, s. 114.

CONFIRMING AND SAVING CLAUSES.

117. All lands which previous to the 24th day of July 1850, were granted, devised or otherwise conveyed to any person or persons in trust for common school purposes, and held by such person or persons and their heirs or other successors in the trust, and have been heretofore vested in the public school trustees of the school section or municipality in which such lands are respectively situate, shall continue vested in such trustees, and shall continue to be held by the said trustees and their successors upon the like trusts and subject to the same conditions and estates upon or subject to which the said lands are now respectively held. 59 V. c. 70, s. 115.

School land granted before 1850 vested in trustees for school purposes.

FORM A.

(*Section* 72.)

FORM OF SCHOOL DEBENTURE.

PROVINCE OF ONTARIO.

$ *No.*

Debenture of the of County of , for School Loan.

The corporation of the of hereby promises to pay to Bearer at the Bank of , at the sum of dollars, in lawful money of Canada, year from the date hereof; and to pay interest at the rate of per cent. per annum, half yearly, to the Bearer of the annexed coupons respectively, upon the presentation thereof at the said bank.

Issued at , this day of 18 , by virtue and under the authority of *The Public Schools Act*, and pursuant to By-law No. of said of , passed on the day of , A.D. 18 , intituled "A By-law to raise by way of loan the sum of dollars for the purpose therein mentioned (*or as the case may be*)."

A. B.,
Reeve or Mayor.

C. D.
Treasurer.

COUPON No.

The Corporation of the of will pay the Bearer at the Bank of , on the day of , the sum of dollars, interest due on that day on Debenture No.

C. D.,
Treasurer.

59 V. c. 70, *Form* A.

CHAPTER 293.

An Act respecting High Schools and Collegiate Institutes.

SHORT TITLE, s 1.
INTERPRETATION, s. 2.
HIGH SCHOOL CORPORATIONS, s. 3.
UNION OF PUBLIC AND HIGH SCHOOLS, s. 4.
DISSOLUTION OF SCHOOL BOARDS, ss. 5, 6.
HIGH SCHOOL DISTRICTS, ss 7-9.
COURSE OF INSTRUCTION, ss. 10, 11.
TRUSTEES:
Qualification and appointment, s. 12.
Vacancies, s. 13.
First meeting, s. 14.
Duties, s. 15.
HIGH SCHOOL SITES, ss. 16-29.
PROPERTY VESTED IN TRUSTEES, s. 30.
MUNICIPAL GRANTS, ss. 31-37.
For maintenance, ss. 31-33.
For permanent improvements, ss. 34-37.
HIGH SCHOOL FEES, s. 38.
ENTRANCE EXAMINATION, s 39.
HIGH SCHOOL TEACHERS, s. 40.
Agreement with, s. 41.
TERMS, s. 42.
PENALTIES AND PROHIBITIONS, ss. 43-45.
AUTHORIZED BOOKS, s. 46.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

GENERAL.

Short title.

1. This Act may be cited as "*The High Schools Act.* 59 V. c 71, s. 1.

Interpretation.

2. Where the words following occur in this Act they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears;

"High Schools."

1. "High Schools" shall include Collegiate Institutes.

"Municipality."

2. "Municipality" shall mean a city, town, incorporated village or township, but shall not mean a county.

"County."

3. "County" shall include counties united for municipal purposes.

"District."

4. "District" shall mean the municipalities and parts of municipalities over which the high school board of trustees has jurisdiction as a corporation.

5. "County pupils" shall mean pupils whose parents or guardians reside in the county in which the high school attended by such pupils is situated, but not within the limits of such high school district. "County pupils."

6. "Resident pupils" shall mean pupils whose parents or guardians reside in the district in which the high school attended by such pupils is situated; or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers of the district. "Resident pupils."

7. "Non-resident pupils" shall mean pupils whose parents or guardians do not reside in the county, city or town separated from the county in which the high school attended by such pupils is situated. 59 V. c. 71, s. 2 (1-7); 60 V. c. 15, *Sched.* B. (32). "Non resident pupils."

8. "Permanent improvements" shall mean such expenditure as may be necessary for the purchase or rental of a residence for the teacher, or for the purchase or rental of a school site and the erection or rental of a school house, or for the enlargement of both or either of them, or for permanently changing the system of heating and ventilation, the erection of fences, outhouses and gymnasium, or for the purchase of school furniture, maps and apparatus, library, and all other appliances required by the Regulations of the Education Department for High Schools. "Permanent improvements."

9. "Maintenance" shall mean such expenditure as may be necessary for ordinary repairs in the teacher's residence or for the improvement of the grounds attached thereto, and for the salaries of teachers, officers and servants of the board and for conducting the entrance examination prescribed by this Act and for repairs to school buildings, outhouses, gymnasium, and fences and for the improvement of the school grounds, the repair of school furniture, insurance of the school property, and sundry expenses for ordinary school purposes and such annual additions to the library, apparatus, and other school appliances as may be required by the Regulations of the Education Department for High Schools. "Maintenance."

10. "County Judge" or "Judge" shall mean the senior Judge of the county in which the high school is situated, provided he is not a member of the High School Board and is able to act, but if he is a member of the Board or is unable to act, then the term shall mean the junior County Judge if not a member of the Board and if able to act, but otherwise the term shall mean the Judge of the adjoining county with the largest population according to the last Dominion census. 59 V. c. 71, s. 2 (8-10). "County judge" "judge."

HIGH SCHOOL CORPORATIONS.

3.—(1) The trustees of every high school district shall be a corporation, by the name of "The ... High School Board" Trustees to be a corporation.

(prefixing to the term "High School," or, "Collegiate Institute," the name of the municipality within which such high school or collegiate institute is situated), and shall have and possess all the powers usually enjoyed by corporations, so far as the same are necessary for carrying out the purposes of this Act.

(2) The trustees of every high school shall hold office until their successors are appointed and the new board is organized. 59 V. c. 71, s. 3 (1).

UNION OF PUBLIC AND HIGH SCHOOL BOARDS.

Boards of education.

4.—(1) The trustees of any public and high school exercising jurisdiction within the same municipality may unite as a board of education for such municipality, on filing with the clerk of the municipality certified copies of resolutions to that effect, passed at meetings of each board called for the purpose of considering such union. The union so agreed upon shall take effect on and after the date fixed by this Act for the first meeting of a board of education, and thereupon all property vested in the respective boards shall become vested in the board of education, and all debts, contracts and agreements for which the respective boards were liable, shall become obligations of the board of education.

(2) When a board of education is formed in any municipality in which more high schools than one have been established, all appointments by the municipality to the board of education for high school purposes shall cease from the date of any meeting at which it was agreed to form such board of education until the number of high school representatives appointed by the municipal corporation has been reduced below the number of three trustees for each high school, and thereafter appointments shall be made as provided by this Act, so as to secure a complete rotation of trustees every three years.

(3) The union of the trustees of any public and high school so united shall form one corporation under the name of "The Board of Education" for the city, town, incorporated village or township of——(as the case may be). Such board shall have the powers of public and high school trustees. A majority of the members shall form a quorum. 59 V. c. 71. s. 3 (2-4).

DISSOLUTION OF SCHOOL CORPORATIONS.

Dissolution of boards.

5.—(1) If at any meeting of a board of education called for that purpose a majority of all the members thereof, vote in favour of the dissolution of the board such board shall be dissolved on and after the date fixed by this Act for holding the first meeting of a board of education in each year.

(2) In case any board of education is dissolved, the members of such board of education who were appointed on behalf of the high school shall be the board of trustees for such high school, to hold office for the full term of their appointment or until changed according to this Act. Members of board for high school to be high school trustees.

(3) In the case of such dissolution as aforesaid all school property held by the corporation for high school purposes shall vest in the high school board of trustees, subject to any trust for public school purposes attached thereto; and any other property held or possessed jointly by the corporation before dissolution shall be divided as may be agreed upon by the trustees of the high school and public school respectively at a meeting called for that purpose. If no division is made within six months, then the division shall be made forthwith by the council of the municipality within which the high school is situated. 59 V. c. 71, s. 4. Division of property on dissolution.

6. All high school districts and all appointments, agreements, contracts, assessments, and rate-bills, heretofore duly made in relation to high schools existing at the passing of this Act, and all powers and duties connected therewith, shall continue in full force and effect, subject to the provisions of this Act. 59 V. c. 71, s. 5. Existing high school organizations continued.

HIGH SCHOOL DISTRICTS.

7.—(1) Where prior to the first day of January, 1896, the municipal council of any county or of any municipality did by by-law set apart and constitute the county or any portion thereof as a district for high school purposes, the by-law, if not set aside, repealed, or quashed by any lawful authority in that behalf shall, to all intents and for all purposes be considered and taken as valid, legal and binding, and the high school district thereby constituted or intended to be constituted, shall also for all purposes be deemed, and taken as having been lawfully and validly constituted. By-laws setting apart portions of counties for high school purposes.

(2) The county council may, on the petition of any municipal corporation, detach the same or any portion thereof from any high school district formed by by-law of the county council, but any change made in the boundaries of a high school district shall not relieve the taxable property of the district or any portion thereof from rates imposed for the issue of debentures or from any other debts incurred prior to such change. 59 V. c. 71, s. 6. Lands not [illegible]

8.—(1) On the petition of [illegible] of the ratepayers of any municipality or of any portion thereof contiguous to a high school district, the municipal council of such municipality shall, by by-law, unite the whole or such portion thereof as is set forth in the said petition, to such high school district for high school purposes, and such union shall take effect on [illegible] cipalities for

the first day of January next following the lapse of six months after the adoption of such by-law.

Withdrawal from union.

(2) On like petition and in like manner any municipality or any portion thereof united as aforesaid, may withdraw from such high school district, but any by-law for such withdrawal shall not come into operation until the first day of January next following the lapse of six months from the passing thereof, and shall not relieve the municipality or any portion thereof from any rates imposed for the issue of debentures or from any other debts incurred while such municipality or part thereof was attached to such high school district.

Certificate of clerk to be evidence as to number of ratepayers.

(3) The certificate of the clerk of the municipality with respect to the number of ratepayers in such municipality, or in that part thereof to which the petition heretofore mentioned is intended to refer, shall be final and conclusive.

Adjustment of assets and liabilities upon union of municipalities.

(4) In all cases in which two municipal corporations are united by proclamation or by any Act of the Legislative Assembly, all the assets and liabilities of the school corporations of the minor municipality shall be assumed by the school corporation of the united municipality. 59 V. c. 71, s. 7.

NEW HIGH SCHOOLS.

Establishment and discontinuance of high schools.

9.—(1) On or before the first day of July in any year, the municipal council of any county may, subject to approval by the Lieutenant-Governor in Council, pass a by-law for the establishment of a new high school in any municipality, containing not fewer than one thousand inhabitants, according to the last municipal census, and the municipal council of any county may in like manner discontinue, at the end of the current calendar year, any high school already established.

Formation of districts in special cases.

(2) Where it is proposed to form a high school district to be composed of more municipalities than one, the county council may pass a by-law for the establishment of a high school in any incorporated village, although containing less than one thousand inhabitants, within the proposed district, but such by-law shall not be operative until it is shown to the satisfaction of the Lieutenant-Governor in Council that the adjoining municipalities have passed by-laws as provided by section 8 of this Act, for uniting with such incorporated village so as to constitute a district containing at least 3,000 inhabitants according to the last Dominion census.

In cities.

(3) The municipal council of a city may establish as many high schools in such city as it may deem expedient, subject to the approval of the Lieutenant-Governor in Council. 59 V. c. 71, s. 8.

HIGH SCHOOL COURSE OF STUDY.

Course of instruction in high schools.

10.—(1) In every high school instruction shall be given in the higher branches of a practical English and commercial education; the natural sciences, with special reference to agriculture; the elements of mathematics and physics; and the Latin, Greek, French and German languages, so far as to prepare students for matriculation into the University of Toronto. When the Senate of the University prescribes optional courses for matriculation, the trustees of any high school may prescribe the option or options to be taken in such school.

Collegiate Institutes.

(2) Any high school that complies with the regulations of the Education Department with respect to collegiate institutes may be raised to the rank of a collegiate institute by order of the Lieutenant-Governor in Council. 59 V. c. 71, s. 9.

Military instruction.

11. It shall be lawful for the trustees of any high school to establish classes in military instruction, and in the event of their so doing and appointing a qualified drill instructor, they shall be entitled to receive the sum of $50 annually out of any money voted by the Legislative Assembly for that purpose, provided the class consists of not less than twenty-five pupils over sixteen years of age and passes such examination and inspection as may be prescribed by the Education Department. 59 V. c. 71, s. 10.

TRUSTEES.

Qualification of trustee.

12.—(1) Any ratepayer 21 years of age residing in the county or municipality in which the high school is situated who is not a member of the municipal council of such municipality or county shall be qualified to serve as a high school trustee, or as a member of a board of education.

Number and appointment of high school trustees.

(2) Every high school corporation shall consist of at least six trustees. In the case of high schools situated in any municipality within the jurisdiction of the county, three of such trustees shall be appointed by the county council, and additional trustees shall be appointed by the municipalities composing the high school district as follows, that is to say:—

(a) Where a high school district is composed of one municipality the municipal council thereof shall appoint three additional trustees; where a high school district is composed of two municipalities, each municipality shall appoint two additional trustees; and where a district is composed of more than two municipalities each municipality shall appoint one additional trustee. Any portion of a municipality assessed for $50,000, included in a high school district, shall be considered a municipality for the purposes of this section. In every case one of the trustees appointed by the county council and one

trustee in each municipality composing the high school district shall retire each year

(3) Where a high school district is composed of a county, the county council shall appoint six trustees for such district, two of whom shall retire every year.

(4) In cities and in towns separated from the county, the municipal council thereof shall appoint six trustees for each of the high schools of such city or town; where the high schools in a city do not exceed three in number the municipal council shall appoint six trustees for each high school, and the trustees so appointed shall, with such additional trustees as are authorized by this Act, form one corporation. The municipal council of every city and town shall, by by-law, provide for the annual retirement of so many of the trustees appointed by the council as shall secure a complete rotation every three years.

(5) Where the trustees of any high school situated in a city or in a town separated from the county, notify the county clerk that such high school is open to county pupils on the same terms as high schools in the municipalities not separated from the county, the county council may, from time to time, appoint three additional trustees of and for such high school so long as the school is open to county pupils on the terms aforesaid; and such school shall for all the purposes of this Act be considered a county high school.

(6) The separate school board of the city, town, or incorporated village in which a high school is situated, may appoint one trustee of and for the high school board or board of education, who shall not be a member of the separate school board and who shall hold office for one year, provided always, in the case of a board of education, that such trustee shall not take part in any of the proceedings affecting the public school.

(7) Except in the case of a board of education, the public school trustees of every city, town, or incorporated village in which a high school is situated, may appoint annually one trustee of and for the high school board, who shall not be a member of the public school board, and who shall hold office for one year. '59 V. c. 71, s. 11.

Vacancies on Board.

Vacancies, how filled.

13.—(1) Vacancies arising from the annual retirement of trustees shall be filled at the first meeting thereof after being duly organized in each year by the municipal councils or by the boards of trustees empowered under this Act to make the appointments; and vacancies arising from death, resignation, or removal from the high school district or county, or otherwise, shall be filled forthwith by the municipal council or board of trustees having the right of appointment, and the person appointed to fill such vacancy shall hold office only for the unexpired term of the person whose place has become vacant.

(2) Where any town that has been separated from the county for municipal purposes is re-united to the county, the high school trustees appointed by the town council and in office at the time of such union shall continue in office till the expiration of the term for which they were appointed. Vacancies arising from any cause in the representation of the town shall not be filled till the number of trustees has been reduced below the number required by this Act. 59 V. c. 71, s. 12.

First Meeting.

14.—(1) The first annual meeting of every board of trustees or board of education shall be held at the hour of seven o'clock in the afternoon of the first Wednesday of February or at such hour of the same day as may have been determined by resolution of the former board, and shall be organized by the election of a chairman, who shall be a member of the board, and a secretary and treasurer or secretary-treasurer. A majority of the board shall form a quorum; First meeting of board. Quorum.

(2) The secretary or secretary-treasurer for the previous year shall preside at the first meeting of the board until the chairman is elected, or if there be no secretary or secretary-treasurer then such member of the board shall preside as may be appointed for that purpose; Secretary to preside at first meeting until chairman elected.

(3) In case of an equality of votes at the election of chairman, the trustee who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote, in addition to his vote as a member of the board. Equality of votes on the election of chairman.

(4) The chairman or presiding officer of the board may vote with the other members of the board on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. 59 V. c. 71, s. 13. Chairman to vote.

Duties of Trustees.

15. It shall be the duty of every board of trustees and they shall have power:— Duties of trustees.

1. To fix the times and places of the board meetings, the mode of calling and conducting them, and of keeping a full and correct account of the proceedings of such meetings; Fix meetings of board.

2. To take charge of the high school for which they have been appointed trustees, to keep the school buildings in proper repair, to provide from time to time suitable furniture and equipment and to see that the grounds and all the property of the corporation are duly protected; Charge of high school.

3. To settle the amount to be paid by parents and guardians for each pupil attending the high school, subject to this Act, to fix the times of payment, and, when necessary, to sue and recover such amounts; Collection of fees for tuition.

Orders for salaries and expenses.

4. To give the necessary orders upon the treasurer of the board for the payment of the salaries of the teachers and other officers and servants of the high school, and for such other expenses for promoting the interests of the high school as may be authorized by the board; and to take such security from the treasurer of the board as they may deem expedient;

Application to councils, how made.

5. To apply to the municipal council or councils liable under this Act on or before the 1st day of August, or at such other time as may be required by the municipal council for such sums of money as the board may require for the maintenance of the high school for the twelve months next following the date of such application, exclusive of all fees from pupils and other sources, and of appropriations from the Legislature and municipal council of the county; and for such additional sum as they may deem expedient for permanent improvements for the same period of time not exceeding five hundred dollars;

Expulsion of pupils.

6. To expel, on the report of the principal, any pupil whose conduct may be deemed injurious to the welfare of the school; and to expel any pupil whose parents or guardians neglect or refuse to pay the tuition fees of such pupil after reasonable notice;

Appointment and removal of teachers.

7. To appoint and remove such teachers, officers and servants as they may deem expedient, and to fix their salaries and prescribe their duties; and to see that the high school is conducted according to this Act, and the regulations of the Education Department;

Accommodation for pupils.

8. To provide adequate accommodation according to the regulations of the Education Department for all resident pupils, and in the case of high schools receiving aid from the county for county pupils also, subject to section 34 of this Act;

Certify fees received.

9. To certify to the treasurer of the county on or before the first of August in each year, the amount of fees collected from county pupils for the calendar year next preceding;

Annual report to minister.

10. To prepare and transmit to the Minister of Education the annual report before the 15th of January, in accordance with forms provided by the Education Department. 59 V. c. 71, s. 14.

SITES FOR HIGH SCHOOLS.

Selection of site restricted.

16. A high school site shall not be selected in a township within a hundred yards of the garden, orchard, pleasure ground, or dwelling house of the owner without his consent. 59 V. c. 71, s. 15.

Enlargement of school site.

17. It shall be competent for the trustees to enlarge any existing high school site, as required by the regulations of the

Education Department, but no such enlargement shall be made in the direction of, or including an orchard, garden pleasure ground or dwelling house, without the consent of the owner of the land required, unless the school site cannot be otherwise enlarged. 59 V. c. 71, s. 16.

Arbitration in case of disagreement.

18. If the owner of any land selected by the board of trustees of any high school for a site, or for high school purposes or for the enlargement of the high school premises, refuses to sell the same, or demands therefor a price deemed unreasonable by the trustees of such high school, then such owner and trustees shall each forthwith appoint an arbitrator, and the arbitrators thus appointed, together with the senior county judge of the county in which the site in dispute is situated, or in the case of his inability to attend, any person appointed by him on his behalf as third arbitrator, or any two of them, shall appraise the damages for such land. 59 V. c. 71, s. 17.

Proceedings when owner refuses to appoint an arbitrator.

19. If the owner of land selected for a school site, as provided by the preceding section neglects or refuses to appoint an arbitrator, it shall be competent for the County Judge, with the arbitrator appointed by the trustees, to meet and determine the matter; and in such cases the County Judge shall have a second or casting vote, if he and such arbitrator do not agree. 59 V. c. 71, s. 18.

Powers of arbitrators.

20. The arbitrators aforesaid, or any two of them, shall have the power to settle all claims or rights of incumbrancers, lessees, tenants, or other persons, as well as those of the owner, in respect of the land required for the purpose of the high school site, upon notice in writing to every such claimant, and after hearing and determining his claims or rights, and upon tender of the amount of such damage to the owner or other person entitled thereto, or to any part of such amount, by the trustees, the land shall be taken and used for the purpose aforesaid. 59 V. c. 71, s. 19.

Proceedings when one arbitrator is absent.

21. If only a majority of the arbitrators appointed to decide any case arising under the authority of this Act are present at any lawful meeting in consequence of the neglect or the refusal of the other arbitrators to meet them, it shall be competent for those present to make and publish an award upon the matter or matters submitted to them, or to adjourn the meeting for any period not exceeding ten days, giving the absent arbitrator notice of the adjournment. 59 V. c. 71, s. 20.

Award to constitute title.

22. Any award for a high school site made and published under this Act, if there be no conveyance, shall thereafter be deemed to be the title of the trustees to the land mentioned therein, and shall be a good title thereto against all persons

interested in the property in any manner whatsoever, and shall be registered in the proper registry office on the affidavit of the secretary of the board of trustees verifying the same. 59 V. c. 71, s. 21.

Costs.

23. The costs of arbitration shall be paid by the parties concerned in such proportion as may be determined by the arbitrators. 59 V. c. 71, s. 22.

Who may convey.

24. All corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, femes-coverts, or other persons, seised, possessed of or interested in any land, may contract for, sell or convey all or part thereof to high school trustees for a school site or an addition to the school site, or for a teacher's residence; and any contract, agreement, sale, conveyance and assurance so made shall be valid and effectual to all intents and purposes whatsoever; and the corporations or persons so conveying are hereby indemnified for what they respectively do by virtue of or in pursuance of this Act. 59 V. c. 71, s. 23.

Notice in case owner is absent or unknown.

25. If the owner of land duly selected for the said purpose is absent from the county in which the land lies, or is unknown, the trustees may procure from a sworn surveyor a certificate that he is not interested in the matter; that he knows the land and that some certain sum therein named is, in his opinion, a fair compensation for the same; and on filing the said certificate with the Judge of the County Court of the county in which the land lies, accompanied by an affidavit or affidavits which satisfy the Judge that the owner is absent from the county and that, after diligent inquiry, he cannot be found, the Judge may order a notice to be inserted for such a time as he sees fit in some newspaper published in the county; and he may, in addition thereto, order a notice to be sent to any person by mail, or may direct service of the same to be effected in such other way as he sees fit. 59 V. c. 71, s. 24.

Particulars of notice.

26. The notice shall contain a short description of the land and a declaration of the readiness of the trustees to pay the sum certified as aforesaid; shall give the name of a person to be appointed as the arbitrator of the trustees if their offer of that sum is not accepted; shall name the time within which the offer is to be accepted, or an arbitrator named by the owner; and shall contain any other particulars which the County Judge may direct. 59 V. c. 71, s. 25.

Appointment of arbitrator by Judge.

27. If within such time as the Judge directs, the owner does not notify the trustees of the acceptance of the sum offered by them, or notify to them the name of a person whom

he appoints as arbitrator, the Judge shall, on the application of the trustees, appoint a sworn surveyor to be sole arbitrator for determining the compensation to be paid for the property. 59 V. c. 71, s. 26.

Responsibility of trustees as to compensation.

28. Where land is taken by the trustees without the consent of the owner, the compensation to be paid therefor shall stand in the stead of the land; and after the trustees have taken possession of land, any claim to, or incumbrance upon the same, or any portion thereof, shall, as against the trustees, be converted into a claim to the compensation or to a proportion thereof, and the trustees shall be responsible accordingly whenever they have paid such compensation or any part thereof to a party not entitled to receive the same, saving always their recourse against such party. 59 V. c. 71, s. 27.

Deposit of compensation money by trustees.

29. If the trustees have reason to fear any claims or incumbrance, or if any party to whom the compensation or any part thereof is payable refuses to execute the proper conveyance, or if the party entitled to claim the same cannot be found or is unknown to the trustees, or if for any other reason the trustees deem it advisable, they may pay the arbitration and other expenses, and deposit the amount of the compensation with the High Court, or in such other manner as the County Judge may direct, with interest thereon for six months, and may deliver therewith an authentic copy of the conveyance, or of the agreement or award if there be no conveyance; and such agreement or award shall thereafter be deemed to be the title of the trustees to the land therein mentioned, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper registry office on an affidavit of the secretary of the board of trustees verifying the same. 59 V. c. 71, s. 28.

PROPERTY VESTED IN TRUSTEES.

High school property vested in trustees.

30. (1) All property heretofore granted, devised or acquired in any municipality, and vested in any person or persons, or corporation, for high school purposes, or which may hereafter be so granted, devised or acquired, shall be deemed and be taken as having vested absolutely in the board of high school trustees, and the board shall have full power to convey, sell, transfer, or lease such property, upon the adoption of a resolution by the board that such property is no longer required for high school purposes, and the proceeds of such sale, transfer or lease shall be applied for the use of such high school.

High school trustees may sell site.

(2) The trustees of any high school district or any board of education may, with the approval of a majority of the municipal council or councils composing the district, and of the Lieutenant-Governor in Council, sell, transfer or lease any site, territory or other property vested in them as a corporation, and after

making provision for all debts and liabilities of the corporation, apply the residue of the proceeds of such sale, transfer or lease to any purpose that may be approved by the Lieutenant-Governor in Council, and on such sale, transfer or lease and disposition of assets as aforesaid, the Lieutenant-Governor in Council may, by proclamation in the *Ontario Gazette*, declare such corporation dissolved and determined. 59 V. c. 71, s. 29.

MUNICIPAL GRANTS FOR MAINTENANCE.

Aid to high schools from counties.

31. The municipal council of every county shall on or before the 15th day of December in each year pay for the maintenance of every high school in any town not separated from the county, or in any incorporated village or township within the county, without any abatement because of fees paid by county pupils, an amount equal to the legislative grant apportioned by the Minister of Education for each of such high schools. 59 V. c. 71, s. 30.

When further grant from county to be made.

32.—(1) Where the cost of the maintenance of county pupils at any high school exceeds the legislative grant apportioned by the Minister of Education as aforesaid, and of the fees received from county pupils, the county shall, in lieu of the equivalent of the legislative grant, be liable for the maintenance of county pupils in the proportion which the average attendance of county pupils enrolled at such high school during the preceding three years bears to the average attendance of all the pupils enrolled at the same school for the same period of three years. In the case of new high schools the period herein mentioned for which the average attendance is to be reckoned, shall be the number of years for which such school was open, not exceeding three years.

Detailed statements required.

(2) In order to ascertain the liability of the county in all such cases the trustees shall submit to the County Judge as referee a detailed statement of the receipts and expenditure of the high school for maintenance for each of the preceding years under consideration, such statement to be certified by the auditors authorized under this Act to audit high school accounts; and also a statement of the names, residence and attendance of resident, non-resident and county pupils for each year of a like period, such last mentioned statement to be certified by the chairman of the board. The chairman shall also certify as to the amount of the legislative grant and the fees from county pupils received for the time under consideration and the referee shall deduct the amount of such grant from the whole cost of maintenance of each high school, in determining the liability of the county for the maintenance of county pupils as required by the preceding sub-section, and shall give the county credit for the amount received as fees from county pupils as a payment on account of such maintenance.

(3) The trustees and the county council may by mutual agreement settle annually the amount to be paid by the county for the maintenance of county pupils, but in the event of their inability to agree with respect to such amount either party may refer the matter in dispute to the County Judge, who shall have power to settle the same. Provided that no settlement so made shall contravene the apportionment of county aid as authorized by section 36 of this Act, and any award made by the referee shall be binding on the parties thereto for a period of three years. Disputes as to grants to be referred to county Judge.

(4) The costs of reference to the County Judge shall be paid by the municipal council of the county and the trustees of the high school concerned, in the proportion which the county pupils bear to all the pupils enrolled in such high school. Costs of reference.

(5) Any municipality not included in a high school district of the county may provide for the payment of its share of the maintenance of county pupils by assessment upon the ratepayers of the municipality. The amount payable in such case shall be in the proportion which the equalized assessment of the municipality bears to the equalized assessment of all the municipalities of the county not included in any high school district. When any rate is levied as aforesaid then such municipality shall not be liable except as provided in section 36 for any other rates for high school purposes, and all money so collected shall be paid to the county treasurer on or before the 15th of December in each year. Provision for maintenance of county pupils by municipality outside of the high school district. No other rates to be levied except for Government grant.

(6) Where the trustees of any high school situated in a city or in a town separated from the county notify the county clerk that such high school is open to county pupils on the same terms as high schools in the municipalities not separated from the county, the county council shall in all such cases pay the cost of the maintenance of county pupils at such high schools; and such sum may be settled by mutual agreement, but in case of any dispute the amount shall be settled as hereinbefore provided. Maintenance of county pupils in city or town high school.

(7) Where any municipality is not under the jurisdiction of the same county council as the high school district to which it is contiguous, the county council having jurisdiction over such municipality may pay to the trustees of the high school attended by the pupils from such municipality for the maintenance of the pupils of such municipality at the same rate as for county pupils. 59 V. c. 71, s. 31; 60 V. c. 15, *Sched.* B. (33). Contiguous municipality in another county

33.—(1) The municipal council or councils of every high school district shall levy and collect each year from their respective municipalities such sum or sums as the trustees of the high school may deem necessary for the maintenance of the high school in addition to that received from the County Council and other sources under this Act and a further sum, not exceeding five hundred dollars, in any one year, if required by the Councils in high school districts to levy rates.

trustees for permanent improvements, and said sum shall be levied by one uniform rate over the whole district. 59 V. c. 71, s. 32.

(2) The municipal council in every town in a judicial or territorial district shall pay for the maintenance of pupils of such town who attend a high school in any other town in the same district at the rate per pupil (after deducting the Legislative grant) payable for the pupils of the town in which the high school is situated. Any dispute between the municipal council of the town and the board of trustees with respect to the amount to be so payable shall be settled as in the case of county pupils under this Act. 60 V. c. 14, s. 73.

GRANTS FOR PERMANENT IMPROVEMENTS.

Grants for improvements exceeding $500.

34. All sums of money required by the trustees of any high school for permanent improvements exceeding five hundred dollars shall be raised by assessment on the ratepayers of the municipality or municipalities composing the high school district, on the application of the board of trustees to the municipal council or councils of the district, made on or before the first of August in each year, and in the event of the municipal council, where the high school district is composed of one municipality, or in the event of a majority of the municipalities composing the high school district approving of such application, the municipality within which the high school is situated shall issue debentures therefor in the manner provided for the issue of municipal debentures under *The Municipal Act*. 59 V. c. 71, s. 33.

Rev. Stat. c. 223.

Refusal of municipal council to provide funds.

35.—(1) In the case of a high school district composed of one municipality, if the council thereof refuses, or where the high school district is composed of two municipalities, if the council of one municipality refuses, or if a majority of the municipalities composing the high school district refuse to raise or borrow such sum of money aforesaid by debentures, the said council or councils shall, on the request of the trustees, submit such application to the vote of the municipality or municipalities concerned, in the manner provided by *The Municipal Act*, for the creating of debts, and in the event of the assent of a majority of the electors in the high school district qualified to vote upon a by-law for creating debts being thereby obtained, it shall be the duty of the council of the municipality in which the high school is situated to raise or borrow such sum.

Rev. Stat. c. 223.

Equalization of rates.

(2) Where the high school district is composed of more municipalities than one, the municipal council of each municipality composing the district shall pay to the council of the municipality in which the high school is situated such proportion of the loan raised for high school purposes as the equalized assessment of each municipality or part thereof

belonging to the high school district, bears to the equalized assessment of the whole district. But nothing herein contained shall prevent the municipality within which the high school is situated from assuming the full cost of permanent improvements, or from undertaking to pay any debentures that may be issued for such purpose notwithstanding that such municipality forms only a part of the high school district.

Submission to ratepayers.

(3) The municipal council or councils of any high school district, or a majority of them, may, if deemed expedient, without submitting the same to a vote of the ratepayers of the municipality or municipalities comprising the district, as required by *The Municipal Act*, for the creating of debts, pass a by-law or by-laws for the purpose of raising or borrowing money, on the application of the high school board for permanent improvements.

Rev. Stat. c. 223.

Term of debentures.

(4) Any debenture for any loan of money for school purposes may be for such term of years, not exceeding thirty, as the municipal council may think fit, or the municipal council may in its discretion make the principal of such debt repayable by annual or other instalments, in the manner provided by *The Municipal Act*.

Rev. Stat. c. 223.

Exemption by by-law not to affect liability for school rates.

(5) No municipal by-law hereafter passed for exempting any portion of the rateable property of a municipality from taxation in whole or in part shall be held or construed to exempt such property from school rates of any kind whatsoever. 59 V. c. 71, s. 34.

Assessments for maintenance or permanent improvements.

36.—(1) The council of any municipality or county may raise by assessment in addition to the sum required to be raised by this Act, such further sums of money as may be deemed expedient by the council for the maintenance or permanent improvement of any high school, provided in the case of counties that the additional sum so raised for high school purposes shall be apportioned among all the high schools of the county in proportion to the liability of the county to each high school.

Rates in united counties may be apportioned.

(2) The county council of two or more counties united for municipal purposes may apportion the amount to be levied for high schools so that each county forming such union shall be liable only for the maintenance of the high schools within such county. 59 V. c. 71, s. 35.

Permanent improvements.

37.—(1) All moneys which any municipal council of the high school district is authorized to collect under this Act for permanent improvements shall be paid to the treasurer of the high school board on or before the 25th day of December of the year in which application was made by the high school trustees for such moneys all moneys which the municipal council is authorized to collect by assessment, or to raise by way of loan, or otherwise, for the maintenance of a high school

For maintenance.

shall be paid from time to time to the high school treasurer as the board may, by requisition, require.

Security to be given by treasurer.

(2) The treasurer of every high school board shall give security to the board appointing him for the due and faithful performance of his duties, and shall submit his accounts to the auditors of the municipality in which the high school is situated, whose duty it shall be to audit such accounts in the same way as the municipal treasurer's accounts are audited. 59 V. c. 71, s. 36.

HIGH SCHOOL FEES.

County pupils.

38.—(1) County pupils shall pay to the treasurer of the high school board such fees as the municipal council of the county may deem expedient, but such fees shall be uniform and shall not exceed one dollar per month. The scale of fees so fixed shall take effect from the beginning of the high school term next ensuing after adoption thereof by the county council, and shall continue in force for three years or for such term as may be agreed upon between the trustees and county council.

Non-resident pupils.

(2) Non-resident pupils shall pay to the treasurer of the high school board such fees as the board of trustees may deem expedient, but such fee shall not be greater than the cost of maintenance at such high school, nor less than the fees imposed by the council on county pupils.

Resident pupils.

(3) Resident pupils shall pay to the treasurer of the high school board such fees as the trustees of the high school may deem expedient.

Council may pay fees.

(4) The council of any municipality not included in a high school district may provide by assessment for the payment of any fees imposed by the county council on county pupils or by the board of trustees on non-resident pupils who reside in such municipality. 59 V. c. 71, s. 37.

ENTRANCE EXAMINATION.

Expenses of entrance examination.

39.—(1) A uniform entrance examination for the admission of pupils to high schools shall be held annually in every high school district according to such regulations as may be prescribed by the Education Department. Examinations may be held at such other places in every county as shall be recommended by the county council of which notice shall be given to the inspector by the county clerk.

Board of examiners.

(2) Every high school district shall be under one board of examiners. The trustees of the public and separate schools of the city, town or incorporated village in which a high school is situated shall on or before the 1st day of June each appoint an examiner, for the purpose of such examination. The in-

spector or inspectors of public schools of the inspectoral district within which the high school is situated and the principal of the high school shall be *ex officio* members of such board.

Qualifications of examiners.

(3) Any person actually engaged in teaching, who is the holder of a first-class certificate, or any person actually engaged in teaching who is the holder of a second-class provincial certificate and who has had five years' experience as a teacher may be appointed examiner.

Examiners' fees.

(4) The board of trustees and the board of examiners may agree upon the sum to be paid annually for the entrance examination of pupils, but in the absence of any agreement, examiners shall be allowed the sum of one dollar per pupil for conducting such examination and this allowance shall include the travelling expenses of the examiners, presiding at the examination, reading and valuing the papers of candidates and reporting the results to the Education Department.

Expenses of entrance examination.

(5) The board of education or the trustees of the high school district within which the examination is held shall on the requisition of the chairman of the board of examiners pay all the expenses of the examination at such high school, and such expenses shall be deemed to be part of the cost of maintenance of such high school. The travelling and other expenses of the presiding examiners in respect of examinations held at other places shall be paid by the county council.

Rights of pupils.

(6) County pupils shall have the right to attend any high school aided by the council of the county in which their parents or guardians reside. Resident pupils shall have the right to attend the high school of the district in which their parents or guardians reside. Non-resident pupils may attend any high school at the discretion of the trustees of such school. 59 V. c. 71, s. 38.

HIGH SCHOOL TEACHERS.

Principals of high schools.

40.—(1) No person shall be appointed principal of a high school unless he is a graduate in Arts of some University within the British Dominions, and furnishes satisfactory evidence to the Minister of Education of his knowledge of the science and art of teaching, and of the management and discipline of schools; but any person legally qualified and employed as principal in any high school before the twenty-fourth day of March, 1874, shall be deemed qualified notwithstanding this section.

Assistant teachers.

(2) No person shall be appointed assistant teacher in any high school who does not possess the qualifications required by the Education Department.

Teachers.

(3) Every teacher of a high school shall, in the organization, discipline, management and classification of the pupils be subject to the regulations of the Education Department.

Superannuation. Rev. Stat. c. 292.

(4) The provisions of *The Public Schools Act* respecting superannuation shall apply to teachers of high schools. 59 V. c. 71, s. 39.

AGREEMENTS.

Salary for teaching during part of the year.

41.—(1) Any teacher of a high school who enters into an agreement with a board of trustees for one year and who serves under such agreement for three months or over, shall be entitled to be paid his salary in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year.

Sickness.

(2) Every teacher shall be entitled to his salary during sickness, certified by a physician, for a period not exceeding four weeks for the entire year; this period may be increased at the pleasure of the trustees.

Neglect of duty.

(3) Any teacher who enters into an agreement with a board of trustees as teacher, and who wilfully neglects or refuses to carry out such agreement shall, on the complaint of any board of trustees, be liable to the suspension of his certificate by the Education Department.

Disputes between teachers and trustees.

(4) All matters of difference between trustees and teachers of high schools in regard to salary or other remuneration, whatever may be the amount in dispute, shall be decided in the Division Court of the division in which the cause of action arose; provided always that the decision of the court in such cases may be appealed from, as under *The Public Schools Act*. 59 V. c. 71, s. 40.

Rev. Stat. c. 292.

TERMS.

Duration of academic year.

42. The academic year of every high school shall consist of three terms; the first shall begin on the first day of September and end on the twenty-second day of December; the second term shall begin on the third day of January and end on the Thursday before Easter Sunday; the third term shall begin on the second Monday after Easter Sunday, and end on the thirtieth day of June. Every Saturday, every public holiday and every day proclaimed a holiday by the council of the municipality in which the high school is situated shall be a holiday in such high school. 59 V. c. 71, s. 41.

PENALTIES AND PROHIBITIONS.

Trustees contracting with board.

43. No high school trustee shall enter into any contract agreement, engagement or promise of any kind, either in his own name, or in the name of another, and either alone or jointly with another, in which he has any pecuniary interest, profit, or promised or expected benefit, with the corporation of which he is a member, or have any pecuniary claim

upon or receive compensation from such corporation for any work, engagement, employment, or duty on behalf of such corporation, and every such contract, agreement, engagement or promise shall be null and void, and such trustee shall also *ipso facto* vacate his seat, and a majority of the other trustees shall declare the same vacant forthwith, and notify the clerk of the municipality, or board of trustees having authority to appoint such trustee accordingly. 59 V. c. 71, s. 42.

When seat on board may be declared vacant.

44. If a trustee of any high school is convicted of any indictable offence, or becomes insane, or absents himself from the meetings of the board for three consecutive months, without being authorized by resolution entered upon its minutes, or ceases to be a resident within the county or municipality for which he is a trustee, such trustee shall *ipso facto* vacate his seat, and the remaining trustees shall direct the secretary of the board to notify the clerk of the county or municipality or board of trustees having authority to appoint such trustee accordingly. 59 V. c. 71, s. 43.

Disturbing schools.

45. Any person who wilfully interrupts or disquiets any high school established and conducted under the authority of this Act, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of the high school shall, for each offence, on conviction thereof before a Police Magistrate or Justice of the Peace, on the affidavit of one credible witness, forfeit and pay for high school purposes to the trustees of the high school district within which the offence was committed, such sum not exceeding $20 together with the costs of conviction, as the said Police Magistrate or Justice may think fit. 59 V. c. 71, s. 44.

AUTHORIZED BOOKS.

Text-books.

46.—(1) No teacher shall use or permit to be used as text-books in a high school any books except such books as are authorized by the Education Department, and no portion of the legislative or municipal grant shall be paid to any high school in which unauthorized books are used.

Change of text-books.

(2) Any authorized text-book in actual use in any high school may be changed by the teacher of such school for any other authorized text-book in the same subject on the written approval of the trustees, provided always such change is made at the beginning of a school term, and at least six months after such approval has been given.

Teachers substituting unauthorized text-books.

(3) In case any teacher or other person negligently or wilfully substitutes any unauthorized text-book in place of any authorized text-book in actual use upon the same subject in his school, he shall for each such offence, be liable on conviction before a Police Magistrate or Justice of the Peace, to a penalty not exceeding $10, payable to the municipality for high school purposes, together with costs, as the Police Magistrate or Justice may think fit. 59 V. c. 71, s. 45.

CHAPTER 294.

An Act respecting Separate Schools.

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Establishment, ss. 2 (1), 7.
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Trustees and their election, ss. 3, 5.
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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Separate Schools Act.*" R. S. O. 1887, c. 227, s. 1.

PROTESTANT AND COLOURED SEPARATE SCHOOLS.

Conditions on which separate schools for Protestants

2.—(1) Upon the application in writing of five or more heads of families resident in any township, city, town or incorporated village, being Protestants, the municipal council of the

said township or the board of school trustees of any such city, town or incorporated village, shall authorize the establishment therein of one or more separate schools for Protestants; and upon the application in writing of five or more heads of families resident in any township, city, town or incorporated village, being coloured people, the council of such township or the board of school trustees of any such city, town or incorporated village, shall authorize the establishment therein of one or more separate schools for coloured people, and in every such case, such council or board, as the case may be, shall prescribe the limits of the section or sections of such schools. and coloured people may be established.

(2) No person shall be a supporter of any separate school for coloured people unless he resides within three miles in a direct line of the site of the school house for such separate school. R. S. O. 1887, c. 227, s. 2. Restriction.

3. There shall be three trustees for each separate school and the first meeting for the election of such trustees shall be held and conducted in the manner and according to section 27 of this Act. R. S. O. 1887, c. 227, s. 3. Election of trustees.

4. On the twenty-fifth day of December next, following the date of the application mentioned in section 2 of this Act, each such separate school shall go into operation, and shall, with respect to the persons for whom such school has been established, be under the same regulations as public schools generally. R. S. O. 1887, c. 227, s. 4. Commencement and regulations.

5. None but coloured people shall vote at the election of trustees of any separate school established for coloured people, and none but the persons petitioning for the establishment of, or sending children to, a Protestant separate school shall vote at the election of trustees of such school. R. S. O. 1887, c. 227, s. 5. Voters defined.

6. In any city or town the persons who make application according to the provisions of section 2 of this Act may have a separate school in each ward, or in two or more wards united, as the said persons may judge expedient. R. S. O. 1887, c. 227, s. 6. Union of wards in cities and towns.

7. No Protestant separate school shall be allowed in any school section, except when the teacher of the public school in such section is a Roman Catholic. R. S. O. 1887, c. 227, s. 7. Special conditions.

8. In all cities, towns, incorporated villages and township public school sections in which separate schools exist, every Protestant or coloured person (as the case may be) sending children to such school, or supporting the same by subscribing thereto annually an amount equal to the sum at which such person, if such separate school did not exist, must have Exemption from public school rates.

been rated in order to obtain the annual legislative public school grant, shall be exempt from the payment of all rates imposed for the support of the public schools of such city, town, incorporated village and school section respectively, and of all rates imposed for the purpose of obtaining the public school grant. R. S. O. 1887, c. 227, s. 8.

Exempt on conditional.

9. The exemption from the payment of school rates, as herein provided, shall not extend beyond the period during which such persons send children to or subscribe as aforesaid for the support of such separate school; nor shall the exemption extend to school rates or taxes imposed or to be imposed to pay for school-houses, the erection of which was undertaken or entered into before the establishment of such separate school. R. S. O. 1887, c. 227, s. 9.

Not to share in assessment.

10. Separate schools shall not share in school money raised by local municipal assessment for public school purposes. R. S. O. 1887, c. 227, s. 10.

Share of legislative school grant determined.

11. Every separate school shall share in such legislative public school grant according to the yearly average number of pupils attending such separate school, as compared with the average number of pupils attending the public schools in each such city, town, incorporated village or township; the mean attendance of pupils for winter and summer being taken. R. S .O. 1887, c. 227, s. 11.

Half-yearly returns to the inspector.

12. The trustees of every separate school shall, on or before the thirtieth day of June, and thirty-first day of December of each year, transmit to the county inspector a correct return of the names of all Protestant or coloured persons (as the case may be) who have sent children to, or subscribed as aforesaid for the support of, such separate school during the then last preceding six months, and the names of the children sent, and the amounts subscribed by them respectively, together with the average attendance of pupils in the separate school during such period. R. S. O. 1887, c. 227, s. 12.

Inspector to report to clerk.

13. The county inspector shall, upon the receipt of the return, forthwith make a return to the clerk of the municipality in which the separate school is established, stating the names of all the persons who, being Protestants or coloured persons, (as the case may be), contribute or send children to the separate school. R. S. O. 1887, c. 227, s. 13.

Clerks and trustees to exempt from rates supporters of separate schools.

14. Except for any rate for building school-houses undertaken before the establishment of such separate school, the clerk shall not include in the collector's roll for the general or other school rate, and the trustees or board of trustees shall not include in their school rolls, any person whose name appears upon the last mentioned return. R. S. O. 1887, c. 227, s. 14.

15. The clerk or other officer of the municipality within which a separate school is established, having possession of the assessor's or collector's roll of the said municipality, shall allow any one of the said trustees, or their authorized collector, to make a copy of such roll as far as it relates to their school section. R. S. O. 1887, c. 227, s. 15. Clerk to allow use of assessor's roll.

16. The provisions of sections 28 to 35 and 37 to 41 inclusive of this Act, shall apply to the trustees and teachers of such separate schools. R. S. O. 1887, c. 227, s. 16. Application of ss. 28 35 and 37-41.

17. The trustees of every separate school shall be a body corporate under the name of "The Trustees of the Protestant or Coloured Separate School of *(as the case may be)*, in the Township (City *or* Town, *as the case may be*) of ," and shall have such power to impose, levy and collect school rates or subscriptions, upon and from persons sending children to, or subscribing towards the support of, the separate school as are provided in section 55 of this Act. R. S. O. 1887, c. 227, s. 17. Separate school trustees to have same power as public school trustees.

ROMAN CATHOLIC SEPARATE SCHOOLS.

18. The sections and provisions hereinafter in this Act contained are enacted in respect of separate schools for Roman Catholics, whether now or hereafter established. R. S. O. 1887, c. 227, s. 18. Application of following part of Act.

19. Where the words following occur in this Act they shall be construed in the manner hereinafter mentioned unless a contrary intention appears: Interpretation.

1. "Rural school" shall signify and mean a separate school for Roman Catholics now or hereafter established within a township; "Rural School."

2. "Urban school" shall signify and mean a separate school for Roman Catholics now or hereafter established within a city, town or incorporated village; "Urban School."

3. "Separate school" shall signify and mean a separate school for Roman Catholics now or hereafter established. "Separate School."
R. S. O. 1887, c. 227, s. 19.

20. The trustees of separate schools for Roman Catholics heretofore elected, or hereafter to be elected, according to the provisions of this Act, in the several wards of any city or town, or incorporated village, shall form one body corporate, under the title of "The Board of Trustees of the Roman Catholic Separate Schools for the City (or Town, or Incorporated Village) of ." R. S. O. 1887, c. 227, s. 20. Union of wards in towns or cities.

21. Any number of persons, not less than five, being heads of families, and householders or freeholders resident within Five heads of families being Roman Catho

lics may call a meeting to establish a separate school.

any school section of any township, incorporated village or town, or within any ward of any city or town, and being Roman Catholics, may convene a public meeting of persons desiring to establish a separate school for Roman Catholics in such school section or ward, for the election of trustees for the management of the same. R. S. O. 1887, c. 227, s. 21.

Election of separate school trustees.

22. A majority of the persons present, being householders or freeholders, and Roman Catholics, and not candidates for election as trustees, may, at such meeting, elect three persons resident within such section or an adjoining section, to act as trustees for the management of such separate school. R. S. O. 1887, c. 227, s. 22.

Written notice of such meeting to be given; and to whom and in what manner.

23. Notice in writing that such meeting has been held, and of such election of trustees, shall be delivered by one of the trustees so elected to the reeve or head of the municipality, or to the chairman of the board of public school trustees, in the township, incorporated village, town or city in which the school is about to be established, designating by their names, occupations and residences, the persons elected in the manner aforesaid, as trustees for the management thereof; and it shall be the duty of the officer receiving the same to indorse thereon the date of the receipt thereof, and to deliver a copy of the same so indorsed and duly certified by him to such trustee, and from the day of the delivery and receipt of every such notice, or in the event of the neglect or refusal of such officer to deliver a copy so indorsed and certified, then from the day of the delivery of the notice the trustees therein named shall be a body corporate, under the name of "The Trustees of the Roman Catholic Separate School for the section number , in the Township of , or for the ward of , in the City or Town (as the case may be), or for the Village of in the County of ." R. S. O. 1887, c. 227, s. 23.

Corporate name of trustees.

RURAL SEPARATE SCHOOLS.

Trustees' term of office.

24. For every rural school there shall be three trustees, each of whom, after the first election of trustees, shall hold office for three years, and until his successor has been elected. R. S. O. 1887, c. 227, s. 24.

Trustees' qualification.

25. Any person being a British subject, not less than twenty-one years of age, may be elected as a trustee whether he be a householder or freeholder or not. R. S. O. 1887, c. 227, s. 25.

Electors, qualification of.

26. Every householder or freeholder of the full age of twenty-one years, who is a supporter of a rural separate school, shall be entitled to vote at any election for school trustee, or on any school question whatsoever, at any annual or special meeting of the supporters of such school. R. S. O. 1887, c. 227, s. 26.

27. The trustees of every rural school shall hold office and be elected as hereinafter provided, and the time and mode of election, appointment and duties of chairman and secretary at the annual meeting, term of office and manner of filling up vacancies, shall likewise be as hereinafter provided, that is to say: [1891, c. 23, s. 1.] As to time and mode of elections.

1. A meeting of the supporters of the rural school shall be held annually on the last Wednesday of December, or if such Wednesday be a holiday, then on the next day following, commencing at the hour of ten o'clock in the forenoon, for the purpose (among other things) of electing a school trustee or trustees. Annual meeting, when held.

2. In case from the want of proper notice or other cause, any first or annual meeting of separate school supporters, required to be held for the election of trustees, was not held at the proper time, any two supporters of a separate school may call a school meeting, by giving six days' notice, to be posted in at least three of the most public places in the locality in which the school is situate; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called. Meetings to be called in default of first or annual meetings.

3. The supporters of the separate school present at the meeting shall elect one of their own number to preside over its proceedings, and shall also appoint a secretary who shall record the proceedings of the meeting and perform such other duties as may be required of him by this Act. Order of business.

4. The business of the meeting may be conducted in the following order: receiving the annual report of the trustees, and disposing of the same; receiving the annual report of the auditor or auditors, and disposing of the same; electing an auditor for the current year; miscellaneous business; electing a trustee or trustees to fill any vacancy or vacancies.

5. The chairman shall preside and submit all motions to the meeting in the manner desired by the majority. In case of an equality of votes, he shall give the casting vote but no other vote. He shall decide all questions of order subject to an appeal to the meeting. Chairman, duties of.

6. Where a poll is demanded by two supporters of a rural school at the meeting for the election of a trustee, the chairman shall forthwith grant the same, and the secretary shall thereupon immediately proceed to record, as herein directed, the names of all qualified supporters of the rural school who shall present themselves within the time prescribed by this Act, and the secretary shall enter in the poll book, in separate columns, the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the supporters offering to vote at the election, and shall, in the column on which is entered the name of a candidate voted for by a supporter, set the figure Proceedings in case of a poll.

"1" opposite the supporter's name, with the residence of such supporter.

Entries in poll book.

7. In case a poll is demanded upon a rural school question by any two supporters, the name of each supporter shall be similarly placed in separate columns marked "for" or "against."

When voter is objected to.

8. In case any objection is made to the right of a person to vote at any annual or special meeting, either for trustee or upon any school question, the chairman of the meeting, or other officer presiding, shall require the person whose right of voting is objected to, to make the following declaration or affirmation :

Declaration.

I, *A. B.*, do declare and affirm

(*a*) That I am an assessed householder or freeholder in Separate School Section No. — :

(*b*) That I am of the full age of 21 years ;

(*c*) That I am a supporter of the Roman Catholic Separate School in said School Section No. — ;

(*d*) That as such supporter I have the right to vote at this meeting of the supporters of such school ;

whereupon the person making such declaration shall be entitled to vote.

When poll shall close.

9. The poll at any such election of a separate school trustee or trustees, or on any school question, shall not close before eleven o'clock in the forenoon, but may close at any time thereafter when a full hour has elapsed without any vote having been polled, and shall not be kept open later than four o'clock in the afternoon of the day on which the election is commenced.

Term for vacancies.

10. A trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected.

Trustees may resign.

11. A trustee may resign with the consent, expressed in writing, of his colleagues in office.

Re-election of any trustees lawful.

12. Any retiring trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for four years next after leaving office.

Term of office of each trustee.

13. The trustees elected at a first rural school meeting shall respectively continue in office as follows :—

First.

(*a*) The first person elected shall continue in office for two years, to be reckoned from the annual school meetings next after his election, and thence until his successor has been elected ;

Second.

(*b*) The second person elected shall continue in office for one year, to be reckoned from the same period, and until his successor has been elected ;

(*c*) The third, or last person elected, shall continue in office until the next ensuing annual school meeting and until his successor has been elected. Third.

14. A correct copy of the minutes of a first and of every annual and of every special school meeting, signed by the chairman and secretary, shall be forthwith transmitted by the chairman of such meeting to the Education Department. R. S. O. 1887, c. 227, s. 27. Copy of minutes to be sent to Education Department.

Duties of Trustees.

28. The trustees of every rural school shall have power and shall perform duties similar to those of the trustees of public schools in school sections, that is to say: Powers and duties of trustees.

1. Every board of rural school trustees (a majority of whom shall form a quorum) shall be constituted by the election of a chairman and a secretary-treasurer. Constitution of Board.

(*a*) The secretary-treasurer, who may be a member of the board, shall give such security as may be required by a majority of the trustees: and such security shall be deposited with the chairman of the board of separate school trustees.

2. It shall be the duty of the secretary-treasurer: Secretary-treasurer, duties of.

(*a*) To keep a full and correct record of the proceedings of every meeting of the board in the minute-book provided by the trustees for that purpose, and to see that the minutes, when confirmed, are signed by the chairman or presiding trustee;

(*b*) To receive all school moneys collected from the supporters of such school, and to account for the same;

(*c*) To disburse all moneys in the manner directed by a majority of the trustees;

(*d*) To produce, when called for by the trustees, auditors or other competent authority, all papers and moneys belonging to the corporation;

(*e*) To call at the request in writing of two trustees a special meeting of the board of trustees.

3. Notice of all meetings shall be given by the secretary to each of the trustees or by any one of the trustees to the others, by notifying them personally, or in writing, or by sending a written notice to their residences. Notices of meetings, how given.

4. No act or proceeding of a rural school corporation which is not adopted at a regular or special meeting of the trustees, shall be valid or binding on any person affected thereby, unless notice has been given as required by this Act and unless at least two trustees are present. Corporate acts must be adopted at lawful trustee meetings.

5. Every board of rural school trustees shall annually, on or before the first day of December, appoint an auditor, and in Appointment of auditor.

case of their neglect, or the neglect of the ratepayers at an annual or special meeting to do so, or in case of an auditor being appointed or elected who refuses, or is unable to act, then the Minister of Education may (at the request in writing of any five supporters of such rural school) make such appointment.

Information to be given to auditors.

6. It shall be the duty of the trustees or their secretary-treasurer, to lay all their accounts before the auditors of the school, or either of them, together with the agreements, vouchers, contracts and books in their possession, and such trustees or their secretary-treasurer, shall afford to the auditors, or either of them, all the information in their or his power as to the receipts and expenditures of school moneys.

Meetings to be appointed by the trustees.

7. The trustees shall appoint the place of each annual school meeting of the supporters of the school for which they are the trustees; and the time and place of a special meeting of the same for (*a*) the filling up of any vacancy or vacancies in the trustee corporation occasioned by death, removal, or other cause; (*b*) for the selection of a new school site; (*c*) the appointment of a school auditor; or (*d*) any other lawful school purpose, as they may think fit and proper; and to cause notices of the time and place, and of the objects of such meetings, to be posted in three or more public places of the neighbourhood in which the school is situate at least six days before the time of holding such meeting.

Filling vacancies.

Notice.

Adequate accommodation.

8. The trustees shall provide adequate accommodation and a legally qualified teacher or teachers, according to the provisions of this Act or the regulations prescribed by the Education Department, for all children between the ages of five and twenty-one years belonging to the supporters of their school.

Apply to municipality for school moneys.

9. Every such board may apply to the township council at or before its meeting in August for the levying and collecting by rate, all sums for the support of their school or schools, and for any other school purposes authorized by this Act to be collected from the supporters of such separate school.

Arrange payment of salaries.

10. The trustees shall arrange for the payment of teachers' salaries quarterly and, if necessary, borrow on their promissory note, under the seal of the corporation, at interest not exceeding eight per cent. per annum, such moneys as may be required for that purpose, until the taxes imposed therefor are collected.

Repairing, etc., school ouse.

11. The trustees shall keep the school-house, furniture, outbuildings, and enclosures in proper repair, and where there is no suitable school-house or where two or more school-houses are required build or rent a house or houses and keep such house or houses, its or their furniture, outbuildings and enclosures in proper repair.

Names and addresses of trustees and

12. The trustees shall give notice in writing, before the 15th day of January in each year, to the Education Department, of the names and post-office addresses of the several trustees then

in office, and of the teachers employed by them, and give reasonable notice in writing, from time to time, of any changes therein. Teachers to be sent to Education Department.

13. The trustees may exempt, in their discretion, from the payment of school rates, wholly or in part, any indigent persons; notice of such exemption, when the school rate is collected by the municipality, shall be given by the trustees to the clerk of the municipality, on or before the 1st day of August. Exempt indigent persons.

14. The trustees may dismiss from the school any pupil who is adjudged so refractory by the trustees (or by a majority of them), and the teacher, that his presence in school is deemed injurious to the other pupils, and where practicable, remove such pupil to an industrial school. Dismissal of refractory pupils.

15. Every board of trustees shall take possession and have the custody and safe keeping of all school property which has been acquired or given for school purposes; and may acquire and hold as a corporation, by any title whatsoever, land, movable property, moneys or income given or acquired by the board at any time for school purposes, and shall hold or apply the same, according to the terms on which the same were acquired or received; and may dispose, by sale or otherwise, of any school site or school property not required by them in consequence of a change of school site, or other cause; and convey the same under their corporate seal, and apply the proceeds thereof to their lawful school purposes, or as directed by this Act. Custody of school property. Sale of school site or other property.

16. Such trustees shall visit, from time to time, every school under their charge, and see that it is conducted according to law and the authorized regulations, and shall provide school registers and a visitors' book, in the form prescribed by the Education Department. Visiting schools.

17. The trustees shall cause to be prepared and read at the annual meeting of the supporters of every rural school, a report for the year then ending, containing, among other things, a summary of their proceedings during the year, together with a full and detailed account of the receipts and expenditure of all school moneys received and expended in behalf of the school for any purpose whatever during such year, and signed by the trustees, and by either or both of the school auditors. Report at annual meeting.

18. The trustees shall transmit to the Education Department the semi-annual returns on or before the 30th day of June and 31st day of December respectively, and the annual return on or before the 15th day of January, in each year, according to the forms prescribed by the Education Department. R. S. O. 1887, c. 227, s. 28. Annual and semi-annual returns

29.—(1) It shall be lawful for the majority of the supporters of the rural school, in each separate school section, whether Notice for union of school sections.

Union formed.

the sections be in the same or adjoining municipalities, at a public meeting duly called by the separate school trustees of each such section, to form the sections into a separate school union section, of which union of sections the trustees shall give notice within fifteen days to the clerk or clerks of the municipality or municipalities, and to the Minister of Education; and every separate school union section thus formed shall be deemed one school section for all Roman Catholic separate school purposes, and shall every year thereafter be represented by three trustees, to be elected as provided in section 27 of this Act.

Corporate name of trustees for union.

(2) The said trustees shall form a body corporate, under the title of "The Board of Trustees of the Roman Catholic Union Separate Schools for the United Sections Nos. *(as the case may be)* in the *(as the case may be)*." R. S. O. 1887, c. 227, s. 29.

SEPARATE SCHOOL BOARDS IN CITIES, TOWNS AND INCORPORATED VILLAGES.

30. Where in any city, town or incorporated village, a separate school is now or may hereafter be established, the following provisions shall apply:

1. For every ward into which any city, town or incorporated village is divided there shall be two school trustees, each of whom, after the first election of trustees, shall continue in office for two years, and until his successor has been elected.

Trustees in city, etc., divided into wards.

2. One of the trustees in each ward (to be determined by lot at the first meeting of trustees after their election which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and the other shall continue in office one year longer and then retire.

3. In every incorporated village not divided into wards there shall be six trustees, each of whom, after the first election for trustees, shall continue in office for two years and until his successor has been elected.

Trustees in village not divided into wards.

4. Three of the trustees (to be determined by lot at the first meeting of trustees after their election which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and the other three shall continue in office one year longer and then retire.

Term of office.

5. Every trustee shall continue in office until his successor has been elected. R. S. O. 1887, c. 227, s. 30.

Provisions for elections of trustees of urban schools.

31. The annual and other meetings of urban school supporters, and meetings for the election of trustees and the annual and other meetings of urban school trustees, shall conform to and be subject to the following provisions:

Nominations.

1. A meeting of the supporters of every urban school for the nomination of candidates for the office of school trustee, shall take place at noon on the last Wednesday in the month of December annually, or if a holiday on the day following at such place as shall from time to time be fixed by resolution of the separate school board, and in municipalities divided into wards, in each ward thereof, if the board in its discretion thinks fit.

Returning officer.

2. The trustees of such urban school shall by resolution name the returning officer or officers to preside at the meeting or meetings for the nomination of candidates, and in case of the absence of such officer, the chairman chosen by the meeting shall preside, and the trustees shall give at least six days notice of the meeting.

Proceedings at nominations.

3. If at the meeting only the necessary number of candidates to fill the vacant offices are proposed and seconded, the returning officer or person presiding, after the lapse of one hour, shall declare such candidates duly elected, and shall notify the secretary of the urban school board; but if two or more candidates are proposed for any one office, and a poll in respect of such office is demanded by any candidate or urban school supporter, the returning officer or chairman shall adjourn the proceedings for filling the office until the first Wednesday of the month of January then next, when a poll or polls shall be opened at such place or places, and in each ward, where such exist, as shall be determined by resolution of the said trustees.

Hours of polling.

4. The poll or polls shall be opened at the hour of ten of the clock in the forenoon, and shall continue open until four o'clock in the afternoon, and no longer, and a poll may close at any time after eleven o'clock in the forenoon, when a full hour has elapsed without any vote having been polled.

Place for nomination and election.

5. The urban school board shall, before the second Wednesday in December in each year, by resolution, fix the place or places for the nomination meeting, and also for holding the election in case of a poll, and also name the returning officer who shall preside at the respective polling places, and forthwith give public notice thereof.

Duty of returning officer after close of election.

6. The returning officer or person presiding shall, on the day after the close of the election, return the poll book to the secretary-treasurer of the urban school board with his solemn declaration thereto annexed, that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer.

Duty of secretary.

7. The secretary-treasurer shall add up the number of votes for each candidate for any office, as appears from the poll book so returned, and shall declare elected the candidate or candidates having the highest number of votes; and a majority in

number of the trustees remaining in office shall be a quorum for the foregoing purposes.

Casting vote.

8. In case two or more candidates have an equal number of votes, the member of the board present who is assessed highest as a supporter of the urban school on the last revised assessment roll shall, at the time of declaring the result of the poll, give a vote for one or more such candidates, so as to decide the election.

Judge of County Court to receive and investigate complaints.

9. The Judge of the County Court, in case any complaint respecting the validity or mode of conducting the election of any trustee of an urban school board, in any municipality within his county, is made to him within twenty days after such election, shall receive and investigate such complaint, and shall thereupon, within a reasonable time, in a summary manner, hear and determine the same; and may by order cause the assessment rolls, collector's rolls, poll books, and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, and cause such person or persons to appear before him as he may deem expedient, and may confirm the said election or set it aside, or declare that some other candidate was duly elected; and the Judge may order the person found by him not to have been duly elected to be removed; and in case the Judge determines that any other person was duly elected, the Judge may order him to be admitted; and, in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall order a new election to be held, and shall report such decision to the secretary-treasurer of the urban school board.

Vacancy in office of trustees.

10. In case of a vacancy in the office of trustee of any urban school board arising from any cause, the remaining trustees shall forthwith take steps to hold a new election to fill the vacancy so created, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is filled.

Proceedings at new election.

11. The new election shall be conducted in the same manner and be subject to the same provisions as an annual election, and the urban school board shall give at least six days' notice of the nomination of candidates, and in case a poll be demanded, the election shall be held one week from the day of said nomination. R. S. O. 1887, c. 227, s. 31 (1-11).

Voting to be open.

12. The voting for the election of trustees and for all other urban school purposes, shall be by open vote save and except as otherwise provided by section 32 of this Act." R. S. O. 1887, c. 227, s. 31 (12). 57 V. c. 59, s. 1.

In cities and towns divided into wards, clerk of muni-

13. In cities and towns divided into wards, the clerk of the municipality shall furnish to the separate school board, within three days after request in writing, "the voters' list" for each

ward of such municipality, annexing thereto a list of the names of persons being supporters of separate schools for Roman Catholics, and also a list of the names, alphabetically arranged, of all ratepayers and persons entitled to vote in respect of income, rated upon the then last revised assessment roll, and not being already upon "the voters' list." cipality to furnish voters' list to school board.

14. In towns not divided into wards and villages, the clerk of the municipality shall furnish to the urban school board within three days after request in writing, "the voters list" for each polling subdivision in case of such town or village, as provided by the last preceding subsection. In towns not divided into wards, and in villages, clerk to furnish voters' list to school board.

15. The urban school board shall provide every polling place with the list aforesaid, and also with a poll book; and, at every election at which a poll is demanded, the returning officer or person presiding, or his sworn poll clerk, shall enter in such book in separate columns the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the urban school supporters offering to vote at the election, and shall, in each column in which is entered the name of a candidate voted for by any such school supporter, set the figure "1" opposite the supporter's name, with his residence, and in case of a poll demanded upon any urban school question, the name of each such school supporter shall be similarly placed in separate columns, marked "for" or "against." Certified copy of list and a poll book to be provided for each polling place. Entries in poll book.

16. In case any objection is taken to the right of any person to vote at any meeting of the supporters of an urban school, the chairman of the meeting or other officer presiding shall require the person whose right to vote is objected to, to take the declaration mentioned in subsection 8 of section 27 of this Act. Declaration by voters.

17. It shall be the duty of the board to call and give notice of annual and special school meetings of urban school supporters of the city, town or village, or of any ward therein, for filling vacancies in the school trustee corporation, or for any other purpose, in the manner prescribed by this Act. Trustees to give notice of annual and special meetings.

18. When any supporter of an urban school resides without the municipality in which the school is situate, he shall be entitled to vote in that ward or division of the municipality in which the school house is situate which is nearest to his place of residence. Where person residing out of municipality to vote.

19. The election of trustees for any urban school shall become void unless a separate school is established under their management within three months from the election of such trustees. Election of trustees, when to become void.

20. At the first meeting in each year of every urban school board, the secretary of the board shall preside, or, if there be President at first meeting.

no secretary, the members present shall select one of themselves to preside at the election of chairman, and the member so selected to preside may vote as a member.

Casting vote.

21. In case of an equality of votes at the election of chairman of such board, the member who is assessed as a separate school supporter for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member.

Meetings of board.

22. Subsequent meetings of the board shall be held at such times and places as may, from time to time, be fixed by resolution of the board.

Presiding officer of board.

23. The chairman of the board shall preside, or in his absence, any other person appointed to act as chairman by the majority of those present, and the chairman or person so acting, may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived.

Quorum of school boards, etc.

24. A majority of the members of the board, when present at any meeting, shall constitute a quorum, and the vote of the majority of the quorum shall be valid to bind the corporation. R. S. O. 1887, c. 227, s. 31, (13-23.)

Adoption of ballot.

32.—(1) The board of separate school trustees of any city, town, or incorporated village may, by resolution, to be passed between the first day of May and the first day of October in any year, require that in case of a poll at the election of a member of the board, the votes shall be given by ballot.

Trustees may discontinue use of ballot at election.

Any such board of separate school trustees may in like manner discontinue the use of the ballot in such elections, and thereafter elections for the purposes of this Act shall be conducted as provided in section 31 of this Act.

Ballot not to be discontinued or resumed for three years after the change.

(2) Where any such board of separate school trustees require the polling at elections to be held by ballot as aforesaid and elections are so held, no change shall be made in the mode of voting at such elections for a period of three years, and should the mode of voting at such elections by ballot be discontinued at any time, then the provisions of section 31 of this Act shall apply for a period of three years at least after such discontinuance;

Mode of conducting elections by ballot.

(3) In every case in which the polling at an election of separate school trustees is, by resolution, as aforesaid, required to be by ballot, the votes shall be given by ballot, and the provisions of this section shall apply to such election.

Ballot Boxes.

Ballot boxes to be furnished.

(4)—(*a*) Where at any such elections a poll is required, the secretary-treasurer of the urban school board shall procure or cause to be procured as many boxes

(hereinafter called ballot boxes) as there are polling places fixed by the board in respect of such election.

How made.

(*b*) The ballot boxes shall be made of some durable material, shall be provided with a lock and key, and shall be so constructed that the ballot paper can be introduced therein, and cannot be withdrawn therefrom unless the box be unlocked.

Delivery of to returning officers.

(*c*) When it becomes necessary for the purposes of an election to use the ballot boxes, it shall be the duty of said secretary-treasurer, two days at least before the polling day, to deliver one of the ballot boxes to every returning officer appointed for the purposes of the election.

Secretary-treasurer to preserve boxes for future elections.

(*d*) The ballot boxes, when returned to the secretary-treasurer after the election, shall be preserved by him for use at future elections; and it shall be the duty of the secretary-treasurer to have ready for use, at all times, as many ballot boxes as there are wards in the municipality.

Penalty on failure to furnish boxes.

(*e*) If the secretary-treasurer fails to furnish ballot boxes in the manner herein provided, he shall incur a penalty of $100 in respect of every ballot box which he has failed to furnish in the manner prescribed.

Returning officer to procure boxes when not supplied.

(*f*) It shall be the duty of every returning officer not supplied with a ballot box within the time prescribed, forwith to procure one to be made, and he may issue his order upon the secretary-treasurer of the school board for the cost of the ballot box, and the secretary-treasurer shall pay to the returning officer the amount of the order.

Ballot Papers.

Ballot papers to be printed.

(5)—(*a*) Where a poll is required, the said secretary-treasurer shall forthwith cause to be printed, at the expense of the urban school board, such a number of ballot papers as will be sufficient for the purposes of the election.

Contents and form of ballot papers.

(*b*) Every ballot paper shall contain the names of the duly nominated candidates, arranged alphabetically in the order of their surnames; or if there are two or more candidates with the same surname, then in the order of their other names.

Form of ballot papers.

(6) The ballot papers shall be in the form given in Schedule A to this Act.

Polling Places.

Secretary-treasurer to furnish returning officers with ballot papers, etc.

(7) The said secretary-treasurer shall, before the opening of the poll, deliver or cause to be delivered to every returning officer the ballot papers which have been prepared for use in the polling place for which such returning officer has been appointed to act, and shall also furnish to the returning officer or see that he is furnished with the necessary materials for voters to mark the ballot papers; and such materials shall be kept at the polling place by the returning officer for the convenient use of voters.

Compartment wherein voters may mark votes.

(8) Every polling place shall be furnished with a compartment in which the voters can mark their votes screened from observation; and it shall be the duty of the returning officer to see that a proper compartment for that purpose is provided at each polling place.

Delivery of copies of voters' list poll book to returning officers.

(9) The said secretary-treasurer shall, before the poll is opened, deliver to the returning officer for every polling place, a copy, either printed or written, or partly printed and partly written, certified to be a correct list of voters for the polling place, together with a blank poll book according to the form given in Schedule B to this Act.

Returning officer to shew box empty to persons present and then lock and seal it.

(10) The returning officer shall, immediately before the commencement of the poll, shew the ballot box to such persons as are present in the polling place, so that they may see that it is empty, and he shall then lock the box and place his seal upon it in such manner as to prevent its being opened without breaking the seal; and he shall then place the box in his view for the receipt of ballot papers, and shall keep it so locked and sealed.

Proceedings by returning officer on tender of vote.

(11) Where a person claiming to be entitled to vote presents himself for the purpose of voting, the returning officer shall proceed as follows:—

Name.

(*a*) He shall ascertain that the name of such person is entered or purports to be entered upon the voters' list for the polling place for which such returning officer is appointed to act.

Recording.

(*b*) He shall record or cause to be recorded in the proper columns of the poll book the name, qualification, residence and legal addition of such person.

Oath.

(*c*) If such person takes the oath or affirmation required to be taken by voters in the manner hereinafter directed by this section the returning officer shall enter or cause to be entered opposite such person's name, in the proper column of the said poll book the word "*Sworn*," or "*Affirmed*," according to the fact.

(*d*) Where the vote is objected to by any candidate or his agent, the returning officer shall enter the objection, or cause the same to be entered in the poll book, by writing opposite the name of such person in the proper column, the words "*Objected to,*" stating, at the same time, by which candidate or on behalf of which candidate the objection has been made, by adding after the words "*Objected to,*" the name only of such candidate. Objection.

(*e*) Where such person has been required to take oath or affirmation, and refuses to take the same, the returning officer shall enter or cause to be entered opposite the name of such person, in the proper column of the poll book the words, "*Refused to be Sworn,*" or "*Refused to Affirm,*" according to the fact; and the vote of such person shall not be taken or received; and if the returning officer takes or receives such vote, or causes the same to be taken or received, he shall incur a penalty of $200. Refusal to take the oath.

(*f*) Where the proper entries respecting the person so claiming to vote have been made in the poll book in the manner prescribed, the returning officer shall place or cause to be placed a check or mark opposite to the name of the voter in the certified voter's list to indicate that the name of such person has been entered in the poll book and the person allowed to vote and shall then sign his name or initials on the back of the ballot paper. Returning officer to mark ballot paper and voter's list.

(*g*) The ballot paper shall be delivered to such person. Delivery of paper to voter.

(*h*) The returning officer may, and upon request shall, explain to the voter, as concisely as possible, the mode of voting. Returning officer to explain mode of voting.

(12) Every returning officer refusing, or wilfully omitting to sign his name or initials upon the back of the ballot paper, as hereinbefore provided for shall forfeit to any person aggrieved by such refusal, or omission, the sum of $10, in respect of every ballot paper deposited at his polling place upon which the said returning officer has not signed his name or initials as aforesaid; and the same may be recovered in the manner provided for the recovery of penalties by this Act. Returning officer refusing, etc. to initial ballot paper.

(13) Upon receiving from the returning officer the ballot paper so prepared as aforesaid, the person receiving the same shall forthwith proceed into the compartment provided for the purpose, and shall then and therein mark his ballot paper by placing a cross, thus **X**, on the right-hand side, opposite the name of any candidate for whom he desires to vote, or at any other place within the division which contains the name of such candidate, and he shall then fold the ballot paper across, so as to conceal the names of the candidates, and the marks Marking ballot paper.

upon the face of such paper and so as to expose the initials of the returning officer, and leaving the compartment, shall, without delay, and without shewing the front to any one, or so displaying the ballot paper as to make known to any person the names of the candidates for or against whom he has marked his vote, deliver the ballot paper so folded to the returning officer, who shall, without unfolding the same, or in any way disclosing the names of the candidates, or the marks made by such elector, verify his own initials, and at once deposit the same in the ballot box in the presence of all persons entitled to be present and then present in the polling place; and the voter shall forthwith leave the polling place.

Exclusion from balloting compartment.

(14) While a voter is in a balloting compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment, or to be in any position from which he can observe the mode in which the voter marks his ballot paper.

Voter not to take his ballot paper from polling place.

(15) No person who has received a ballot paper from the returning officer shall take the same out of the polling place; and any person having so received a ballot paper, who leaves the polling place without first delivering the same to the returning officer in the manner prescribed, shall thereby forfeit his right to vote; and the returning officer shall make an entry in the poll-book, in the column for remarks, to the effect that such person received a ballot paper, but took the same out of the polling place, or returned the same declining to vote, as the case may be; and in the latter case the returning officer shall immediately write the word "*Declined*" upon such ballot paper, and shall preserve the same; and the returning officer shall return the said ballot paper to the said secretary-treasurer, as hereinafter directed.

Proceedings in case of incapacity to mark ballot paper.

(16) In case of an application by a person claiming to be entitled to a vote, who is incapacitated by blindness or other physical cause from marking his ballot paper, or in case of a person claiming to be entitled to vote who makes a declaration that he is unable to read, the proceedings shall be as follows:

(*a*) The returning officer shall, in the presence of the agents of the candidates, cause the vote of such person to be marked on a ballot paper in manner directed by such person, and shall place the ballot paper in the ballot box.

(*b*) The returning officer shall state, or cause to be stated, in the poll book, by an entry opposite the name of such person in the proper column of the poll book that the vote of such person is marked in pursuance of this subsection, and the reason why it is so marked.

(*c*) The declaration of inability to read, or of incapacity to mark a ballot paper, may be in the form given in

Schedule C to this Act, and shall be made by the person claiming to be entitled to vote, at the time of the polling, before the returning officer, who shall attest the same as nearly as may be according to the form given in Schedule D to this Act, and the said declaration shall be given to the deputy-returning officer at the time of voting.

Proceedings in case ballot paper cannot be used.

(17) A person claiming to be entitled to vote who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on delivering to the returning officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the returning officer, obtain another ballot paper in the place of the ballot paper so delivered up, and the returning officer shall immediately write the word "*Cancelled*" upon the ballot paper, and preserve the same; and the returning officer shall return the ballot paper to the said secretary-treasurer as hereinafter directed.

Who may be present at polling place.

(18) During the time appointed for polling no person shall be entitled or permitted to be present in a polling place, other than the officers, candidates, clerks or agents authorized to attend at the polling place, and such voter as is for the time being actually engaged in voting; it shall at all times be lawful for the returning officer to have present or to summon to his assistance in the polling place, any police constable or peace officer, for the purpose of maintaining order, or of preserving the public peace, or preventing any breach thereof, or of removing any person who may, in the opinion of the returning officer, be obstructing the polling or wilfully violating the provisions of this Act.

Counting the votes.

(19) Immediately after the close of the poll in every polling place, the returning officer shall, in the presence of the poll clerk (if any) and of such of the candidates or of their agents as may then be present, open the ballot box and proceed to count the votes as follows:—

Rejected ballots.

(*a*) He shall examine the ballot papers, and any ballot paper which has not on its back the name or initials of the returning officer, or on which more votes are given than the voter is entitled to give, or on which anything, except the initials or name of the returning officer on the back, is written or marked, by which the voter can be identified, shall be void and shall not be counted; and any ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for, shall be void as regards all the candidates for such office.

Returning officer to note objections.

(*b*) The returning officer shall take a note of any objection made by a candidate, his agent or any elector

authorized to be present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection.

Numbering objections and ballot paper.

(*c*) Every objection shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialed by the returning officer.

Indorsing ballot paper.

(*d*) The returning officer shall indorse "*Rejected*" on any ballot paper which he rejects as invalid, and shall indorse "*Rejection objected to,*" if any objection is made to his decision.

Statement.

(*e*) The returning officer shall then count up the votes given for each candidate upon the ballot papers not rejected, and make up a written statement, in words as well as in figures, of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him which shall be made under the several heads of (1) name or number of polling place and of the municipality and the date of election; (2) number of votes for each candidate; and, (3) rejected ballot papers.

Statement to be signed.

(*f*) Upon the completion of the written statement, it shall be forthwith signed by the returning officer, the poll clerk, if any, and such of the candidates or their agents as may be present, and desire to sign such statement.

Agents entitled to be present.

(20) No more than two agents for any candidate shall be entitled to be present at the same time at the counting of the votes.

Receiving officer to give certificate of state of poll.

(21) Every returning officer, upon being requested so to do, shall deliver to the persons authorized to attend at his polling place, a certificate of the number of votes given at that polling place, for each candidate, and of the number of rejected ballot papers.

Returning officer's duties after votes are counted.

(22)—(*a*) Every returning officer shall, at the close of the poll, certify under his signature on the voters' list in full words the total number of persons who have voted at the polling place at which he has been appointed to preside, and at the completion of the counting of votes after the close of the poll, shall, in the presence of the agents of the candidates, make up into separate packets, sealed with his own seal, and the seals of such agents of the candidates as desire to fix their seals, and marked upon the outside with a short statement of the contents of such packet the date of the day of the election, the name of the returning officer, and of the polling place and municipality; (1) the statement of votes

given for each candidate and of the rejected ballot papers; (2) the used ballot papers which have not been objected to and have been counted; (3) the ballot papers which have been objected to, but which have been counted by the returning officer; (4) the rejected ballot papers; (5) the spoiled ballot papers; (6) the unused ballot papers; and (7) a statement of the number of voters whose votes are marked by the returning officer under the heads "Physical incapacity" and "Unable to read," with the declarations of inability, and the notes taken of objections made to ballot papers found in the ballot box.

Declaration by returning officer as to use of voters' list.

(*b*) Before returning the voters' list to the secretary-treasurer the returning officer shall make and subscribe before a Justice of the Peace, his declaration under oath that the voters' list was used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made; which declaration shall be in form of Schedule E to this Act, and shall thereafter be annexed to the voters' list, and such voters' list and declaration may be inspected at any time, in the presence of said secretary-treasurer, by any elector entitled to vote at said election;

Packets of ballot papers, etc., to be delivered to the secretary-treasurer.

(*c*) The returning officer shall forthwith deliver such packets personally to the said secretary-treasurer; and if he is unable to do so, owing to illness or other cause, he shall deliver such packets to a person chosen by him for the purpose of delivering the same to the said secretary-treasurer; and shall mention on the outside of the cover of each of the packets the name of the person to whom the same had been so delivered, and shall take a proper receipt therefor; he shall also forthwith return the ballot box to the said secretary-treasurer;

Statement to be made by returning officer on return of ballot papers, etc.

(*d*) The packets shall be accompanied by a statement made by the returning officer, shewing the number of ballot papers entrusted to him and accounting for them under the heads of (1) Counted; (2) Rejected; (3) Unused; (4) Spoiled; (5) Ballot papers given to voters who afterwards returned the same, declining to vote; and (6) Ballot papers taken from the polling place; which statement shall give the number of papers under each head and is in this Act referred to as the "Ballot Paper Account;"

Disputes, how settled.

(*e*) If the returning officer and one or more of the candidates or of the agents of the candidates present at the examination and counting of the ballot papers

are unable to agree as to the written statement to be made by the returning officer, the packages of ballot papers shall be broken open by the said secretary-treasurer in the presence of the returning officer and such of the candidates or of their agents as may be present on the day succeeding the polling day, at an hour and place to be appointed, and of which they have been notified by the returning officer; and said secretary-treasurer, after examining the ballot papers, shall finally determine the matter in dispute, and sign the written statement hereinbefore mentioned; and the said secretary-treasurer shall forthwith, in the presence of the returning officer and such of the candidates or of their agents as may then be present, securely seal up the ballot papers which have been examined by him into their several packages as before.

Secretary-treasurer to cast up votes and declare who is elected, etc.

(23) The said secretary-treasurer, after he has received the ballot papers and statements before mentioned of the number of votes given in each polling place, shall, without opening any of the sealed packets of ballot papers, cast up the number of votes for each candidate from such statements; and shall declare to be elected the candidate or candidates having the highest number of votes, and a majority in number of the trustees remaining in office shall be a quorum for the foregoing purposes.

In case of a tie who to have a casting vote.

(24) In case it appears, upon the casting up of the votes as aforesaid, that two or more candidates have an equal number of votes, the member of the board present who is assessed highest as a supporter of the urban school on the last revised assessment roll, shall, at the time of declaring the result of the poll, give a vote for one or more of such candidates so as to decide the election.

Ballot papers, how disposed of.

(25) The said secretary-treasurer shall retain for one month all ballot papers received by him or forwarded to him in pursuance of this Act by returning officers, and then, unless otherwise directed by an order of a Court or Judge of competent jurisdiction, shall cause them to be destroyed in the presence of two witnesses, whose declaration that they have witnessed the destruction of such papers shall be taken before the chairman of the board, and shall be filed amongst the records of the board by said secretary-treasurer.

Ballot papers to be inspected only by order of a Court or Judge.

(26).—(*a*) No person shall be allowed to inspect any ballot papers in the custody of the said secretary-treasurer except under the order of a Court or Judge of competent jurisdiction, to be granted by the Court or Judge on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of main-

taining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the said secretary-treasurer.

Order may be subject to conditions.

(*b*) The order may be made subject to such conditions as to persons, time, place, and mode of opening or inspection as the Court or Judge making the order thinks expedient.

Recount of votes by the County Judge.

(*c*) In case it is made to appear, on the affidavit of a credible person, to the County Judge of the county or district in which the election has been held, at any time within fourteen days from the time the ballot papers are received by the said secretary-treasurer, that a returning officer at any such election in counting the votes has improperly counted or rejected any ballot papers at such election, the County or other Judge may appoint a time to recount the votes, and shall give notice in writing to the candidates of the time and place at which he will proceed to recount the same.

Deposit by applicant.

(*d*) At the time of the application for a recount, the applicant shall deposit with the clerk of the County or District Court the sum of $25 as security for the payment of costs, charges and expenses that may become payable by the applicant, and the said sum shall not be paid out by the clerk without the order of the Judge.

Who may be present at recount.

(*e*) The County or District Judge, the said secretary-treasurer with the ballot boxes, and each candidate and his agent appointed to attend the recount of votes, and no other person except with the sanction of the County or other Judge shall be present at the recount of the votes.

Opening of packets.

(*f*) At the time and place appointed the County or other Judge shall proceed to recount all the votes or ballot papers received by the said secretary-treasurer, and shall in the presence of the parties aforesaid, if they attend, or in the presence of such of them as do attend, open the sealed packets containing (*a*) the used ballot papers which have not been objected to and have been counted; (*b*) the ballot papers which have been objected to, but which have been counted by the returning officer; (*c*) the rejected ballot papers; (*d*) the spoiled ballot papers; (*e*) the unused ballot papers; and in recounting the votes care shall be taken that the mode in which any particular voter has voted shall not be discovered.

Recount to be a continuous proceeding.

(*g*) The County or other Judge shall, as far as practicable, proceed continuously with the recount of the votes, allowing only time for refreshment, excluding only Sundays and, on other days (except so far as he and the parties aforesaid agree), the hours between six o'clock in the evening and nine on the succeeding morning. During the excluded time the County or other Judge shall place the ballot papers and other documents relating to the election under his own seal, and the seals of such other of the parties as desire to affix their seals, and shall otherwise take precautions for the security of the papers and documents.

Procedure on re-count.

(*h*) The County or other Judge shall proceed to recount the votes as follows:

Firstly.—He shall examine the ballot papers.

Secondly.—Any ballot paper on which votes are given to more candidates than are to be elected, or on which anything except the name or initials of the returning officer on the back is written or marked by which the voter can be identified shall be void and shall not be counted; and a ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for shall be void as regards all the candidates for such office, but no word or mark written or made, or omitted to be written or made by the returning officer on a ballot paper, shall avoid the same.

Thirdly.—The County or other Judge shall take a note of any objection made by a candidate or by his agent to any ballot paper found in the ballot box, and shall decide any question arising out of the objection, and the decision of the County or other Judge shall be final.

Fourthly.—The County or other Judge shall then count up the votes given for each candidate upon the ballot papers not rejected, and make up a written statement, in words as well as in figures, of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him, which statement shall be made under the several heads following: (1) name of municipality; (2) names of the candidates; (3) number of votes for each candidate (4) papers wanting signature or initials of returning officer; (5) papers rejected as voting for more candidates than entitled to; (6) papers rejected as having a writing or mark by which voters could be identi-

fied ; (7) papers rejected as unmarked or void for uncertainty.

Fifthly.—Upon the completion of the recount, or as soon as he has thus ascertained the result of the poll, the County or other Judge shall seal up all the ballot papers in separate packets, and shall forthwith certify the result to the said secretary-treasurer, who shall then declare to be elected the candidate having the highest number of votes ; and in case of an equality of votes, the casting vote shall be given by the person designated in, and as provided by subsection 24 of this section.

(27) Nothing in this section contained shall destroy or prevent any remedy which any person may now have under or by *quo warranto* or otherwise. Existing remedies not affected.

(28)—(*a*) All costs, charges and expenses of, and incidental to an application for a recount and to the proceedings consequent thereon shall be defrayed by the parties to the application in such manner and in such proportion as the Judge may determine, regard being had to the disallowance of any costs, charges or expenses which may in the opinion of the Judge have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the applicant or the respondent, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful. Costs of application.

(*b*) The costs may be taxed in the same manner, and according to the same principles as costs are taxed between solicitor and client in the County Court, or District Court, as the case may be. Taxation of costs.

(*c*) The payment of any costs ordered to be paid by the Judge may be enforced by an execution against goods and chattels, to be issued from the County Court, or District Court, as the case may be, upon filing therein the order of the Judge and a certificate shewing the amount at which the costs were taxed and an affidavit of the non-payment thereof. Recovery of costs.

(29) Where a rule or order is made for the production by the said secretary-treasurer of any document in his possession relating to a specified election, the production of the document by him, in such manner as may be directed by the rule or order, shall be conclusive evidence that the document relates to the specified election ; and any indorsement appearing on any packet of ballot papers produced by the said secretary- Production of documents and indorsements on ballot papers evidence for certain purposes.

treasurer, shall be evidence of such papers being what they are stated to be by the indorsement.

Offences.

(30)—(*a*) No person shall—(1) Without due authority supply any ballot paper to any person; or (2) fraudulently put into any ballot box any paper other than the ballot paper, which he is authorized by law to put in; or (3) fraudulently take out of the polling place any ballot paper; or (4) without due authority destroy, take, open or otherwise interfere with any ballot box or packet of ballot papers then in use for the purposes of the election; or (5) apply for a ballot paper in the name of some other person, whether that name is of a person living or dead, or of a fictitious person; or (6) having voted once and not being entitled to vote again at an election apply at the same election for a ballot paper in his own name. This provision is not to be construed as including a person who applies for such ballot paper believing that he is the person intended by the name entered on the voters' list in respect of which he so applies for a ballot paper.

Attempts to commit offences.

(*b*) No person shall attempt to commit any offence specified in this subsection.

Penalty by imprisonment.

(*c*) A person guilty of any violation of this subsection shall be liable, if he is such secretary treasurer, to imprisonment for any term not exceeding two years, with or without hard labour; and if he is any other person to imprisonment for a term not exceeding six months with or without hard labour.

Money penalty for offences.

(31) Every officer and secretary-treasurer who is guilty of any wilful misfeasance, or any wilful act or omission in contravention of any of the preceding subsections of this section, shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act or omission, a penal sum of $400.

Maintaining secrecy of proceedings at polling places.

(32)—(*a*) Every officer and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(*b*) No officer or agent, and no person whosoever shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(*c*) No officer, agent or other person shall communicate at any time to any person any information obtained

at a polling place as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(*d*) Every officer and agent in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate or attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given in any particular ballot paper.

(*e*) No person shall, directly, or indirectly, induce a voter to display his ballot paper after he has marked the same, so as to make known to any person the name of any candidate or candidates for or against whom he has marked his vote.

(*f*) Every person who acts in contravention of this sub-section shall be liable, on summary conviction before a Stipendiary Magistrate, Police Magistrate, or two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labour. Penalty for contravening this sub-section.

(33) Every such secretary-treasurer, and every officer, clerk or agent, authorized to attend a polling place or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy in the presence of a Justice of the Peace, and if he is an agent of a candidate, in the presence of a Justice of the Peace or of the returning officer at whose polling place he is appointed agent; and such statutory declaration of secrecy shall be in the form given in Schedule F to this Act, or to the like effect. Statutory declaration of secrecy.

(34) No person who has voted at an election shall in any legal proceeding to question the election or return, be required to state for whom he has voted. No one compellable to disclose his vote.

(35) A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may in pursuance of this Act be authorized to attend, but no candidate shall be present at the marking of a ballot under subsection 16. Candidates may undertake duties of an agent.

(36) When in any of the preceding sub-sections of this section expressions are used, requiring or authorizing any act or thing to be done, or inferring that any act or thing is to be done in the presence of the agents of the candidate, such expressions shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend, and as have in fact attended, at the time and place where such act or thing is being done; and the non-attendance of any agent at Expressions referring to agents.

Non-attendance of agents.

such time or place shall not, if the act or thing is otherwise duly done, invalidate in anywise the act or thing done.

Public holidays, etc., excluded in reckoning time, except for nomination and election of trustees.

(37) In reckoning time for the purposes of this section, Sunday and any day set apart by any act of lawful authority for a public holiday, fast or thanksgiving shall be excluded; and where anything is required by this section to be done on a day which falls on such days, such things may be done on the next juridical day; but nothing in this section contained shall extend or apply to the days fixed by this Act for the nomination or election of candidates for the office of trustee.

No election to be invalid for want of compliance with principles of Act where result not affected.

(38) No election shall be declared invalid by reason of a non-compliance with the rules contained in this section as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of the forms contained in the Schedules to this Act, or by reason of any irregularity, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake or irregularity did not effect the result of the election.

Expenses incurred by officers to be refunded.

(39) The reasonable expenses incurred by any such secretary-treasurer and by the other officers and clerks for printing, providing ballot boxes, ballot papers, materials for marking ballot papers, polling compartments, transmission of the packets, required to be transmitted by this section, and reasonable fees and allowances for services rendered under this section, shall be paid by the board of trustees through its secretary-treasurer, who shall pay over and distribute the same to the several persons entitled thereto.

Oath to be administered when voters objected to.

(40) In case any objection is made to the right of any person to vote under the provisions of this section, the returning officer shall require the person whose right of voting is objected to, to make the following oath or affirmation:—

Form of oath.

You swear (*or* solemnly affirm) that you are the person named, (*or* intended to be named), in the list of voters now shown to you (*shewing the list to the voter*);

That you are a ratepayer;

That you are a British subject by birth (*or* naturalization);

That you are of the full age of twenty-one years;

That you are a separate school supporter;

That you have not voted before at this election.

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election;

That you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election: So help you God.

57 V. c. 59, s. 2.

DUTIES OF BOARD.

33. It shall be the duty of the board of trustees of every urban school: Duties of board.

1. To appoint a secretary and treasurer or secretary-treasurer and one or more collectors, if requisite, of such school fees or rate-bills as the board may have authority to charge; To appoint secretary and collector.

(*a*) The collector or collectors, and secretary, and treasurer, or secretary-treasurer (who may be of their own number), shall discharge similar duties, and be subject to similar obligations and penalties, and have powers similar to those of like officers in the municipality;

2. To provide adequate accommodation, according to the regulations of the Education Department, for all the children of separate school supporters between the ages of five and twenty-one, resident in the ward, village or town, as the case may be, as ascertained by the census taken by the municipal council for the next preceding year; To provide adequate accommodation.

3. To purchase or rent school sites and premises, and to build, repair, furnish, and keep in order the school-houses and appendages, lands, enclosures, and movable property, and procure registers in the prescribed form, suitable maps, apparatus and prize books and, if they deem it expedient, establish and maintain school libraries; To provide school premises, apparatus, prize books and library.

4. To determine the number, kind, grade and description of schools (such as male, female, infant, central or ward schools) to be established and maintained; the teachers to be employed; the terms on which they are to be employed; the amount of their remuneration, and the duties which they are to perform; Kind of schools.

5. To prepare from time to time, and lay before the municipal council of the city, town or village, on or before the first day of August an estimate of the sums which they think requisite for all necessary expenses of the schools under their charge; To lay before Council estimate for moneys.

6. To appoint of their number annually, or oftener if they judge it expedient, and under such regulations as they think proper, a committee of not more than three persons for the special charge, oversight and management of each school within the city, town, or village, and to see that all the schools under their charge are conducted according to the authorized regulations; To appoint a committee for each school.

7. To collect, at their discretion, from the parents or guardians of children attending any urban school under their charge, a sum not exceeding twenty cents per month, per pupil, to defray the cost of text-books, stationery and other Trustees may collect a fee from parents.

To see that uniform books are used.

contingencies, and to see that all the pupils in the schools are duly supplied with a uniform series of text-books;

To give orders for moneys expended.

8. To give orders on the treasurer of the separate school board for all moneys expended for school purposes;

To prepare annual report for Minister.

9. To prepare and transmit annually, before the fifteenth of January, to the Minister of Education, in the form prescribed by him, a report, signed by the chairman, containing all information required by the regulations of the Education Department. R. S. O. 1887, c. 227, s. 32.

TEACHERS.

Valid agreements with teacher.

34. All agreements between trustees and teachers, to be valid and binding, shall be in writing, signed by the parties thereto, and sealed with the corporate seal of the trustees, and such agreements may lawfully include any stipulation to provide the teacher with board and lodging. R. S. O. 1887, c. 227, s. 33.

Duties of teacher.

35. It shall be the duty of every teacher of a separate school:—

To teach according to law.

1. To teach diligently and faithfully all the branches required to be taught in the school, according to the terms of his engagement with the trustees, and according to the provisions of this Act, and the regulations of the Education Department;

To keep the register of the school.

2. To keep in the prescribed form the general, entrance, and the daily class, or other registers of the school, and to record therein the admission, promotion, removal, or otherwise of the pupils of the school;

To maintain order and discipline.

3. To maintain proper order and discipline in his school, according to the prescribed regulations;

To keep a visitors' book.

4. To keep a visitors' book (which the trustees shall provide) and enter therein the visits made to his school, and to present the book to every visitor, and request him to make therein any remarks suggested by his visit;

To give access to register and visitors' book.

5. To give the trustees and visitors access at all times when desired by them, to the registers and visitors' book appertaining to the school;

Deliver up register and key.

6. To deliver up any school registers, visitors' book, schoolhouse key, or other school property in his possession, on the demand or order of the majority of the trustees employing him;

In case of refusal.

7. In case of his wilful refusal so to do he shall not be deemed a qualified teacher until restitution is made, and shall also forfeit any claim which he may have against the trustees;

To hold public quarterly examinations.

8. To hold during each term a public examination of his school, of which he shall give due notice to the trustees of the

school, to any school visitors who reside in or adjacent to the school, and through the pupils to their parents or guardians;

To furnish information to the Minister and Inspector.

9. To furnish to the Minister of Education, or to the separate school inspector, from the trustees' report or otherwise, any information which it may be in his power to give, respecting anything connected with the operations of his school, or in any wise affecting its interest or character;

To prepare reports.

10. To prepare so far as the school registers supply the information, such reports of the corporation employing him as are required by the regulations of the Education Department. R. S. O. 1887, c. 227, s. 34.

Certificates to teachers of separate schools.

36 The teachers of a separate school under this Act shall be subject to the same examinations, and receive their certificates of qualification, in the same manner as public school teachers generally; but the persons qualified by law as teachers, either in the Province of Ontario, or, at the time of the passing of *The British North America Act, 1867*, in the Province of Quebec, shall be considered qualified teachers for the purpose of this Act. R. S. O. 1887, c. 227, s. 61.

Proportion of salary to which teacher is entitled.

37. Every qualified teacher of a separate school employed for any period not less than three months shall be entitled to be paid his salary in the proportion which the number of teaching days during which he has taught, bears to the whole number of teaching days in the year. R. S. O. 1887, c. 227, s. 35.

Case of sickness.

Four weeks allowed.

38. In case of sickness, certified by a medical man, every teacher shall be entitled to his salary during such sickness, for a period not exceeding four weeks for the entire year; which period may be increased at the pleasure of the trustees. R. S. O. 1887, c. 227, s. 38.

Protection of teachers in regard to salary.

39. Every teacher shall be entitled to be paid at the rate mentioned in his agreement with the trustees, even after the expiration of the period of his agreement, until the trustees pay him the whole of his salary as teacher of the school, according to their engagement with him, provided always that an action must be commenced within three months after such salary is due and payable by the trustees. R. S. O. 1887, c. 227, s. 39.

Provision in case of difference between teacher and trustees.

40. All matters of difference between trustees and teachers, in regard to salary or other remuneration, shall be brought and decided in the Division Court by the Judge of the County Court in each county, subject to an appeal, as provided by this Act. R. S. O. 1887, c. 227, s. 36.

Issue of execution.

41. In pursuance of a judgment or decision given by a County Judge in a Division Court, under the authority of this

Act, and not appealed from, execution may issue from time to time to recover what may be due of the amount which the Judge may have decided the plaintiff entitled to, in like manner as on a judgment recorded in a Division Court for a debt, together with all fees and expenses incidental to the issuing thereof and levy thereunder. R. S. O. 1887, c. 227, s. 37.

ASSESSMENTS.

Supporters of separate schools exempted from payment of public school rates on giving certain notice.

42.—(1) Every person paying rates, whether as owner or tenant, who, by himself, or his agent, on or before the first day of March in any year, gives to the clerk of the municipality notice in writing that he is a Roman Catholic, and supporter of a separate school situated in the municipality or in a municipality contiguous thereto, shall be exempted from the payment of all rates imposed for the support of public schools, and of public school libraries, or for the purchase of land or erection of buildings for public school purposes, within the city, town, incorporated village or section in which he resides, for the then current year, and every subsequent year thereafter, while he continues a supporter of a separate school; and the notice shall not be required to be renewed annually. R. S. O. 1887, c. 227, s. 40.

Time for giving notice by separate school supporter becoming resident in a municipality

(2) Where the owner or tenant is not, on or before the first day of March in any year, a resident of the municipality, or rated upon the assessment roll thereof, but he subsequently becomes so resident, or liable to be so rated, before the time for appealing from the assessment to the court of revision, he shall be entitled to give the notice provided for by this section at any time before the expiration of the said time for appealing, and a notice so given shall have the same effect as if given on or before the first day of March, of the year in which it is given. 53 V. c. 71, s. 8, *part*; 60 V. c. 15, *Sched.* B (19).

Certificate of notice.

(3) Every clerk of a municipality, upon receiving such notice, shall deliver a certificate to the person giving the notice, to the effect that the same has been given, and shewing the date thereof. R. S. O. 1887, c. 227, s. 41.

Penalty for wilful false statements in notice.

(4) Any person who fraudulently gives such notice, or wilfully makes any false statement therein, shall not thereby secure any exemption from rates, and shall be liable to a penalty of $40, recoverable with costs before any Justice of the Peace at the suit of the municipality interested. R. S. O. c. 227, s. 42.

Exemption as to rates imposed before separate school established.

(5) Nothing in this section contained shall exempt any person from paying any rate for the support of public schools or public school libraries, or for the erection of a school house or school houses, imposed before the establishment of the separate school. R. S. O. 1887. c. 227, s. 43.

43. Subject to the other provisions of this Act no person shall be deemed a supporter of a separate school unless he resides within three miles (in a direct line) of the site of the school house. R. S. O. 1887, c. 227, s. 44. Residence of supporters of separate schools.

44. Any supporter of a separate school whose residence is within three miles of two or more separate schools, shall, after the first day of January, 1897, be *ipso facto* a supporter of the separate school nearest to his place of residence: but nothing herein contained shall affect the liabilities or obligations of any separate school supporter for debts incurred by the school section of which he was a supporter before the 7th day of April, 1896. 59 V. c. 72, s. 3. Where separate school supporter resides within three miles of two or more schools.

45. When a supporter of a separate school resides without the municipality in which the school is situate, he shall be entitled to vote in the ward or division in which the school house nearest to his place of residence is situate, if within the distance of three miles in a direct line. R. S. O. 1887, c. 227, s. 45. Where person residing out of municipality to vote.

46. Any person, who, if resident in a municipality, would be entitled to be a supporter of a separate school existing either therein or in any adjoining municipality, may, in giving notice under section 3 of *The Assessment Act*, that he is the owner of unoccupied land situate in either of the said municipalities, require that all such land as is situate either in the municipality wherein the separate school is situate or within the distance of three miles in a direct line of the site of the separate school shall be assessed for the purposes of the separate school, and the proper assessor shall thereupon enter such person in the assessment roll as a separate school supporter, and the proper entries in that behalf shall be made in the prescribed column for separate school rates, and the land shall be assessed accordingly for the purposes of the separate school and not for public school purposes. R. S. O. 1887, c. 227, s. 46. Non-residents may require school tax to be appropriated to a separate school. Rev. Stat. c. 224.

47.—(1) Any Roman Catholic who desires to withdraw his support from a separate school, shall give notice in writing to the clerk of the municipality, before the second Wednesday in January in any year, otherwise he shall be deemed a supporter of the school. Persons withdrawing support from separate school to give notice.

(2) But any person who has withdrawn his support from a Roman Catholic separate school shall not be exempted from paying any rate for the support of separate schools or separate school libraries, or for the erection of a separate school house, imposed before the time of his withdrawing such support from the separate school. R. S. O. 1887, c. 227, s. 47. Proviso.

48.—(1) The clerk of every municipality shall keep entered in a convenient Index Book, and in alphabetical order, the name Index Book of supporters of separate

schools to be kept by Clerk.

of every person who has given to him, or to any former clerk of the municipality, notice in writing that such person is a Roman Catholic and a supporter of a separate school in or contiguous to the municipality, as provided by section 42 of this Act, or by previous Acts respecting separate schools; the clerk shall also enter opposite the name, and in a column for this purpose, the date on which the notice was received, and in a third column opposite the name any notice by such person of withdrawal from supporting a separate school, as provided by section 47 of this Act, or by any such other Act as aforesaid, with the date of such withdrawal; or any disallowance of the notice of the Court of Revision or County Judge with the date of such disallowance. The Index Book may be in the form set out in Schedule G. to this Act, and shall be open to inspection by ratepayers.

(2) The clerk shall enter in the same book, and in the proper alphabetical place therein, all such notices from time to time received by the clerk.

(3) It shall be the duty of the clerk to file and carefully preserve all such notices which have heen heretofore received, or shall hereafter be received. 53 V. c. 71, s. 1.

Assessor to be guided by Index Book.

(4) The assessor shall be guided by the entries in said Index Book in ascertaining who have given the notices which are by law necessary, in order to entitle supporters of Roman Catholic Separate Schools to exemption from the Public School tax. 53 V. c. 71, s. 3; 55 V. c. 48, s. 47*b*. *See also Rev. Stat c.224, s. 54.*

Duty of assessors.

49.—(1) The assessor or assessors of every municipality shall in the assessment roll set down the religion of the person taxable, distinguishing between Protestant and Roman Catholic, and whether supporters of public or separate schools; but nothing herein contained shall be deemed to interfere with the rights of public school trustees under *The Public Schools Act.*

Rev. Stat. c. 292.

Statement as to religion.

(2) The assessor shall accept the statement of, or made on behalf of, any ratepayer, by his authority, and not otherwise, that he is a Roman Catholic, as sufficient *prima facie* evidence for placing such person in the proper column of the assessment roll for separate school supporters, or if the assessor knows personally any ratepayer to be a Roman Catholic this shall also be sufficient for placing him in such last mentioned column. R. S. O. 1887, c. 227, s. 48 (1) and (2); 53 V. c. 71, s. 4. *See also Rev. Stat. c. 224, s. 13 (5).*

Court of Revision to decide complaints.

(3) The Court of Revision shall try and determine all complaints in regard to persons in these particulars alleged to be wrongfully placed upon or omitted from the roll (as the case may be), and any person so complaining, or any ratepayer of the municipality, may give notice in writing to the clerk of the municipality of such complaint, and the provisions of *The Assessment Act*, in reference to giving notice of complaints

Rev. Stat. c. 224.

against the assessment roll, and proceedings for the trial thereof, shall likewise apply to all complaints under this section of this Act. R. S. O. 1887, c. 227, s. 48 (3).

Correction of mistakes in assessing separate school supporters.

50.—(1) In case of its appearing to the municipal council of any municipality after the final revision of the assessment roll, that through some mistake or inadvertence any ratepayers have been placed in the wrong school tax column, either as supporters of separate schools or supporters of public schools, it shall be competent for the municipal council after due inquiry and notice to correct such errors if such council sees fit, by directing the amount of the tax of such ratepayers to be paid to the proper school board. But it shall not be competent for the council to reverse the decision of the Court of Revision or the County Court Judge as to any ratepayer.

(2) In case of such action by a municipal council the ratepayer shall be liable for the same amount of school tax as if he had in the first instance been entered on the roll properly. 53 V. c. 71, s. 5.

Collector's roll—further columns.

51. The clerk of every municipality, in annually making out the collector's roll, shall place columns therein, so that under the head of "School Rate," the public school rate may be distinguished from the separate school rate, and also under "Special Rate for School Debts," shall distinguish between public and separate school purposes, and the proceeds of any such rate shall be kept distinguished by the collector, and accounted for accordingly. R. S. O. 1887, c. 227, s. 49. *See also Cap. 224, Sec. 129.*

Return shewing rating of separate school supporters.

52. The clerk of any municipality in which any separate school section or part of a section is situate, shall, not later than the 1st day of December in each year, make out and transmit to the county school inspector a statement shewing whether or not any county rate for public school purposes has been placed upon the collector's roll against supporters of separate schools, and if such rate has been so placed upon the roll, giving a list of such supporters with the amount so rated against each, and the total amount so rated. R. S. O. 1887, c. 227, s. 50. *See also Cap. 292, Sec. 68.*

Occupant primarily liable for school rates. Rev. Stat. c. 224, s. 24.

53. In any case where under section 24 of *The Assessment Act*, land is assessed against both the owner and occupant, or owner and tenant, then the occupant or tenant shall be deemed and taken to be the person primarily liable for the payment of school rates, and for determining whether such rates shall be applied to public or separate school purposes, and no agreement between the owner or tenant as to the payment of taxes as between themselves shall be allowed to alter or to affect this provision otherwise; and in any case where, as between the owner and tenant or occupant, the owner is not to

pay taxes, if by the default of the tenant or occupant to pay the same, the owner is compelled to pay such school rate, he may direct the same to be applied to either public or separate school purposes, and if the public school rate and the separate school rate are not the same he shall only be liable to pay the amount of the rate of the schools to which in virtue of his right in that behalf he directed his money to be paid. R. S. O. 1887, c. 227, s. 51 : 55 V. c. 60, s. 1.

Company may require school rate to be applied to separate schools.

54.—(1) A company may, by notice in that behalf to be given to the clerk of any municipality wherein a separate school exists, require any part of the real property of which such company is either the owner and occupant, or, not being such owner, is the tenant, occupant or actual possessor, and any part of the personal property (if any) of such company, liable to assessment, to be entered, rated and assessed for the purposes of said separate school, and the proper assessor shall thereupon enter said company as a separate school supporter in the assessment roll in respect of the property specially designated in that behalf in or by said notice, and the proper entries in that behalf shall be made in the prescribed column for separate school rates, and so much of the property as is so designated shall be assessed accordingly in the name of the company for the purposes of the separate school and not for public school purposes, but all other property of the company shall be separately entered and assessed in the name of the company as for public school purposes: provided always that the share or portion of the property of any company, entered, rated or assessed, in any municipality for separate school purposes under the provisions of this section, shall bear the same ratio and proportion to the whole property of the company assessable within the municipality, as the amount or proportion of the shares or stock of the company, so far as the same are paid, or partly paid up, and are held and possessed by persons who are Roman Catholics, bears to the whole amount of such paid or partly paid up shares or stock of the company.

(2) A notice by the company to the clerk of the local municipality under the provisions of this section may be in the form or to the effect following:

To the clerk of (*describing the municipality*),

Take notice that (*here insert the name of the company so as to sufficiently and reasonably designate it*) pursuant to a resolution in that behalf of the directors of said company requires that hereafter and until this notice is either withdrawn or varied so much of the property of the company assessable within (*giving the name of the municipality*), and hereinafter specially designated shall be entered, rated, and assessed for separate school purposes, namely, one-fifth (*or as the case may be*) of all real property, and one-fifth (*or as the case may be*) of all personal property of said company, liable to assessment in said municipality.

Given on behalf of the said company this (*here insert date*).

R. S., Secretary of said company.

(3) Any such notice given in pursuance of a resolution in that behalf of the directors of the company shall for all purposes be deemed to be sufficient, and every such notice so given shall be taken as continuing and in force and to be acted upon unless and until the same is withdrawn, varied or cancelled by any notice subsequently given, pursuant to any resolution of the company or of its directors.

(4) Every such notice so given to such clerk shall remain with and be kept by him on file in his office, and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect any assessment roll, and the assessor shall in each year, before the completion and return of the assessment roll, search for and examine all notices which may be so on file in the clerk's office, and shall thereupon in respect of said notices (if any) follow and conform thereto and to the provisions of this Act in that behalf.

(5) The word "company" in this section shall mean and include any body corporate. R. S. O. 1887, c. 227, s. 52. *See also Cap. 224, s. 25.*

Powers of trustees.

55.—(1) The trustees of separate schools forming a body corporate under this Act shall have the power to impose, levy and collect school rates or subscriptions, upon and from persons sending children to, or subscribing towards the support of such schools, and shall, for the purpose of collecting the school rates or subscriptions, have all the powers in respect of separate schools that the collectors of taxes in municipalities have and possess under the provisions of *The Municipal Act*. Rev. Stat 223.

Lands on which there are rates uncollected to be returned to clerk.

(2) If the collector appointed by the trustees of a separate school is unable to collect that portion of any school rate which has been charged on any parcel of land liable to assessment, by reason of there being no person resident thereon, or no goods and chattels to distrain, the trustees shall make a return to the clerk of the municipality, before the end of the then current year, of such parcels of land and the uncollected rates thereon.

(3) The clerk of the municipality shall make a return to the county, city, town or village treasurer of such lands, and the arrears of separate school rates thereon.

(4) The arrears shall be collected and accounted for by the treasurer in the same manner as the arrears of other taxes.

(5) The township, village, town or city council in which the separate school is situate, shall make up the deficiency arising from uncollected rates on land liable to assessment, out of the general funds of the municipality. R. S. O. 1887, c. 227, s. 53.

Trustees may copy assessment roll of municipality.

56. The clerk or other officer of a municipality within or adjoining which a separate school is established, having pos-

session of the assessor's or collector's roll of the municipality, shall allow any one of the trustees or their authorized collector to make a copy of the roll in so far as it relates to the persons supporting the separate school under their charge. R. S. O. 1887, c. 227, s. 54.

Clerk to give trustees annual statement of supporters of separate schools.

57. The clerk of every municipality in which there is a separate school shall, once in each year, upon the written request of the trustees of such separate school, deliver to them a statement in writing, showing the names of all persons appearing upon the assessment roll for the current year, who have given the notice required by section 42 of this Act, with the amount for which each person has been rated upon the assessment roll. 53 V. c. 71, s. 9.

Collection of school rates.

58. It shall be the duty of every municipal council, if so requested by the trustees of a separate school at or before the meeting of the council in the month of August in any year, to cause, through their collectors and other municipal officers, to be levied in each year, upon the taxable property liable to pay the same, all sums of money for rates or taxes legally imposed thereon in respect of separate schools by competent lawful authority in that behalf and at their request, and the council shall account annually for the sums so to be collected, and any expenses attending the assessment, collection or payment of school rates by the municipal council, or any of its officers, for the trustees entitled thereto, shall be payable by the municipality, and the said rates, as and when collected, shall within a reasonable time thereafter, and not later than the fourteenth day of December in each year, be paid over to the trustees, without any deduction whatever. R. S. O. 1887, c. 227, s. 55.

MISCELLANEOUS.

Agreements between municipality and separate school trustees as to payment in lieu of separate school rate.

59. Any board of separate school trustees, and the council of any municipality (three-fifths of whose members are not separate school supporters), may enter into an agreement for a term of years, that for each year of the said term, and at such times and in such sums as may be agreed upon, there shall in lieu of and as being the amount to be levied and collected in such year for separate school purposes, be paid by the municipality to the board a fixed proportion of the total amount levied and collected within the municipality in and for the year for both public and separate school purposes; provided always, that if in and for any year the rate in the dollar of assessment actually levied for separate school purposes within the municipality is not the same as that actually levied therein for public school purposes, then the agreement shall not be in force for or apply to such last mentioned year; provided also that any agreement made as aforesaid may be determined at the end of any calendar year on giving six months'

Proviso.

notice by either of the parties thereto to the other party. R. S. O. 1887, c. 227, s. 56.

Distribution of county rate.

60. The county inspector of public schools shall, before distributing the county rate among the public school sections, deduct the amount certified to him by the clerk of any municipality in which any separate school section or part of a section is situate, according to the list given by the clerk, of the supporters of separate schools against whom the county rate for public school purposes has been placed and rated, and shall give the trustees of the separate school section an order on the county treasurer or sub-treasurer for the amount so placed and rated, and it shall be the duty of the treasurer or sub-treasurer to pay over the same. R. S. O. 1887, c. 227, s. 57.

Borrowing powers of trustees of separate schools.

61.—(1) The trustees of a separate school shall have full power as a body corporate to borrow money for school purposes, and to make valid mortgages and other instruments for the security and payment of such borrowed money, or of moneys payable or to be paid for school sites, school buildings, or additions thereto, or the repairs thereof, upon the school house property and premises, or any other real or personal property vested in them, or upon the separate school rates, and any ratepayer who was a separate school supporter at the time when the loan was effected on the security of the said rates or property shall, while resident within the section or municipality within which the separate school is situate, continue to be liable for the rate to be levied for the repayment of the loan.

(2) The principal money representing any sum so borrowed may, in the mortgage or other instrument securing the repayment thereof, be made payable in annual or other instalments, with or without interest, and the trustees, in addition to all other rates or moneys which they may now levy in any one year, shall also have power and authority to levy and collect such further sum or sums as in each year may be requisite for paying all principal money and interest falling due in such year under the terms of such mortgage or other instrument aforesaid, and the said sums shall be levied and collected in each year in the same manner and form, and from the like persons and property by, from, upon or out of which other separate school rates may now be levied and collected.

(3) The mortgages and other instruments which the trustees have power to make, as aforesaid, for the security and payment of money borrowed or payable for school purposes may, in the discretion of the trustees, be made in the form of debentures; and debentures shall be a charge on the same property and rates aforesaid, as in the case of mortgages thereof made by the trustees, as in sub-section 1 mentioned.

(4) Every by-law of the trustees for the issue of such debentures shall be sealed with the corporate seal of the board

of trustees, and shall be signed by the chairman and secretary of the board, and the by-law may be quashed by application to the High Court at Toronto, in the same way as municipal by-laws may be quashed. R. S. O. 1887, c. 227, s. 58 (1-4).

(5) The by-law shall name a day in the financial year in which the same is passed when the by-law is to take effect, and shall state the whole of the debt and the obligations to be issued thereunder, and shall make the same payable in thirty years at furthest from the day on which the by-law takes effect and shall provide for including thereafter in the yearly separate school rate a sufficient sum for the payment of an amount sufficient to pay the yearly interest during the currency of the debentures, and also a certain specific sum to be realized annually for the payment of the principal, which specific sum shall be sufficient with the estimated interest on the investments thereof to discharge the debt when payable. R. S. O. 1887, c. 227, s. 58 (5); 59 V. c. 72, s. 1.

(6) Every such by-law, before being acted upon, shall be published for at least three successive weeks in some public newspaper published weekly, or oftener, in the city, town or county in which the separate school is situate, and if no application to quash the by-law is made for three months after the publication thereof as aforesaid, the by-law shall, as in the case of a municipal by-law, be valid, notwithstanding any want of substance or form in the by-law or in the time or manner of passing the same.

(7) No debenture issued under the by-law shall be for less han $100. The debentures may be in the form given in Schedule H to this Act.

(8) Nothing contained in the preceding five sub-sections shall be deemed to declare or imply any construction of any statute or of any provision thereof, passed prior to the twentieth day of April, in the year 1887, or as declaring or implying that the trustees had not theretofore power to make and issue debentures for the security and payment of money borrowed or payable for school purposes. R. S. O. 1887, c. 227, s. 58 (6-8).

Separate schools entitled to a share of the public grant.

62. Every separate school shall be entitled to a share in the fund annually granted by the Legislature of this Province for the support of public schools, and shall be entitled also to a share in all other public grants, investments and allotments for public school purposes now made or hereafter to be made by the Province or the municipal authorities, according to the average number of pupils attending the school during the twelve next preceding months, or during the number of months which may have elapsed from the establishment of a new separate school, as compared with the whole average number of pupils attending school in the same city, town, village or township. R. S. O. 1887, c. 227, s. 59.

63. Nothing herein contained shall entitle a separate school within any city, town, incorporated village or township, to any part or portion of school moneys arising or accruing from local assessment for public school purposes within the city, town, village, or township, or the county or union of counties within which the city, town, village or township is situate. R. S. O. 1887, c. 227, s. 60. But not to any share of local assessment for public schools.

64. The trustees of every separate school shall, on or before the thirtieth day of June and the thirty-first day of December of every year, transmit to the Minister of Education a correct return of the names of the children attending the school, together with the average attendance during the next preceding six months, or during the number of months which have elapsed since the establishment thereof, and the number of months it has been so kept open; and the Minister shall thereupon determine the proportion which the trustees of the separate school are entitled to receive out of the legislative grant, and shall pay over the amount thereof to the trustees. R. S. O. 1887, c. 227, s. 62. Return to be transmitted by trustees.

65. The Minister of Education, all Judges, Members of the Legislature, the heads of the municipal bodies in their respective localities, the inspectors of public schools, and the clergymen of the Roman Catholic Church, shall be visitors of separate schools. R. S. O. 1887 c. 227, s. 63. Visitors of separate schools.

66. The Roman Catholic separate schools (with their registers) shall be subject to such inspection as may be directed from time to time by the Minister of Education, and shall be subject also to such regulations as may be imposed from time to time by the Education Department. R. S. O. 1887, c. 227, s. 64. Inspection of schools.

67. The Education Department may authorize a separate school in any county to be constituted a model school for the training of teachers for separate schools, subject to the regulations of the Department, and where in any county such model school has been established, or from the special circumstances of the separate schools therein, the Minister of Education deems it expedient, he may recommend for appointment by the Lieutenant-Governor in Council some one competent person possessing qualifications prescribed by the Education Department to be a member of the county board of examiners of such county in addition to the number now authorized, and such person shall possess and discharge the like powers and duties as the other members of the board. R. S. O. 1887, c. 227, s. 65. Model schools for teachers of separate schools.

68. In the case of a separate school established under this Act in any city, town, or incorporated village in which a high school is established it shall be lawful for the trustees of the Appointment of trustees of high school by

trustees of separate school.

separate school to appoint any ratepayer (not one of themselves) as trustee of such high school, provided always that in the case of a united high and public school board such trustee shall not take any part in the proceedings of the board in regard to any matters affecting the public school. R. S. O. 1887, c. 227, s. 66.

Disagreement between trustees, inspectors, etc.

69. In the event of a disagreement between trustees of Roman Catholic separate schools and inspectors of public schools, or other municipal authorities, or in the event of a protest against the election of a rural school trustee, or other procedings of a rural school meeting, made in writing and signed by five supporters of the separate school concerned, the case in dispute shall be referred to the equitable arbitrament of the Minister of Education, subject nevertheless to appeal to the Lieutenant-Governor in Council, whose award shall be final in all cases. R. S. O. 1887, c. 227, s. 67.

SUPERANNUATION.

Superannuation fund.

70. Every teacher or inspector whose name is entered as having paid into the fund for the support of superannuated teachers, may contribute to such fund in such manner as may be prescribed by the Education Department, the sum of at least $4 annually. R. S. O. 1887, c. 227, s. 68.

Repayment to wife, etc., of deceased teacher.

71. On the decease of any teacher or inspector, his wife, her husband, or other legal representative, shall be entitled to receive back the full amount paid into the superannuation fund by such teacher or inspector, with interest at the rate of seven per cent per annum. R. S. O. 1887, c. 227, s. 69.

Right of teacher to retire on reaching sixty years of age.

72.—(1) Every teacher or inspector who, while engaged in his profession, contributed to the superannuated teachers' fund as provided by this Act, shall on reaching the age of sixty years be entitled to retire from the profession at his discretion, and receive an allowance or pension at the rate of $6 per annum, for every year of such service in Ontario, upon furnishing to the Education Department satisfactory evidence of good moral character, of his age, and of the length of his service as teacher or inspector.

Supplementary pension.

(2) Every pension payable under this Act may be supplemented out of local funds by any municipal council, public school board or board of education, at its pleasure.

Application of section.

(3) To remove doubts, nothing in this section contained, shall be held as applying to any person who, prior to 1871, had ceased to be engaged in his profession as a teacher, and has not heretofore contributed to the said fund. R. S. O. 1887, c. 227, s. 70.

Teachers under sixty.

73. Every teacher or inspector under sixty years of age, who has contributed, as aforesaid, and who is disabled from practising his profession, shall be entitled to a like pension, or local supplementary allowance, upon furnishing the like evidence, and by furnishing to the Education Department from time to time, in addition thereto, satisfactory evidence of his being disabled. R. S. O. 1887, c. 227, s. 71.

Extra allowance to certain teachers.

74. Every teacher entitled to receive an allowance from the superannuated teachers' fund, who holds a first or second class provincial certificate, or a first-class county board certificate, or who is an authorized head master of a high school or collegiate institute, shall in addition to the said allowance or pension be entitled to receive a further allowance at the rate of $1 per annum for every year of service while he held such certificate, or while he acted as head master of a high school or collegiate institute. R. S. O. 1887, c 227, s. 72.

Proviso in regard to good moral character.

75. The retiring allowance shall cease at the close of the year of the death of the recipient, and may be discontinued at any time should the pensioned teacher fail to maintain a good moral character, to be vouched for (when requested) to the satisfaction of the Education Department. R. S. O. 1887, c. 227, s. 73.

Teacher resuming profession.

76. If any pensioned teacher or inspector, with the consent of the Education Department, resumes the profession of teaching or inspecting, the payment of his allowance shall be suspended from the time of his being so engaged. R. S. O. 1887, c. 227, s. 74.

Again retiring.

77. In case any pensioned teacher or inspector is again placed on the superannuation list, a pension for the additional time of service shall be allowed him, on his compliance with this Act, and the regulations of the Education Department. R. S. O. 1887, c. 227, s. 75.

Forfeiture of claim.

78. Any teacher or inspector who, having resumed his profession, draws or continues to draw upon the superannuation fund for any part of his allowance as a superannuated teacher shall forfeit all claim to the fund and his name shall be struck off the list of superannuated teachers. R. S. O. 1887, c. 227, s. 76.

Teachers not availing themselves of Act.

79. In the case of those teachers or inspectors who may not avail themselves of the provisions of sections 70 or 80 of this Act, the provisions of sections 71 to 80 inclusive shall apply so far as relates to all sums of money already paid into the fund for the support of superannuated teachers. R. S. O. 1887, c. 227, s. 77.

Repayment to contributors.

80. Any teacher who retires from the profession, or any teacher or inspector who desires to remove his name from the list of contributors to the superannuated teachers' fund, shall be entitled to receive back from the Minister of Education one-half of any sums paid in by him or her to the fund, through the public school inspector, or otherwise. R. S. O. 1887, c. 227, s. 78.

HOLIDAYS.

Terms.

81.—(1) The teaching year shall consist of two terms : in townships the first term shall begin on the third Monday of August, and end on the 22nd day of December ; the second term shall begin on the 3rd day of January ; and end on the 30th day of June.

(2) In cities, towns and incorporated villages the first term shall begin on the first day of September, and end on the 22nd day of December ; the second term shall begin on the 3rd day of January, and end on the 30th day of June.

(3) Every Saturday, every public holiday, the week following Easter Sunday, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged shall be a holiday in separate schools.

(4) In the territorial districts the trustees of any rural school may allot the time herein allowed for holidays at Easter and midsummer to suit the convenience of pupils and teachers, provided always that the same number of holidays be allowed and in periods of the same duration as herein set forth. 59 V., c. 72, s. 2.

PENALTIES AND PROHIBITIONS.

Penalty for making a false declaration.

82. No person shall wilfully make a false declaration of his right to vote at any school meeting or election of school trustees ; and any person convicted of a contravention of this section, upon the complaint of any person, shall be punishable by fine or imprisonment, at the discretion of the Court of General Sessions, or by a penalty of not less than $5, or more than $10, to be recovered with costs before a Justice of the Peace, by the separate school trustees of the city, town, village or school section for its use. R. S. O. 1887, c. 227, s. 80.

Trustees not to hold certain offices.

83. No trustee of a separate school shall hold the office of separate school inspector, or be a master or teacher in the separate school of which he is a trustee : nor shall the master or teacher of any public, high or separate school hold the office of trustee of a separate school, nor shall an inspector be a teacher or trustee of any separate school while he holds the office of inspector. R. S. O. 1887, c. 227, s. 81.

Seat vacated by conviction for crime, etc.

84. Any trustee who is convicted of any indictable offence, or becomes insane, or absents himself from the meetings of the board for three consecutive months without being authorized by resolution entered upon its minutes, or ceases to be a resident within the school municipality for which he is a trustee, shall *ipso facto* vacate his seat, and the remaining trustees shall declare his seat vacant, and forthwith order a new election. R. S. O. 1887, c. 227, s. 82.

Seat vacated by interest in contract with corporation.

85. Any trustee who has any pecuniary interest, profit or promise, or expected benefit in, or from any contract, agreement or engagement, either in his own name, or the name of another with the corporation of which he is a member, or who receives, or expects to receive any compensation for any work, engagement, employment or duty, on behalf of such corporation, shall *ipso facto* vacate his seat, and every such contract, agreement, engagement or promise shall be null and void, and the remaining trustees, or a majority of them, shall declare the seat vacant, and forthwith order a new election. R. S. O. 1887, c. 227, s. 83.

Penalty for disturbing a school or school meeting.

86. Any person who wilfully disturbs, interrupts or disquiets the proceedings of any school meeting authorized to be held by this Act, or any one who wilfully interrupts or disquiets any separate school established and conducted under its authority, or other school, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of the school, shall, for each offence, on conviction thereof before a Justice of the Peace, on the oath of one credible witness, forfeit and pay for separate school purposes to the school section, city, town or village within which the offence is committed, a sum not exceeding $20, together with the costs of the conviction, as the said Justice may think fit. R. S. O. 1887, c. 227, s. 84.

Penalty for refusing to serve as trustee.

87. If a person chosen as trustee refuses to serve, he shall forfeit the sum of $5. R. S. O. 1887, c. 227, s. 85.

Penalty for refusing to perform duties.

88. Every person so chosen who has not refused to accept the office, and who at any time refuses or neglects to perform its duties, shall forfeit the sum of $20, to be recovered before a Justice of the Peace, by the trustees of the school section, or by any person whosoever for its use, as authorized by this Act. R. S. O. 1887, c. 227, s. 86.

Penalty for refusing to exercise corporate powers.

89. If the trustees of a separate school wilfully neglect or refuse to exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them, any trustee or trustees so neglecting or refusing to exercise such power shall be held to be personally responsible for the fulfilment of such contract or agreement. R. S. O. 1887, c. 227, s. 87.

Liability for neglect to take security.

90. If the trustees of a separate school refuse, or neglect to take proper security from the secretary-treasurer, or other person to whom they entrust school moneys, they shall be held personally responsible for the moneys. R. S. O. 1887, c. 227, s. 88.

Responsibility in case of lost school moneys.

91. If any part of the separate school fund or moneys is embezzled or lost, through the dishonesty or faithlessness of any trustee, secretary-treasurer, or other person to whom it has been entrusted, and proper security against the loss has not been taken, the person or persons whose duty it was to have exacted the security shall be personally responsible for the sums so embezzled or lost; and such sums may be recovered from him or them, by the person entitled to receive the same, by action, in any Court having jurisdiction to the amount, or by information at the suit of the Crown. R. S. O. 1887, c. 227, s. 89.

Penalty on secretary-treasurer, or trustee for refusing to account.

92.—(1) No secretary-treasurer appointed by the trustees of a separate school, and no person having been such secretary-treasurer, and no trustee or other person who has in his possession any books, papers, chattels or moneys, which came into his possession as such secretary-treasurer, trustee or otherwise, shall wrongfully withhold, or neglect, or refuse to deliver up, or account for, and pay over the same, or any part thereof to the person, and in the manner directed by a majority of the trustees then in office, or by other competent authority; and such withholding, neglect or refusal to deliver up or account for, shall be punishable, as provided in the following three sections of this Act.

Order for appearance.

(2) Upon application to the Judge of the County Court, by a majority of the trustees, or by any two supporters of the separate school, supported by their affidavit made before some Justice of the Peace, of such wrongful withholding or refusal, the Judge shall make an order that such secretary-treasurer, or person having been such secretary-treasurer or trustee, or other person, do appear before him, at a time and place to be appointed in the order.

Service of order.

(3) Any bailiff of a Division Court, upon being required by the Judge, shall serve the order personally on the person complained against, or leave the same with a grown-up person at his residence. R. S. O. 1887, c. 227, s. 90.

Order to account, etc.

93. At the time and place so appointed, the Judge being satisfied that service has been made, shall, in a summary manner, and whether the person complained of does or does not appear, hear the complaint, and if he is of opinion that the complaint is well founded the Judge shall order the person complained of to deliver up, account for, and pay over the books, papers, chattels or moneys as aforesaid, by a certain day to be named by the Judge in the order, together with such

reasonable costs incurred in making the application as the Judge may tax. R. S. O. 1887, c. 227, s. 91.

Effect of non-compliance with Judges' order.

94. In the event of a non-compliance with the terms specified in the order, or any, or either of them, the Judge shall order such person to be forthwith arrested by the sheriff of any county in which he may be found, and to be committed to the common gaol of his county, there to remain without bail until the Judge is satisfied that the person has delivered up, accounted for, or paid over the books, papers, chattels, or moneys in question, in the manner directed by the majority of the trustees, or other competent authority, as aforesaid; upon proof of his having so done, the Judge shall make an order for his discharge, and he shall be discharged accordingly. R. S. O. 1887, c. 227, s. 92.

Other remedy not affected.

95. No such proceeding shall impair or affect any other remedy which the trustees, or other competent authority, may have against the secretary-treasurer or person having been such secretary-treasurer or his sureties, or against any trustee or other person as aforesaid. R. S. O. 1887, c. 227, s. 93.

Penalty on trustees refusing information, etc., to auditors.

96. The trustees, or their secretary-treasurer in their behalf, shall not refuse to furnish the auditors of any accounts of a separate school, or either of them, with any papers or information which are in their power, and are required of them relative to their school accounts; and any contravention of this section upon prosecution therefor by either of the auditors, or any separate school supporter, shall be punished by fine or imprisonment, as provided by this Act. R. S. O. 1887, c. 227, s. 94.

Penalty for neglect to send half-yearly returns.

97.—(1) In case the trustees of a separate school neglect to transmit to the Minister of Education, on or before the 30th day of June, and the 31st day of December in every year, a correct and verified statement of the average attendance of pupils in each of the schools under their charge during the six months then immediately preceding, then the school section shall not be entitled to the apportionment from the school fund for the said six months.

(2) The trustees so neglecting shall be personally responsible for the amount of the loss of such apportionment. R. S. O. 1887, c. 227, s. 95.

Penalty for delaying yearly report.

98. In case the trustees of a separate school neglect to prepare and forward the aforesaid annual report to the Minister of Education by the 15th day of January in every year, each of them shall, for every week after such 15th day of January, and until such report has been prepared and presented, forfeit the sum of $5, to be sued for by any supporter of such

separate school and collected and applied in the manner provided for by this Act. R. S. O. 1887, c. 227, s. 96.

Penalty for false school reports and registers.

99.—(1) If a trustee of a separate school knowingly signs a false report, or if a teacher of a separate school keeps a false school register, or makes a false return, with the view of obtaining a larger sum than the just proportion of school moneys coming to such school, the trustee or teacher shall, for every offence, forfeit to the board of separate school trustees for the purposes of the separate school the sum of $20, for which any person whatever may prosecute him before a Justice of the Peace, and the trustee or teacher may be convicted on the oath of one credible witness other than the prosecutor.

Recovery by distress.

(2) If upon conviction, the penalty is not forthwith paid, the same shall, under the warrant of the Justice, be levied with costs by distress and sale of the goods and chattels of the offender.

Application of penalty.

(3) The penalty when so paid or collected, shall by the Justice be paid over to the said separate school. R. S. O. 1887, c. 227, s. 97.

Trustees personally responsible for moneys lost.

100.—(1) The trustees of every separate school shall be personally responsible for the amount of any school moneys forfeited by or lost to the separate school in consequence of the neglect of duty of the trustees during their continuance in office.

(2) The amount thus forfeited or lost shall be collected and applied in the manner provided for by this Act. R. S. O. 1887, c. 227, s. 98.

HOW FINES AND PENALTIES MAY BE RECOVERED.

Recovery of penalties.

101.—(1) Unless it is in this Act otherwise provided, all fines, penalties, and forfeitures recoverable by summary proceedings, may be recovered with costs, by and before any Police Magistrate or Justice of the Peace having jurisdiction within the school section, city, town, or village in which such fine or penalty has been incurred.

(2) If the fine or penalty and costs are not forthwith paid the same shall, by and under the warrant of the convicting Justice, be enforced, levied and collected with costs by distress and sale of the goods and chattels of the offender, and shall be by the Police Magistrate or Justice paid over to the school treasurer of the separate school, city, town, or village, or other party entitled thereto.

(3) In default of such distress the Police Magistrate or Justice shall, by his warrant, cause the offender to be imprisoned for any time not exceeding thirty days, unless the fine and costs, and the reasonable expenses of endeavouring to collect the same are sooner paid. R. S. O. 1887, c. 227, s. 99.

SCHEDULE A.

(*Section* 32, (6).)

FORM OF BALLOT PAPER.

(1. *In the case of Cities and Towns divided into Wards.*)



Election for Separate School Trustee for the Ward, of the , held the day of January, 18 .

FOR SEPARATE SCHOOL TRUSTEE.

ARGO.

James Argo, City of Gentleman.

BAKER.

Samuel Baker, City of Baker.

DUNCAN.

Robert Duncan, City of Printer.

(2. *In the case of a Municipality not divided into Wards.*)



Election for Separate School Trustees for the Village of , held the day of January, 18 .

FOR SEPARATE SCHOOL TRUSTEE.

BULL.

John Bull, of the Village o Butcher.

JONES.

Morgan Jones, of the Village of Grocer.

McALLISTER.

Allister McAllister, of the Village of Tailor.

O'CONNELL.

Patrick O'Connell, of the Village of Milkman.

57 V. c. 59. s. 4; Sched. A.

SCHEDULE B.

(*Section* 32 (9).)

FORM IN WHICH THE VOTERS' LIST AND POLL BOOK TO BE FURNISHED TO RETURNING OFFICERS IS TO BE PREPARED.

Column for mark indicating that the voter has voted.	NAMES OF THE VOTERS.	Description of Property in respect of which the voter is entitled to vote.	Freeholder, Householder, Tenant, or Income Voter.	Residence of voter.	Objections.	Sworn or affirmed.	Refusal to swear or affirm.	REMARKS.

57 V. c. 59. s. 4; *Sched.* B.

SCHEDUDE C.

(*Section* 32 (16) (*c*).)

FORM OF DECLARATION OF INABILITY TO READ, ETC.

I, *A. B.*, of , named in the voters' list for ward No. , in the City (*or as the case may be*) of , being a legally qualified elector for the election of a separate school trustee for the said ward (*or as the case may be*), do hereby declare that I am unable to read (*or* that I am from physical incapacity unable to mark a voting paper, *as the case may be*).

(*A. B.* His X Mark.)

The day of , A.D. 18

57 V. c. 59, s. 4; Sched. C.

SCHEDULE D.

Section 32 (16) (*c*).)

FORM OF ATTESTATION CLAUSE TO BE WRITTEN UPON OR ANNEXED TO THE DECLARATION OF INABILITY TO READ, ETC.

I, *C. D.*, the undersigned, being the returning officer for ward No. , for the City (*or as the case may be*) of , do hereby certify that the above (*or as the case may be*) declaration, having been first read to the above-named *A. B.*, was signed by him in my presence with his mark.

(*Signed*) *C. D.*,
Returning Officer for Ward
No. , in the City,
(*or as the case may be*) of

Dated this day of , A. D. 18 .

57 V. c. 59, s. 4; Sched. D.

SCHEDULE E.

(*Section* (32) (22) (*b*).)

OATH OF RETURNING OFFICER AFTER THE CLOSING OF THE POLL.

I, *C. D.*, the undersigned returning officer for Ward No. , of the City, (*or as the case may be*) of do solemnly swear (*or if he is a person permitted by law to affirm*, do solemnly affirm,) that to the best of my knowledge the annexed voters' list used in and for the

said Ward No. of the said City (*or as the case may be*) was so used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made.

(*Signed*) *C. D.*,
Returning Officer.

Sworn (*or* affirmed) before me at , this day of , A.D. 18 ,

(*Signed*) *X. Y.*,
Justice of the Peace.

NOTE.—*The foregoing oath is to be annexed to the voters' list used at the election.*

57 V. c. 59, s. 4; Sched. E.

SCHEDULE F.

(*Section* 32 (33).)

FORM OF STATUTORY DECLARATION OF SECRECY.

I, *A. B.*, solemnly promise and declare that I will not at this election of a Separate School Trustee for the ward of the City (*or as the case may be*) of , disclose to any person or persons the name of any person who has voted, and that I will not in any way whatsoever unlawfully attempt to ascertain the candidate or candidates for whom any elector shall vote or has voted, and will not in any way whatsoever aid in the unlawful discovery of the same; and I will keep secret all knowledge which may come to me of the person for whom any elector has voted.

Made and declared before me at , this day of A.D, 18 .

C. D.,
Justice of the Peace.

57 V. c. 59, s. 4; Sched. F.

SCHEDULE G.

(*Section* 48.)

FORM OF INDEX BOOK FOR ROMAN CATHOLIC SEPARATE SCHOOL SUPPORTERS.

Names.	Notices claiming exemption from public school tax, when received.	Remarks.
Allen, John	3rd February, 18 .	Notice of withdrawal received 1st January, 18 .
Ardagh, Joseph	3rd February, 18 .	Disallowed by Court of Revision, 1st June, 18 .
Ashbridge, Robert....	3rd February, 18 .	

53 V. c. 71, Sched.

SCHEDULE H.

(*Section* 61 (7).)

FORM OF DEBENTURE.

Province of Ontario.

$.... No....

Debenture of the Board of Trustees of the Roman Catholic Separate Schools for (*or other corporate name of the Board, as the case may be*),

The Board of Trustees of the Roman Catholic Separate Schools for (*or other corporate name of the Board, as the case may be*), hereby promise to pay to bearer at the Bank of , at , the sum of dollars of lawful money of Canada, in years from the date hereof, and to pay interest at the rate of per cent. per annum half-yearly to the bearer of the annexed coupons respectively upon the presentation thereof at the said Bank.

Issued this day of , by virtue and under authority of The Separate Schools Act, and pursuant to by-law number of said Board of Separate School Trustees, passed on the day of , 18 , entitled a by-law to raise by way of loan the sum of dollars for the purposes therein mentioned, bearing date the day of , 18 .

C. D.,
Secretary-Treasurer.

A. B.,
Chairman.

Coupon No....

The Board of Trustees of the Roman Catholic Separate School for (*or other corporate name*) will pay bearer at the Bank of , at , on the day of , 18 , the sum of dollars, interest due on that day on Debenture No. .

R. S. O. 1887, c. 227, s. 58 (7), *part*.

CHAPTER 295.

An Act respecting Conveyances to Trustees for School Purposes.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Conveyance of property for school sites to trustees.

1. In case any persons, residing in Ontario, interested in any school established in any city, town, village or township therein, whether as parents of children frequenting such schools, or as contributors to the same, or both, have occasion, or are desirous to take a conveyance of real property for the use of such schools, such persons may elect from among themselves, and appoint any number of trustees, not exceeding seven nor less than five, to whom and to whose successors, to be appointed in the manner specified in the deed of conveyance, the real property requisite for such school may be conveyed. R. S. O. 1887, c. 228, s. 1.

Powers of trustees to hold.

2.—(1) Such trustees and their successors in perpetual succession, by the name expressed in such deed, may take, hold and possess such real property, and commence and maintain any action for the protection thereof, and of their right thereto; but there shall not be held in trust as aforesaid, more than ten acres of land at any time, for any one school.

(2) This section shall not extend to public schools. R. S. O. 1887, c. 228, s. 2.

Registration of deed.

3. The trustees shall, within twelve months after the execution of any such deed, cause the same to be registered in the registry office of the registry division in which the land lies. R. S. O. 1887, c. 228, s. 3.

CHAPTER 296.

An Act respecting Truancy and Compulsory School Attendance.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Interpretation.

1. Where the words following occur in this Act they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears.

"School."

1. "School" shall mean a public, separate or private school, at which instruction is given regularly in reading, spelling, writing, grammar, geography and arithmetic ;

"Inspector."

2. "Inspector" shall mean an inspector of public or separate schools;

"Principal."

3. "Principal" shall mean the head teacher of any public, separate or private school. 54 V. c. 56, s. 1.

Children from 8 to 14 to attend school.

2. All children between eight and fourteen years of age shall attend school for the full term during which the school of the section or municipality in which they reside is open each year, unless excused for the reasons hereinafter mentioned, and if the parents or guardians having legal charge of such children fail to send them to school regularly for said full term, or if such children absent themselves from school without satisfactory excuse, such parents, guardians and children shall be subject to the provisions and penalties of section 8 of this Act. 54 V. c. 56, s. 2.

Duty of persons with whom children reside.

3. Any person who receives into his house a child of any other person, under the age of fourteen years, and who is resident with him or in his care or legal custody, shall be deemed thereby to be subject to the same duty with respect to the instruction of such child during such residence as a parent, and shall be liable to be proceeded against as in the case of a parent, if he fails to cause such child to be instructed as required by this Act ; but the duty of the parent under this Act shall not thereby be affected or diminished and shall continue in full force. 54 V. c. 56, s. 3.

Exceptions.

4. No parent, guardian or other person shall be liable to any of the penalties of this Act in respect of any child,

1. If the child is under efficient instruction at home or elsewhere;

2. If the child is unable to attend school by reason of sickness or other unavoidable cause;

3. If there is no school within two miles, measured by the nearest road from such child's residence, if such child is under ten years of age, or within three miles if over that age;

4. If there is no accommodation in the school which the child has the right to attend;

5. If the child has been excused, as hereinafter provided, from attending school by a Justice of the Peace, or by the principal of the school which such child is entitled to attend;

6. If the child has passed the entrance examination for high schools as prescribed by the Education Department. 54 V. c. 56, s. 4.

Employment of children during school hours prohibited.

Penalty.

5.—(1) Subject to the provisions of the preceding section no child under the age of fourteen years shall be employed by any person during school hours, while the public school of the section or municipality in which the child resides is in session, and any person employing any child contrary to the provisions of this section, shall be liable to a penalty of $20 for each offence.

When Justice of the Peace or principal may relieve child from attendance.

(2) Where in the opinion of any Justice of the Peace or of the principal of the school attended by any child the services of such child are required in husbandry or in urgent and necessary household duties, or for the necessary maintenance of such child or of some person dependent upon him, such Justice of the Peace or principal may, by certificate setting forth the reasons therefor, relieve such child from attendance at school for any period not exceeding six weeks during each public school term. 54 V. c. 56, s. 5.

Appointment and regulation of truant officers.

6.—(1) The police commissioners, or, in cases where there are no police commissioners, the municipal council of every city, town and incorporated village shall appoint one or more persons to act as truant officers for the enforcement of this Act. The truant officer shall, for the purposes of this Act, be vested with police powers, and shall have authority to enter factories, workshops, stores and all other places where children may be employed, and shall perform such services as may be deemed necessary for the enforcement of this Act;

(2) In townships the trustees of each school section may appoint a truant officer, who shall have the same power and perform similar duties as truant officers in cities, towns and incorporated villages;

(3) Any board of police commissioners or any municipal council or board of trustees having authority to appoint a truant officer shall also have authority to make such regula-

tions for his direction in the enforcement of this Act as they may deem expedient, provided such regulations are not inconsistent with any of the provisions of this Act, and are approved by the Education Department;

(4) Notice of all appointments made under this section shall be given to the inspector or inspectors within whose district such truant officers have jurisdiction and to the trustees of the municipality. Every truant officer shall report annually to the Education Department according to the forms prescribed by the Minister of Education. 54 V. c. 56 s. 7.

Truant officers to investigate cases of truancy.

7. It shall be the duty of truant officers to examine into all cases of truancy when any such come before their notice, or when requested to do so by the inspector of schools, or by any school trustee, or by any ratepayer, and to warn such truants, their parents or guardians, in writing, of the consequences of truancy if persisted in; and also to notify the parent, guardian or other person having the charge or control of any child between eight and fourteen years of age when such child is not attending school as required by this Act, and to require such parent, guardian or other person to cause the child to attend some school within five days from said notice. 54 V. c. 56, s. 8.

Conviction and penalty for violation of Act.

8. If the parent, guardian or other person having the legal charge or control of any child neglects or refuses to cause such child to attend some school after being notified as herein required (unless such child has been excused from such attendance as provided by this Act), the truant officer shall make, or cause to be made, a complaint against such parent, guardian or other person, before any Police Magistrate or Justice of the Peace having jurisdiction in the municipality in which the offence occurred, and upon conviction of such refusal or neglect, such parent, guardian or other person shall be liable to a fine of not less than $5 or more than $20, or the court may, in its discretion, require persons so convicted to give bonds in the penal sum of $100, with one or more sureties to be approved by said court, conditioned that the persons so convicted shall cause the child or children under their legal charge or control to attend some school within five days thereafter, and to remain at school as required by this Act. 54 V. c. 56, s. 9.

Truant officers to institute proceedings.

9. It shall be the duty of the truant officers appointed under this Act, to institute, or cause to be instituted proceedings against any parent, guardian or other persons having legal control or charge of any child, or against any corporation, or against any child violating any of the provisions of this Act. No complaint shall be entertained for any violation of this Act, unless it appears to the satisfaction of the court that

the alleged offender was duly warned in writing of the consequences of his offence by the truant officer. 54 V. c. 56, s. 10.

[*For the provision for the making by Assessors of a list of children between 8 and 14 years of age, see Cap. 224, Sec. 17.*]

Trustees to report to truant officer.

11. It shall be the duty of the trustees of every school to report to the truant officer of the municipality in which their school is situated, the name, age and residence of all pupils on the school register, who have not attended school as required by this Act, together with such other information as said officer may require, for carrying out the provisions of this Act. Such reports shall be made in the last week of June and December in each year; and it shall be the further duty of the trustees to report forthwith to the truant officer all cases of truancy or expulsion in their respective schools. 54 V. c. 56, s. 12.

Violations of Act by corporations.

12. When any of the provisions of this Act are violated by a corporation, proceedings may be had against any of the officers or agents of the corporation, who in any way participate in such violation by the corporation of which they are the officers or agents, and such officers or agents shall be subject to the same penalties as individuals similarly offending. 54 V. c. 56, s. 13.

Service of notices by truant officers.

13. Any notice or warning required or authorized to be given by a truant officer, for the purposes of this Act may be given by delivering the same to or at the residence of the person to whom it is to be given, or in the case of a company or corporation by delivering the same, or a true copy thereof, to any agent or person employed by such company or corporation; it may also be given by post by a prepaid letter, and if given by post shall be deemed to have been given and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such sending, it shall be sufficient to prove that it was properly addressed and put into the post; and where it is required to be sent to any company or corporation it shall be deemed to be properly addressed if addressed to any office or agency of such company or corporation, with the addition of the proper postal address. 54 V. c. 56, s. 14.

Penalty for neglecting to enforce the Act.

14. Any person or officer mentioned in this Act, and designated as having certain duties to perform in the enforcement of any of its provisions, neglecting to perform any such duties, shall be liable to a fine of not less than $25 nor more than $50 for each and every offence. 54 V. c. 56, s. 15.

Prosecutions.

15. All prosecutions under this Act may be brought and heard before any of Her Majesty's Justices of the Peace in

and for the county where the penalty was incurred or the offence was committed or wrong done, and in cities and towns, in which there is a Police Magistrate, before such Police Magistrate; and save where otherwise provided by this Act the procedure shall be governed by *The Ontario Summary Convictions Act*. 54 V. c. 56, s. 16. Rev. Stat. c. 90.

Convictions not to be quashed for informality.

16. A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction against which a person is authorized by this Act to appeal, shall not be removed by *certiorari* or otherwise, either at the instance of the Crown or of any private person, into the High Court except for the purpose of the hearing and determination of a special case. 54 V. c. 56, s. 17.

Onus of proof of age of child.

17. With respect to proceedings for any offence or penalty under the provisions of this Act, where a child is apparently of the age alleged, for the purpose of such proceeding it shall lie with the defendant to prove that the child is not of such age. 54. V. c. 56, s. 18.

Certain persons not compelled to attend public or separate schools.

18. Nothing herein shall be held to require the child of any Roman Catholic who is a separate school supporter to attend a public school or to require the child of a Protestant to attend a Roman Catholic separate school. There shall be no penalty in respect of the absence of any child from school on any day regarded as a holy day by the church or religious denomination to which such child belongs. 54 V. c. 56, s. 19.

CHAPTER 297.

An Act respecting Upper Canada College.

SHORT TITLE, s. 1.
ENDOWMENTS, ss. 2, 3.
INCOME FUND, s. 4.
VISITOR, s. 5.
TRUSTEES AND THEIR DUTIES AND POWERS, ss. 6, 7.
PRINCIPAL AND MASTERS, ss. 8-10.
REGULATIONS, s. 11.
ANNUAL ACCOUNTS AND REPORT, s. 12.
BURSAR AND HIS DUTIES, ss. 13-17.
PERMANENT IMPROVEMENTS, s. 18.
DEBENTURES, s. 19.
SUPERANNUATION, s. 20.
ANNUAL REPORT, s. 21.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows :—

Short title.

1. This Act shall be known as *The Upper Canada College Act*. 57 V. c. 60, s. 1.

Present endowment.

2. All property and effects, real and personal, now vested in the Crown, in trust for the purposes of Upper Canada College, shall remain so vested for the purposes of the said College, subject to the provisions of this Act.

Permanent fund.

(2) All such property, and the purchase money of any part thereof which may be sold, and the principal of all money invested shall be deemed permanent property, and shall not, except as hereinafter provided, be diminished or expended, but shall remain as a permanent fund for the support of the College and for the purposes of this Act. 57 V. c. 60, s. 2 (1, 2).

Application of amount received by trustees of U. C. College under 58 V. c. 58.

(3) The moneys paid to the Trustees of Upper Canada College by the Trustees of the University of Toronto, pursuant to section one of the Act passed in the 58th year Her Majesty's reign, chapter 58, after discharging or making due provision for the discharge of the liabilities to be by them discharged pursuant to section 2 of the said Act, shall form part of the permanent fund of Upper Canada Collge, and shall be invested as the Trustees of the College shall direct, subject to the approval of the Lieutenant-Governor in Council. 58 V. c. 58, s. 2.

Future property.

(4) All property, real and personal, that may hereafter be granted, devised or bequeathed to or for the College, shall be vested in the Crown in trust for the purposes and support of

the College subject to the provisions of this Act and to the terms of the grant, devise or bequest. 57 V. c. 60, s. 2 (3).

Lieutenant-Governor may authorize other expenditure.

3. The Lieutenant-Governor in Council may from time to time by Order in Council authorize the expenditure of any part of the permanent endowment by the Trustees of Upper Canada College for the future maintenance and support of the College in the same manner as the income might be expended by the Trustees. 58 V. c. 58, s. 3.

Income fund.

4.—(1) The income from the investments made by the Trustees of Upper Canada College of the sum paid to them as aforesaid, the fees received for tuition and maintenance, the rents, issues and profits and interest or dividends from all property real and personal held for the benefit of the College (except property touching which it has been otherwise ordered by the donors) shall form the income fund of the College.

Surplus of income.

(2) Any surplus of the income fund remaining at the end of the financial year shall be treated as permanent funds unless the Lieutenant-Governor in Council during the next year authorizes the expenditure thereof. 57 V. c. 60 s. 3; 58 V. c. 58, s. 2.

Visitor.

5. The Lieutenant-Governor shall be the Visitor of the said College, on behalf of the Crown, and his visitorial powers may be exercised by Commission under the Great Seal, the proceedings whereof, having been first confirmed by Order in Council, shall be binding upon the College, and all persons whomsoever. 57 V. c. 60, s. 4.

Board of Trustees.

6.—(1) The College shall be under the management of nine Trustees, appointed as follows:—Five shall be appointed by the Lieutenant-Governor, and four shall be elected by the association of former pupils of the College, known as the "Upper Canada College Old Boys' Association."

Tenure of office of Board.

(2) The said Trustees shall hold office for three years from date of appointment or election, and thereafter until their successors are appointed or elected, and shall be eligible for re-election or re-appointment.

Election of trustees.

(3) The mode of election of the Trustees to be elected by the said Association and the qualifications of electors and such Trustees shall be fixed by by-law of the Association approved by the Lieutenant-Governor in Council.

Vacancies.

(4) In case a vacancy occurs by the death, resignation or removal from the Province of any Trustee elected by the Association before the expiry of his term of office, the committee of the Association shall thereupon appoint another member of the Association for the unexpired period of the term.

Notice of appointments.

(5) The Provincial Secretary shall notify the President of the Association of all appointments made from time to time by the Lieutenant-Governor to the Board of Trustees. 57 V. c. 60, s. 5 (1, 2, 3, 6, 7).

Powers of Trustees as to property.

7. The Trustees shall have the following powers:

Management of funds.

1. They shall have the management of the endowment and permanent funds and of all other property of the College, subject to such regulations as may be approved by the Lieutenant-Governor in Council.

Investments.

2. They may invest the said endowment and permanent funds in any stock, debentures or securities of the Dominion of Canada or of this Province, in the debentures of any municipality of this Province or in securities which are a first charge on land held in fee simple, provided that such investments are in other respects reasonable and proper, and also from time to time may vary such investments as aforesaid for others of the same nature, and at their discretion may call in any trust funds invested in any other securities and invest the same in any stock, debentures or securities as aforesaid, or in any other securities that may be approved by the Lieutenant-Governor in Council.

Leases.

3. They may lease any part of the said property not required for the business or accommodation of said College for any period of time not exceeding forty-two years, with clauses for further renewals, subject to such regulations as may have been approved by the Lieutenant-Governor in Council.

Expenditure of income.

4. They shall, subject to the approval of the Lieutenant-Governor in Council, have the expenditure of the income of the College for the purpose of defraying the current expenses thereof. 57 V. c. 60, s. 6 (1-4); R. S. O. 1887, c. 231, s. 18, *part*.

Moneys granted or bequeathed for scholarships, etc.

5. They shall receive and invest, subject always to the directions of the grant or bequest, all moneys granted or bequeathed for the purposes of the College, and may upon terms to be approved by by the Lieutenant-Governor in Council provide for free tuition and maintenance in the said College of pupils nominated by persons subscribing to the endowment fund of the College, and may also found masterships, exhibitions, scholarships or prizes to be named as the donors may direct and the Trustees may approve. 57 V. c. 60, s. 6, (5); R. S. O. 1887, c. 231, s. 18, *part*.

Regulations as to discipline.

6. They may make regulations for holding examinations for the admission of pupils to the College or for their promotion from time to time for determining the fees to be paid by pupils for tuition and maintenance, for promoting the efficiency of the College, for the moral and religious training of the pupils and their attendance on public worship, at

their respective churches or other places of worship, and for their religious instruction by their respective ministers, for the care of College property, and generally for carrying this Act into effect. 57 V. c. 60, s. 6 (6).

Masters.

8. There shall be in the College a Principal and such masters, officers and servants as may from time to time be recommended by the Trustees and approved by the Lieutenant-Governor in Council; and the Trustees shall report to the Lieutenant Governor in Council as they may deem expedient with regard to such changes in the teaching staff of the College, or in the officers or servants thereof, or with regard to the salaries or other allowances to be paid to such masters, officers or servants and generally with respect to any matter which in their opinion affects the interests of the College. 57 V. c. 60, s. 7.

Regulations by Principal.

9. The Principal may make regulations for the direction of the masters, officers and servants, in regard to their respective duties and for the discipline and instruction of the pupils of the College in such matters and to such extent as he may deem expedient, subject to the approval of the Trustees and the Lieutenant-Governor in Council. 57 V. c. 60, s. 8.

Qualifications of masters.

Inspection.

10. All masters hereafter appointed to the College shall possess the same qualifications as masters or assistants in High Schools or as may be required by the Board of Trustees, subject to the approval of the Lieutenant-Governor in Council; and the College in regard to its method of instruction, discipline and organization shall be subject to the same inspection as High Schools or such further inspection as the Board of Trustees with the sanction of the Lieutenant-Governor in Council may direct. 57 V. c. 60, s. 9.

Regulations to be forwarded to Minister.

11. A certified copy of every regulation made under this Act by the Trustees of the College and of every regulation made by the Principal, after being approved by the Trustees, shall be transmitted within ten days from the passing thereof to the Minister of Education to be by him submitted to the visitor for his approval: and no regulation shall be of any force or effect until so approved. 57 V. c. 60, s. 10.

Trustees to furnish annual accounts.

12. (1) The Trustees shall, on or before the 15th day of January in every year, transmit to the Minister of Education an annual account of the property of the said College and of its receipts and disbursements. Such account shall, with such other matters as the Trustees may deem advisable, shew the total investments in the permanent fund of the College and the annual income therefrom, and the amount received from fees, interest, donations or other sources, and a detailed account of the amount expended in salaries, contingent expenses and

buildings, specifying the duties of the persons receiving such salaries and the purposes of such buildings.

Report by Principal.

(2) The Principal of the College shall report to the Minister of Education on or before the 15th day of January in every year the annual attendance of pupils, the number in each class, form or subject, the number admitted or promoted each term, the number retiring from the College, with reasons for their retirement, and generally such other information as he may deem expedient, or as may be required by the Minister of Education. 57 V. c. 60, s. 11.

Bursar.

13. The said Trustees may appoint a Bursar for the College who shall hold office during pleasure. He shall also act as secretary of the Board of Trustees. The salary to be paid the Bursar shall be subject to the approval of the Lieutenant-Governor in Council. 57 V. c. 60, s. 12.

Duties of Bursar.

14. The Bursar shall have a seal of office and his duties shall be:

1. To keep the minutes of the proceedings of the Board of Trustees;

2. To collect and receive all moneys payable on account of the permanent and income fund of the College and deposit the same, day by day, in a chartered bank approved of by the Trustees;

3. To give such security for the due fulfilment of his duties as shall be required by the Board of Trustees;

4. To carry out such investments as may be approved of by the Board of Trustees and to execute such conveyances, leases, mortgages and other instruments affecting the same as may be ordered by the Board of Trustees;

5. To pay such appropriations out of the income or other fund of the College as have been approved by the Board of Trustees;

6. To give such information respecting the income and expenditure of the College as may be required by the Board of Trustees or any member of such Board;

7. To submit for audit to the Board of Trustees at the close of each financial year all books, papers and vouchers relating to his accounts for the preceding twelve months;

8. To discharge such other duties as the Trustees may require. 57 V. c. 60, s. 13.

Liability of Bursar.

15. The Bursar shall, as regards his obligation to account for and pay over the moneys which come into his hands as Bursar, be deemed to be an officer employed in the collection of the Provincial Revenue, and shall in case of default, be liable to be dealt with accordingly. 57 V. c. 60, s. 14.

16. For all the purposes of this Act and of all accounts to be kept and payments or expenditure to be made under it, the fiscal year shall commence on the first day of July and end on the 30th day of June following. 57 V. c. 60, s. 17. Fiscal year.

17.—(1) The mortgages or other instruments representing the investments of the College shall be made to and taken in the name of the Bursar in his official character and his successors in office, and the Bursar and his successors shall have and possess such powers with respect to the releasing, discharging or assigning such securities under his seal of office as may from time to time be assigned to him by any order of the Board of Trustees duly entered in the minutes of their proceedings and approved by the Lieutenant-Governor in Council. Mortgages to Bursar.

(2) All transfers and conveyances made by the Bursar under his hand and seal of office under the authority of the Trustees, approved by the Lieutenant-Governor in Council, may be according to the form in the Schedule to this Act or in words to the like effect and the same shall, to all intents and purposes, grant, transfer and convey the lands therein set forth to the parties therein specified according to the quality of the estate and the conditions and provisions therein mentioned in the same manner and with the like effect as if the same had been directly granted by the Crown, but nothing herein contained shall prevent the Crown from granting such lands directly. Conveyances by Bursar.

(3) All transfers and conveyances shall be registered in the office of the Registrar in whose division the lands are situate, in like manner and subject to the same provisions of law as conveyances from and to private parties. 57 V. c. 60, s. 18. Registration of conveyances.

18. The Lieutenant-Governor in Council may on the application of the Trustees from time to time authorize such permanent improvements or additions to the buildings of the College or the erection and equipment of such new buildings as may be necessary, and may direct the cost thereof to be paid out of the permanent fund of the College, provided however that every Order in Council directing payment from the permanent fund for the purposes aforesaid shall, as soon as conveniently may be after the making of the same, be laid before the Legislative Assembly of the Province of Ontario for its ratification or rejection, and no such Order shall be operative unless and until the same has been ratified by a resolution of the Legislative Assembly. 57 V. c. 60, s. 15. Permanent improvements.

19.—(1) The Lieutenant-Governor by Order in Council may provide for the issuing of debentures upon the credit of the permanent fund of the College to an amount not exceeding in all $25,000 outstanding at one time. Such debentures shall run for such periods and at such rate of interest as may seem proper to the Lieutenant-Governor in Council and the pro- Issue of debentures authorized.

ceeds arising from the sale of such debentures and the application thereof shall be subject to the regulations of the Lieutenant-Governor in Council.

Debentures to be a charge on permanent fund of the College.

(2) The principal money secured by such debentures shall be a first charge upon the permanent fund of the College, and the interest on such debentures shall be a first charge upon the income fund of the said College, and principal and interest shall be paid out of the permanent and income funds in preference to all other claims. Such debentures may be issued in currency or sterling, and may be made payable in London England, or in Canada. 57 V. c. 60, s. 16.

Superannuation.

20.—(1) The trustees may make regulations, to be approved by the Lieutenant-Governor in Council, for the retirement and superannuation of any teacher, officer or servant of the College on the 5th day of May, 1894, employed, and any gratuity or superannuation allowance paid under this Act shall be a charge upon the permanent fund of the College, and shall be paid out of the same, or out of the income fund as the trustees may direct; but this Act shall not be deemed to interfere with the provisions in any Order in Council relating to superannuation of masters in force on the 5th day of May, 1894.

(2) Every such regulation shall be laid before the Legislative Assembly forthwith, if the Legislature is in session at the date of the regulation, and if the Legislature is not in session such regulation shall be laid before the House within the first seven days of the session after the regulation is made.

(3) In case the Legislative Assembly at the said session, or if the session does not continue for three weeks after the regulation is laid before the House then at the ensuing session of the Legislature, disapproves by resolution of such regulation, either wholly or in part, the regulation so far as disapproved of, shall have no effect from the time of such resolution being passed. 57 V. c. 60, s. 19.

Returns to Legislative Assembly.

21. Copies of the annual reports and of the regulations of the Trustees or Principal, which may have been approved of by the Visitor, shall be laid before the Legislative Assembly a the then next session thereof. 57 V. c. 60, s. 20.

SCHEDULE.

(*Section* 17 (2).)

FORM OF CONVEYANCE.

To all whom these presents shall come:

Whereas, A. B., of is entitled to receive a conveyance of the lands hereinafter mentioned, which lands are part of certain pro-

perty vested in Her Majesty, in trust, for Upper Canada College; and whereas, under and by virtue of *The Upper Canada College Act*, C. D., of the Bursar of the said College has been authorized to transfer and convey any of the property aforesaid, to purchasers and others entitled to receive conveyances thereof; Now these presents witness that the said C. D., as such Bursar, under and by virtue of the said Statute, and in consideration of the sum of paid therefor

by the said A. B., doth grant unto the said grantee in fee simple, *(or as the case may be)*, all, etc., *(parcels)*.

(Here insert covenants or any other provisions.)

In witness whereof the said C. D., as Bursar aforesaid, has hereunto set his hand and affixed the seal of his office, this day, etc.

Signed, sealed and delivered in the presence of } C. D., Bursar, [L.S.]

57 V. c. 60. Sched. A.

CHAPTER 298.

An Act respecting the University of Toronto and University College and the Federation thereof with other Universities and Colleges.

UNIVERSITY OF TORONTO :
- Name, s. 1.
- A Corporation, s. 2.
- Members of Corporation, s. 3.
- Visitor, s. 4.
- Subjects of instruction, s. 5
- Federation of Universities, ss. 6, 7.
- Affiliation of Colleges, ss. 8, 53-56.
- The Chancellor, s. 9.
  - Election of, ss. 16-28.
- The Vice-Chancellor, s. 10.
- The Senate, s. 11.
  - Election of members, ss. 16-28.
  - Crown appointees, provisions respecting, ss. 29-31.
  - Proceedings of, ss. 32-34.
  - Powers and duties, ss. 35-47.
- Examinations, ss. 47-51, 55, 56.
- Council of University, ss. 57-59.
- Convocation, ss. 12-15.
  - Powers, s. 60.
  - Meetings, ss. 61-63.
  - Chairman, ss. 64, 65.
  - Proceedings of, ss. 66-68.

UNIVERSITY COLLEGE :
- College continued, s. 69.
- Visitor, s. 70.
- Council of College, ss. 70, 71-76.
  - Reports by, s. 81.
- President, professors etc., s. 77.
- Faculty, s. 78
- Fees, s 79.
- Students to be enrolled, s. 80.

RELIGIOUS TESTS NOT REQUIRED, s. 82.

ENDOWMENT OF PROFESSORSHIPS, ETC., ss. 83-87.

TRANSFER OF SUBJECTS ASSIGNED TO UNIVERSITY AND COLLEGE, s. 88.

SUPERANNUATION, s. 89.

Preamble.

WHEREAS, it is desirable that the Universities and Colleges of the Province of Ontario should be permitted to enter into such relations with the University of Toronto as will enable them to avail themselves of the instruction given by the Faculty of the said University;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Name of University.

1. The name of the University shall be "The University of Toronto." R. S. O. 1887, c. 230, s. 1.

General powers.

2.—(1) The University of Toronto shall continue to be a body corporate, with power to hold any real property assigned to it under the provisions of any former Act, or of this Act, and with such other powers and privileges as are conferred upon it by those portions of the charter remaining in force, which was granted in the eighth year of the reign of His late

Majesty King George the Fourth, or by any former Act, but such powers shall be exercised in accordance with the provisions of this Act.

(2) The Chancellor and Vice-Chancellor, and the Senate, and all officers, and all existing appointments, statutes, rules and regulations affecting such University, shall continue, subject to the provisions of this Act. R. S. O. 1887, c. 230, s. 2.

Corporation of the University, how composed.

3. The Corporation of the University of Toronto shall consist of the Chancellor, Vice-Chancellor, professors, and members of the Senate and of Convocation for the time being. R. S. O. 1887, c. 230, s. 3.

Lieutenant-Governor to be Visitor.

4. The Lieutenant-Governor shall be the Visitor of the University on behalf of the Crown, and his visitorial powers may be exercised by commission under the Great Seal, and the proceedings of any commission, having been first confirmed by the Lieutenant-Governor, shall be binding on the University and its members and on all persons whomsoever. R. S. O. 1887, c. 230, s. 4.

Teaching Faculty.

5. (1) There shall be established in the University of Toronto a teaching faculty in the following subjects, viz.: Pure Mathematics, Physics, Astronomy, Geology, Mineralogy, Chemistry (Pure and Applied), Zoology, Botany, Physiology, History, Ethnology and Comparative Philology, History of Philosophy, Logic and Metaphysics, Education, Spanish and Italian, Political Science, (including Political Economy, Jurisprudence, and Constitutional Law), Engineering, and such other Sciences, Arts, and branches of knowledge, including a teaching faculty in Medicine and in Law, as the Senate may from time to time determine, unless otherwise prohibited by this Act.

Presidents, etc., to be appointed by the Lieutenant-Governor.

(2) The president, principals, lecturers, teachers, officers and servants of the University shall be appointed by the Lieutenant-Governor, after such examination, inquiry and report as he considers necessary, and shall hold office during his pleasure; but the president may, at any time, suspend any officer or servant, and in case of so doing shall report the same forthwith to the Visitor.

Optional subjects.

(3) The curriculum in Arts of the University, shall include the subjects of Biblical Greek, Biblical Literature, Christian Ethics, Apologetics, the Evidences of Natural and Revealed Religion and Church History, but any provision for examination and instruction in the same shall be left to the voluntary action of the federating universities and colleges; and provision shall be made by a system of options to prevent such subjects being made compulsory upon any candidate for a degree. R. S. O. 1887, c. 230, s. 5 (1-3).

Lectures free except fees for laboratory and

(4) Any lectures of the University faculty shall, with the exception of laboratory fees and the lectures in the faculty of

lectures in medicine and law.

Medicine and of Law, be free of charge to all students matriculated in the University who are enrolled in a federating university, or in University College, and who enter their names with the Registrar of the University Faculty; but in the case of all other students the Senate shall determine the fees which shall be charged for the several courses of lectures in the University. R. S. O. 1887, c. 230, s. 5 (4); 55 V. c. 61, s. 1.

Faculties of Medicine and Law.

(5) In case the faculties of Medicine or Law are established, the Senate may from time to time, by statute, regulate the instruction to be given, the fees to be paid for lectures, the duties of professors, the discipline of students, and all other matters pertaining to the establishment and management of such faculties. R. S. O. 1887, c. 230, s. 5 (5).

Library fees.

(6) The Senate shall from time to time by statute regulate the library fees to be paid by all classes of students in the University. 55 V. c. 61, s. 2.

Federating University must suspend its power to confer degrees

6.—(1) Any university in the Province of Ontario that suspends its power to confer such degrees as it may be authorized to confer (excepting degrees in Theology) shall be entitled to be represented on the Senate of the University of Toronto as hereinafter provided, and shall, during the term of the suspension of such power as aforesaid, be known as a federating university, with a right to all the privileges and franchises hereinafter mentioned.

Proclamation of such suspension.

(2) When any university in Ontario has decided to suspend its powers of conferring degrees as aforesaid, it shall notify the Provincial Secretary to that effect, and on the receipt of the notice the Lieutenant-Governor in Council may, by proclamation, in the *Ontario Gazette*, declare such university to be federated with the University of Toronto, on and after such date as may be named in the proclamation, and thereupon the power to confer such degrees shall remain in abeyance until proclamation is made to the contrary effect in a similar way. R. S. O. 1887, c. 230, s. 6 (1, 2).

(3) The power of Victoria University to confer degrees (excepting degrees in Theology) heretofore suspended shall remain suspended and in abeyance subject to the provisions of the next succeeding subsection. *See* 52 V. c. 52, s. 1; 54 V. c. 58, s. 1.

How to resume power to confer degrees.

(4) Any federating university, before resuming the power of conferring degrees so suspended or held in abeyance shall, through its proper officer, notify the Provincial Secretary of its intention to do so, but such power shall not be exercised for three years after the date of such federation, nor until one year after notice is received as aforesaid, proclamation of which shall be made in the *Ontario Gazette*. R. S. O. 1887, c. 230, s. 6 (3)

Status of graduates, etc

7. The graduates and undergraduates in Arts, Science and Law of any federating university, and such graduates and

undergraduates in Medicine as have passed their examinations in the Province of Ontario shall, from and after the date of such federation, have and enjoy the same degrees, honours and status in the University of Toronto as they previously held in the federating university, and shall be entitled, subject to the provisions of this Act, to all the rights and privileges pertaining to such degrees and status, so long as such federation continues. R. S. O. 1887, c. 230, s. 7.

Affiliated colleges generally.

8.—(1) A college affiliated with a federating university shall be deemed to be affiliated with the University of Toronto, but such affiliated college, or any other college hereafter affiliated with the University of Toronto, shall not thereby acquire the right of representation on the Senate, unless so declared in a statute of the Senate in that behalf.

Affiliated colleges in Toronto.

(2) All colleges in Toronto, which are in affiliation with the University of Toronto when this Act takes effect, not being schools of medicine, shall be considered federating colleges within the meaning of this Act, and any school of medicine in affiliation with the University of Toronto when this Act takes effect shall be deemed to be affiliated with the said University.

Senate may remove from federation.

(3) The Senate may remove from federation with the University of Toronto any federating college which affiliates with or becomes an integral part of any other university, exercising university power other than that of conferring degrees in Theology. R. S. O. 1887, c. 230, s. 8.

CHANCELLOR.

Term of office.

9.—(1) The Chancellor of the said University shall be elected by the members of Convocation, in the manner hereinafter mentioned, and shall hold office for three years, and until his successor is elected.

(2) The ordinary triennial election of Chancellor shall take place on the first Wednesday in October in any year in which an election is required.

Vacancy in the office of Chancellor, how filled.

(3) In case of vacancy in the office of Chancellor, by death, resignation or otherwise at the expiration of his Chancellor's term of office, then, at a special election, to be holden for that purpose (of which election notice shall be given in such manner as may be provided by statute of the Senate), the members of Convocation entitled to vote shall elect a Chancellor for the remainder of the term in which such death, resignation, or other avoidance may have happened. R. S. O. 1887, c. 230, s. 9.

VICE-CHANCELLOR.

Term of office.

10.—(1) The Vice-Chancellor of the University shall be elected by the members of the Senate from among themselves, and shall hold office for three years, and until his successor is appointed.

(2) The ordinary triennial election of Vice-Chancellor shall take place at the first meeting of the Senate, in any academic year, in which such election may be required, and the Registrar shall, at least one month before the meeting, notify all the members of the Senate that the election is to be held.

Vacancies to be filled up by the Senate.

(3) In case of vacancy in the office of Vice-Chancellor by death, resignation, or any other cause, before the expiration of his term of office, the members of the Senate shall, at a meeting to be held by them for that purpose, as soon as conveniently may be, of which notice shall be given in such manner as may be provided by statute of the Senate, elect one other of the said members of the Senate to be Vice-Chancellor for the remainder of the term. R. S. O. 1887, c. 230, s. 10.

THE SENATE.

The Senate.

11. The Senate of the University of Toronto shall be composed as follows:—

Ex officio members.

1. The Minister of Education, the Chancellor, the President of University College, the President or other head of each federating University or College, and all Chancellors and Vice-Chancellors of the University of Toronto who held these offices before or who hold the same at the commencement of this Act, shall be *ex officio* members of the Senate;

Appointed members.

2. The council of University College, the Law Society of Upper Canada, the governing body of every federating University, or College, and of every college or school in this Province now affiliated or hereafter affiliated with the University of Toronto, subject to the provisions of section 8, may appoint one member, the council of the University may appoint three members, and the Lieutenant-Governor in Council may appoint nine members of the senate.

(*a*) One member of the council of University College shall be appointed triennially by the council of the College, and three members of the Faculty of the University by the council of the University, and these appointments shall be made in rotation and shall proceed by seniority until every member has in turn been a member of the Senate, and so successively; and in case the member in rotation is otherwise of the Senate, or if he declines to act, the office shall fall to the next member or members. The Registrar of the College council and of the University council shall, from time to time, certify to the Registrar of the Senate, the members who, under this provision, become members of the Senate. R. S. O. 1887, c. 230, s. 11 (1, 2).

Elected members.

3. At elections to the Senate, the graduates in Arts of the University of Toronto and of every federating university, which has been a federating university for six years shall vote

as one convocation and shall conjointly be entitled to elect to the Senate, as hereinafter provided, one representative for every one hundred graduates in Arts on the registers of each such university, (a fraction over the last one hundred, if exceeding fifty to count as a full hundred), and in addition thereto seventeen further members. R. S. O. 1887, c. 230, s. 11 (3) *part*; 54 V. c. 58, ss. 5, 6.

Graduates in Medicine and Law.

4. At elections to the Senate the graduates in Medicine of the University of Toronto and of any federating university or universities shall vote as one body; and shall be entitled to elect four members of the Senate, and a similar rule shall apply to the graduates in Law, who shall be entitled to elect two members of the Senate. R. S. O. 1887 c. 230, s. 11 (3) *part and* (4).

Certain graduates to vote as a separate body for six years.

5. For a period of six years after the federation of any university, the graduates in Arts of the federating university shall vote in elections to the Senate as a distinct and separate body, and shall be entitled to elect to the Senate one representative for every hundred graduates in Arts on the register of such university; but in all elections thereafter, the graduates in Arts of such university and of the University of Toronto shall vote as members of one convocation, as hereinbefore provided.

Election register.

6. The Registrar of the Senate shall, as often as an election takes place during the said period of six years, in preparing the election register hereinafter mentioned, make out a separate list of the graduates in Arts of the University of Toronto, and of the graduates in Arts of every federating university, entitled as aforesaid to vote as a separate body, and shall also make out a separate voter's list of the graduates in Medicine and of the graduates in Law, and for the said period of six years such voters' lists shall be the voters' lists in all elections to the Senate.

High School representatives.

7. The headmasters and assistant masters of collegiate institutes and high schools may elect two members as hereinafter provided. R. S. O. 1887, c. 230, s. 11 (4) *part*, (5-7).

CONVOCATION.

Convocation of whom to consist.

12. The Convocation of the University of Toronto shall consist of the graduates in the several faculties of the University, and every graduate shall be a member of Convocation. R. S. O. 1887, c. 230, s. 12.

Register of graduates.

13. The register of graduates shall be kept by the Registrar of the University, and shall be open and accessible to members of Convocation during office hours, and the persons only whose names appear thereon, shall be entitled to vote as members of Convocation. R. S. O. 1887, c. 230, s. 13.

List of persons entitled to vote.

14. For the purposes of all elections aforesaid at which graduates of any federating university are entitled to vote, the Registrar of such University shall on or before the first day of June in each year in which an election of representatives by graduates of such University is to be held, furnish to the Registrar of the University of Toronto for the purpose of enabling him to make out the election register, a list of the names of all graduates of such University who are entitled to vote, with their post office addresses. 54 V. c. 58, s. 7.

Election register

15.—(1) The Registrar of the University shall triennially, after commencement when degrees are conferred, in every year in which an election is to take place, make out an alphabetical list or register, to be called "The Election Register," of the names and known addresses of the members of Convocation, who are entitled to vote as such members, including therein the graduates of Victoria University and every other University which has been a federating university for six years; and such register may be examined by any member of Convocation at all reasonable times at the office of the said Registrar.

Errors.

(2) In case a member of Convocation complains to the Registrar, in writing, of the improper omission or insertion of any name in the list, it shall be the duty of the Registrar forthwith to examine into the complaint and to

How corrected.

rectify the error if any there be, subject at all times to an appeal to the Chancellor or Vice-Chancellor. R. S. O. 1887, c. 230, s. 14.

ELECTION OF CHANCELLOR AND MEMBERS OF SENATE.

Election of Chancellor and members of the Senate.

16.—(1) Any ten members of Convocation may nominate a candidate for the office of Chancellor, or for the office of member of the Senate, and the nomination paper or papers shall be sent in to the Registrar, on or before the first Wednesday of September in any year in which an election is to be held. R. S. O. 1887, c. 230, s. 15 (1).

(2) In case only one candidate is nominated within the time herein mentioned for receiving nomination papers for the office of Chancellor, or in case no more than the number of representatives which the graduates are entitled to elect as provided in section 11, are nominated as aforesaid, the Registrar shall forthwith notify the Vice-Chancellor, who shall report to the Senate as required in section 23 of this Act. 52 V. c. 52, s. 3.

List of members of senate to be sent with list of voters.

(3) At least one week after the said first Wednesday in September, the Registrar shall send by post, to each member of Convocation, where his residence is known a voting paper in the form given in the Schedule to this Act, with the list of names of all candidates nominated by ten members, and also a list of the

retiring members, and the voting for members of the Senate shall be limited to the persons who have been so nominated.

(a) In the case of head masters and assistant teachers of high schools and collegiate institutes, their addresses shall be furnished by the Education Department on the application of the Registrar, and their election shall in all other respects be governed by the provisions of this Act.

Federating university to elect full number of representatives.

(4) In the case of a university federating with the University of Toronto, the federating university shall at the time herein fixed for the federation taking effect, elect the full number of representatives to which as a federating university it may be entitled, as provided in section 11 of this Act.

Separate nomination papers for six years

(5) For a period of six years after the federation of any university with the University of Toronto, separate nomination papers shall be made out for the election of members of the Senate, by the graduates in Arts of the University of Toronto, and the graduates in Arts of such federating university respectively. R. S. O. 1887, c. 230, s. 15 (2-4).

How votes are to be given.

17. The votes at an election by Convocation for Chancellor and for members of the Senate respectively, shall be given by closed voting papers, in the form given in the Schedule to this Act, or to the like effect, being delivered to the Registrar of the University, at his office between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, on any day between the second Wednesday of September and the first Wednesday of October, in each year in which an election is held; and any voting papers received by the Registrar by post during the time aforesaid, shall be deemed to be delivered to him for the purpose of the election. R. S. O. 1887, c. 230, s. 16.

Opening voting papers.

18. The voting papers shall, upon the Thursday after the first Wednesday of October be opened by the Registrar of the University, in the presence of the scrutineers, to be appointed as hereinafter mentioned, who shall examine and count the votes, and keep a record thereof in a proper book to be provided by the Senate. R. S. O. 1887, c. 230, s. 17.

Election of Chancellor.

19. The person who has the highest number of votes at any election for Chancellor shall be Chancellor of the University for the term of office then next ensuing, or for the unexpired portion of the then current term, as the case may be. R. S. O. 1887, c. 230, s. 18.

Election of members of Senate.

20. The persons who have the highest number of votes for members of the Senate shall be declared elected members thereof, their number and term of office being limited as hereinbefore provided. R. S. O. 1887, c. 230, s. 19.

Who may be present at opening of papers.

21. Any person entitled to vote at the election shall be entitled to be present at the opening of the voting papers. R. S. O. 1887, c. 230, s. 20.

Equality of votes.

22. In case of an equality of votes between two or more persons, which leaves the election of the Chancellor, or of one or more members of the Senate, undecided, then the scrutineers shall forthwith put into a ballot-box a number of papers with the names of the candidates respectively having such equality of votes written thereon, one for each candidate, and the Registrar of the University, shall draw from the ballot-box, in the presence of the scrutineers, one of the papers in the case of the election of Chancellor, and one or more of the papers in the case of the election of members of the Senate, sufficient to make up the required number, and the persons whose names are upon the papers so drawn shall be respectively the Chancellor and the members of the Senate. R. S. O. 1887, c. 230, s. 21.

Declaration of result of election.

23. Upon the completion of the counting of the votes and of the scrutiny, the Vice-Chancellor, or other person acting as and for him, shall forthwith declare the result of the election and shall, as soon as conveniently may be, report the same in writing signed by himself and by the scrutineers, to the Senate and to the Secretary of the Province. R. S. O. 1887, c. 230, s. 22.

Appointment of scrutineers.

24. The Senate of the University or, in default, the Chancellor, shall, at least two weeks previous to the election, appoint two persons who, with the Vice-Chancellor, shall act as scrutineers at the next ensuing election; and the Senate or, in default, the Chancellor, shall appoint a member of the Senate, who shall act for and as the Vice-Chancellor, should he be absent from the election. R. S. O. 1887, c. 230, s. 23.

Informal voting papers.

25. In the event of any elector placing more than one name on his voting paper for Chancellor, or more than the required number on his voting paper for members of the Senate, the first name only shall be taken for Chancellor, and the first names only, not exceeding the required number, shall be taken for the members of the Senate. R. S. O. 1887, c. 230, s. 24.

Term of office of members of Senate.

26. All members elected or appointed to the Senate shall continue in office for three years, save and except such as may be elected or appointed to fill vacancies caused by death or resignation. 52 V. c. 52, s. 4.

Vacancies in Senate, how filled.

27. In case any vacancy occurs by the death, resignation or removal from the Province of any member of the Senate elected by Convocation before the expiry of his term of office, the Senate shall thereupon appoint, from amongst the

members of Convocation, another member of the Senate for the unexpired period of the term. R. S. O. 1887, c. 230, s. 26.

Former Chancellors, etc., eligible for re-election.

28. At all elections to take place under this Act, retiring Chancellors or members of the Senate shall be eligible for re-election. R. S. O. 1887, c. 230, s. 27.

Crown appointees, their term of office.

29. Of the nine persons appointed by the Lieutenant-Governor, three shall retire in each year, in rotation, according to seniority of appointment; and the vacancies in the Senate respectively created by such retirements in each year, shall, from time to time, be filled by appointment of the Lieutenant-Governor, the members so appointed holding office for three years and retiring by rotation at the expiration of the said term. R. S. O. 1887, c. 230, s. 28.

Crown appointees to be notified to the registrar.

30. Whenever any appointment is made by the Lieutenant-Governor to fill vacancies, whether on retirement by rotation, or from other cause arising, the Provincial Secretary for the time being shall forthwith communicate the name of the person so appointed to the Registrar of the University. R. S. O. 1887, c. 230, s. 29.

Provision when vacancies are not filled by Lieutenant-Governor.

31. If at any time, by death or otherwise, the number of the appointed members of the Senate is reduced below the number of nine, and remains reduced for three months, if the Lieutenant-Governor does not think proper to complete the said number by appointment, the members of the Senate may at a meeting to be held for that purpose (of which notice shall be given to the Provincial Secretary, and to the members of the Senate in the manner provided by statute of the Senate), elect one or more fit and proper persons to be members of the Senate in addition to the then remaining appointed members thereof, to the end that by means of such election the number of nine appointed members of the Senate may thus be completed; and the members so elected to vacancies by the Senate shall hold office for the term or for the remainder of the term pertaining to each such vacancy respectively. R. S. O. 1887, c. 230, s. 30.

Majority to decide, etc.

32. All questions which come before the Senate shall be decided by the majority of the members present; but in case of an equality of votes, the question shall be negatived. R. S. O. 1887, c. 230, s. 31

Quorum.

33. No question shall be decided at any meeting unless the Chancellor or Vice-Chancellor and four other members of the Senate, or, in the absence of the Chancellor and Vice-Chancellor, unless five other members of the Senate, at the least, are present at the time of such decision, nor shall any meeting be legal

Legal meetings of the Senate.

unless held at the times or convened in the manner provided for by statute to be passed by the Senate. R. S. O. 1887, c. 230, s. 32.

Chairman.

34. At every meeting of the Senate, the Chancellor, or in his absence the Vice-Chancellor, shall preside as chairman, or in the absence of both, a chairman shall be chosen by the members present, or a majority of them; but the Chancellor may at any meeting of the Senate waive his right to preside in favour of the Vice-Chancellor or such other person as may have been chosen by the members present to act as Chairman. R. S. O. 1887, c. 230, s. 33; 52 V. c. 52, s. 5.

Senate to manage the business of the University.

Rev. Stat. c. 299.

35. The Senate for the time being shall, subject to the provisions of *The Act respecting the Income and Property of the University of Toronto, and University College*, have the management of and superintendence over the affairs and business of the University. R. S. O. 1887, c. 230, s. 34.

Degrees.

36. The Senate shall have power to examine for, and after examination to confer, the several degrees of Bachelor and Master of Arts, Bachelor and Doctor in Laws, Science, Philosophy, Medicine and Music, and Master in Surgery, and the degree of Civil Engineer, Mining Engineer, and Mechanical Engineer, or such of the said degrees as they may think fit, and also to confer the several degrees of Bachelor, Master and Doctor in any department of knowledge whatever, except Theology, as the Senate by statute in that behalf may from time to time determine, and whether such departments of knowledge include or do not include any portion of the departments of knowledge for which degrees in Arts, Law, Science, Medicine and Music, or any of them, are authorized to be conferred by this Act; and such reasonable fees may be charged for or in respect of such examination and degrees respectively, or either of them, as the Senate may by statute in that behalf from time to time direct; provided always that it shall be competent for the Senate to confer the degrees of LL.D. and D.C.L., *honoris causâ*, under such statute as may in that behalf be passed. R. S. O. 1887, c. 230, s. 35.

Ad eundem degrees.

37. The Senate shall also have power to admit to any of the said degrees as *ad eundem* degrees; but no degree so conferred shall, without the consent of Convocation in each case, entitle the holder thereof to be or become a member of Convocation. R. S. O. 1887, c. 230, s. 36.

Certificates of proficiency.

38. The Senate shall have power to examine for, and after examination to grant, certificates of proficiency or certificates of honour, in such branches of knowledge as the Senate may

from time to time by statutes made in that behalf determine; and on every such examination the candidate shall be examined by examiners appointed by the Senate, or by a standing committee thereunto authorized by the Senate. R. S. O. 1887, c. 230, s. 37; 55 V. c. 61, s. 3.

Certificate of result of examinations.

39.—(1) At the conclusion of every examination of the candidates the examiners shall declare and certify to the Registrar of the University the name of every candidate whom they have deemed to be qualified to receive any such certificate, together with such particulars as the Senate may from time to time determine; and such person shall, if otherwise approved by the Senate and if they think fit, receive from the Chancellor a certificate under the seal of the University, and signed by the Chancellor or by the Vice-Chancellor, in which the branch or branches of knowledge in respect of which he or she has been allowed by the Senate to obtain the certificate shall be stated, together with such other particulars, if any, as the Senate may deem fitting to be stated therein; and such reasonable fees may be charged for or in respect of such examinations and certificates of proficiency respectively, or either of them as the Senate may, by statute in that behalf, from time to time direct.

Fees.

Diploma to be signed.

(2) Every graduate's or student's diploma or certificate of standing, issued by the Senate, in addition to being signed by the proper university authorities in that behalf, shall indicate the federating university, college or colleges in which such graduate or student was enrolled at the time of his graduation or examination and shall be signed by such professors, teachers and officers of such federating university, college or colleges, as its or their governing body or bodies may from time to time determine.

Certificate required.

(3) No student enrolled at any federating university or college (including University College), shall be allowed to present himself for any University examination, subsequent to matriculation, without producing a certificate, that he has complied with all the requirements of such federating university or college, affecting his admission to such examination.

Attendance.

(4) Attendance on instruction provided in any federating university or affiliated college, including University College, shall be accorded equal value as a condition of proceeding to any degree, as attendance at the University. R. S. O. 1887, c. 230, s. 38.

Power to make statutes.

40. The Senate may from time to time make and alter any statutes not being repugnant to the laws of Ontario, or to the general objects and provisions of this Act:

1. Touching the examination for degrees, or for scholarships, prizes or certificates of honour;

2. The granting of such degrees, scholarships or certificates;

3. The fees to be paid by candidates for examination or upon taking any degree;

4. The application of such fees;

5. Touching the periods of the regular meetings of the Senate and the mode of convening special meetings thereof; and

6. In general for promoting the purposes of the University, and touching all other matters whatsoever regarding the same or the business thereof, or for any purpose for which provision may be required for carrying out this Act according to its intent and spirit in any case not herein provided for. R. S. O. 1887, c. 230, s. 39.

All statutes to be in writing and sealed and approved of by the Visitor.

41. All such statutes shall be reduced to writing and the common seal of the University shall be affixed thereto, and when they have been approved of by the Visitor, they shall be binding upon all persons being members or officers of the University, and upon all candidates for degrees, scholarships, prizes or certificates of honour, to be conferred by the University, and upon all others whom it may concern. R. S. O. 1887, c. 230, s. 40.

Statutes to be subject to approval of Visitor.

42. A certified copy of every such statute shall be deposited with the Provincial Secretary within ten days after the passing thereof, to be laid before the Visitor of the University for his approval; and no such statute shall have force or effect until it has been approved by the Visitor, and such approval has been signified through the said Secretary. R. S. O. 1887, c. 230, s. 41.

Certain powers may be delegated by statute.

43. By any such statute approved as aforesaid power may be given to any committee, officers or persons to make regulations for better carrying out the provisions or object of any statute of the University, in the manner and to the extent therein prescribed. R. S. O. 1887, c. 230, s. 42.

Officers.

44. The Senate for the time being, may, from time to time, appoint all examiners required for the purposes of this Act. and may in like manner remove them or any of them, R. S. O. 1887, c. 230, s. 43.

Existing statutes continued.

45. All statutes of the Senate which have been heretofore made under any Act of Parliament relating to the University, and are in force on the day this Act takes effect, shall remain in force, in so far as they are not inconsistent with this Act, until repealed or altered by the Senate. R. S. O. 1887, c. 230, s. 44.

Senate to report to the Lieutenant-Governor.

46. The Senate shall annually report to the Lieutenant-Governor, at such time as he may appoint, on the general condition and progress of the University, and may of its own

motion, inquire into the conduct, teaching, and efficiency of any professor or teacher in said University Faculty or University College, and report to the Lieutenant-Governor the result of such inquiry, with such recommendations as they may think the circumstances of the case require. R. S. O. 1887, c. 230, s 45.

Examination for degrees, etc.

47. The Senate, once at least in every year, at a time or times to be fixed by statute or by resolution, shall cause to be held an examination of the candidates for degrees, scholarships, prizes or certificates of honour, as aforesaid. R. S. O. 1887, c. 230, s. 46; 55 V., c. 61, s. 4.

Examiners to be appointed by Senate.

48. At every such examination the candidates shall be examined by examiners appointed for the purpose by the Senate, or by any committee or board authorized by the Senate, either directly or through any committee appointed by the Senate in that behalf; and the candidates shall be examined orally or in writing or otherwise, in as many branches of general knowledge as the Senate considers the most fitting subjects for such examination. R. S. O. 1887, c. 230, s. 47; 55 V., c. 61, s. 5.

Special examinations for honours.

49. Special examinations may be held for honours. R. S. O. 1887, c. 230, s. 49.

Examiners to make a declaration of impartiality.

50. Each examiner by acceptance of his appointment as such, shall become bound by the terms of the following declaration, and shall if required, sign the same in presence of the Chancellor, Vice-Chancellor or Registrar:

"I solemnly declare that I will perform my duty of Examiner without fear, favour, affection or partiality towards any candidate, and that I will not knowingly allow to any candidate any advantage which is not equally allowed to all.

R. S. O. 1887, c. 230, s. 50.

Examination to be public.

51. All the examinations shall be open and public. R. S. O. 1887, c. 230, s. 51.

Scholarships, prizes and rewards.

52. The Senate may establish scholarships, prizes and rewards to persons who distinguish themselves at their examination, and such scholarships shall be held to be University scholarships in any of the affiliated institutions in Ontario, and the holder thereof shall have the title of "University Scholar," except where otherwise conditioned and agreed to with the founders, or the heirs or representatives of the founders, of such scholarships; but no such scholarships, prizes or rewards shall be paid out of University funds. R. S. O. 1887, c. 230, s. 52.

Affiliation of Colleges, etc.

53.—(1) The Senate may, by statute, prescribe that any college, school, or other institution established in this Province for the promotion of literature, science or art, or for instruction in law, medicine, mechanical science, engineering, agricul-

ture or other useful branch of education, upon the application of such college, school, or other institution, shall be deemed to be affiliated with the said University for the purpose of admitting therefrom as candidates, at any of the examinations for standing, or for scholarships, honours, degrees and certificates which the Senate are authorized to confer, such persons as may have completed in such college, school or other institution, whilst affiliated with the University, such course of instruction preliminary to any of the said examinations.

Dissolution of affiliation.

(2) Any college, school or other institution affiliated with the University of Toronto, under this or any former Act, may be removed from such affiliation by statute of the Senate passed in that behalf.

What institutions already affiliated.

(3) Excepting such colleges, schools or institutions as are now in connection with the University under special applications heretofore made in that behalf, or as may become so, in conformity with the provisions in this section contained, and excepting University College, and schools of Law and Medicine heretofore affiliated under section 18 of the Act passed in the 16th year of Her Majesty's reign, chaptered 89, and excepting those provided for by section 8 of this Act, no other college, school or institution shall be deemed or taken to be affiliated for any purpose with the University. R. S. O. 1887, c. 230, s. 53 (1-3).

16 V. c. 89, s. 18.

Power to confer degrees in Divinity.

54. Every incorporated theological college, now or hereafter affiliated with the University of Toronto, shall, during such affiliation, have power to confer the degrees of Licentiate in Theology, of Bachelor of Divinity, and of Doctor of Divinity, on the conditions following:

(*a*) If such college now has the power to confer such degrees in Divinity, or if hereafter the power to confer such degrees is given to any such college by Act of this Legislature;

Regulations as to examinations.

(*b*) The degrees shall be conferred under such regulations as to examination and otherwise, and by such authority as may from time to time be prescribed by the governing body of the college;

Degree of licentiate.

(*c*) A candidate for the degree of Licentiate in Theology must be of second year standing in the University of Toronto, or of equivalent standing in some other university recognized for that purpose by the affiliated college. He must, in addition, have taken the first year's pass examination in Oriental Literature, and the second and third year's pass examinations in Logic and Mental and Moral Science in the University of Toronto, or equivalent examinations in some other university recognized for that purpose by the affiliated college;

Degree in divinity.

(*d*) A candidate for the degree of Bachelor of Divinity, or of Doctor of Divinity, must be a graduate in Arts in the University of Toronto, or some other university recognized for

that purpose by the affiliated college. R. S. O. 1887, c. 230, s. 53 (4-8).

Persons not educated in the affiliated institutions may be candidates for degrees, etc.

55. Persons not educated in any institution for the time being federated or affiliated with the University, may be admitted as candidates for examination for standing or for any of the honours, scholarships, degrees, or certificates authorized to be conferred by the said University, on such conditions as the Senate may from time to time determine. R. S. O. 1887, c. 230, s. 54.

Examinations at affiliated colleges.

56. The Senate may pass such statutes with regard to the examination of candidates at any affiliated college, school or institution in this Province as may appear convenient, and such examinations may be conducted by sub-examiners upon papers or questions prepared by the examiners in the prescribed subjects, and may be deemed and taken as equivalent to the ordinary examinations held for any purpose at the University, and also for certificates of having undergone a satisfactory examination in any department of literature, science or art. R. S. O. 1887, c. 230, s. 55.

THE UNIVERSITY COUNCIL.

Constitution and authority of Council.

57. The University Council shall consist of a president appointed by the Lieutenant-Governor in Council, (who shall also be president of University College), and of the professors of the University; and such Council shall have full authority and entire responsibility of discipline over all students in relation to the lectures and other instruction by the professors, lecturers, and other teachers of the University; and no lecturing or teaching of any kind shall be carried on in the University or in the School of Science, by any others except the duly appointed professors and teachers, without the authority of the University Council. R. S. O. 1887, c. 230, s. 56.

Control of societies and associations of students.

58. The University Council shall have entire authority and responsibility for all work carried on by the societies and associations of students of the University; provided always that all such authority and responsibility shall be limited to the conduct of the students in relation to such societies and associations as are organized in connection with the University. R. S. O. 1887, c. 230, s. 57.

Control of servants.

59. (1) The University Council shall have entire authority over all officers and servants of the University whose services are required in connection with the work of instruction; and all curators, assistants, or servants, engaged in the lecture-rooms, laboratories, or otherwise in any department of instruction shall be under the sole authority of the University Council.

(2) The laboratory fees to be paid by students or other persons for attending the University, or receiving instruction therein, shall be determined by the Lieutenant-Governor in Council on the report of the University Council. R. S. O. 1887, c. 230, s. 58.

POWERS OF CONVOCATION.

Powers of Convocation.

60. The Convocation of the University shall have the powers following:—

1. The power of electing its own chairman;

2. The power of electing the Chancellor and certain members of the Senate in manner hereinbefore provided;

3. The power of discussing any matter whatsoever relating to the University, and of declaring the opinion of Convocation in any such matter;

4. The power of taking into consideration all questions affecting the well-being and prosperity of the University, and of making representations from time to time on such questions to the Senate of the University, who shall consider the same and return to Convocation their conclusions thereon;

5. The power of deciding the mode of conducting and registering the proceedings of the Convocation;

6. The power of appointing and removing the Clerk of Convocation, and of prescribing his duties;

7. The power of requiring a fee to be paid by members of Convocation, as a condition of being placed on the register of members.

8. Convocation shall meet at such times and places as may from time to time be ordered by the Senate, or by the executive committee of Convocation, and notice of such meeting shall be given in such manner as said Senate, or executive committee may from time to time determine. R. S. O. 1887, c. 230, s. 59.

Extraordinary meetings of Convocation.

61. If twenty-five or more members of Convocation by writing under their hands, require the chairman for the time being of Convocation to convene an extraordinary meeting of Convocation, and such requisition expresses the object of the meeting required to be called, it shall be the duty of the chairman, within a reasonable time, to convene such meeting of Convocation. R. S. O. 1887, c. 230, s. 60.

What may be discussed.

62. No matter shall be discussed at any such extraordinary meeting, except the matter, or matters, for the discussion whereof it was convened. R. S. O. 1887, c. 230, s. 61.

63. The Senate shall provide a proper place for the meeting of Convocation, and the proceedings of any meeting of Convocation shall be transmitted to the Senate at the next following meeting of the Senate. R. S. O. 1887, c. 230, s. 62. Place of meeting.

64.—(1) The chairman of Convocation shall hold office for three years, or until his successor is elected, and shall be eligible for re-election. Chairman of Convocation.

(2) On expiration of any term of the said office, or in case of the death or resignation of the chairman, or any vacancy of the said office, the members of convocation present at any meeting duly convened, or the majority, shall elect a chairman, who, if elected, shall hold office during the period of three years, or until his successor is appointed. R. S. O. 1887, c. 230, s. 63.

65. If the chairman is absent at the time of the meeting of Convocation, or if there is a vacancy in the office, then, before proceeding to business the members of Convocation then present, or the major part of them, shall elect a chairman, who shall hold office during such meeting only. R. S. O. 1887, c. 230, s. 64. Absence of chairman.

66. All questions which come before Convocation shall be decided by the majority of votes of members present, or represented thereat, in such manner as may be provided by any resolution or by-law of Convocation, and the chairman, at any meeting thereof, shall have a vote, and in case of equality of votes, a second or casting vote. R. S. O. 1887, c. 230, s. 65. Questions before Convocation how decided.

67. No question shall be decided at any meeting of Convocation, unless thirty members at least are present. R. S. O. 1887, c. 230, s. 66. Quorum.

68. Any meeting of Convocation shall have power to adjourn to a future day. R. S. O. 1887, c. 230, s. 67. Adjournments.

UNIVERSITY COLLEGE.

69.—(1) The collegiate institution heretofore constituted at the City of Toronto by the name of "University College" is hereby continued, and the body corporate called "The Council of University College," and the president, professors, officers, servants, and all other existing appointments, and all statutes, by-laws, rules and regulations of such council, are hereby continued, subject to the provisions of this Act. College president, etc., to continue as before.

(2) The Council of University College shall include all the professors of the College Faculty and shall be known as

"The Council of University College." R. S. O. 1887, c. 230, s. 68.

Lieutenant-Governor to be visitor.

70. The Lieutenant-Governor shall be the Visitor of the said College on behalf of the Crown, and his visitorial powers may be exercised by commission under the Great Seal, and the proceedings of any commission so appointed being confirmed by the Lieutenant-Governor, shall be binding on the College and the Council thereof, and on all persons whomsoever. R. S. O. 1887, c. 230, s. 69.

The Council of University College to manage the College, etc.

71. The College shall be under the direction, management and administration of the said body corporate called the Council of University College, and such body corporate shall have perpetual succession and a common seal, with power to hold real and personal property, subject to the provisions hereinafter made, and shall be capable of suing and being sued, pleading and being impleaded by the name aforesaid, and shall have the usual powers of corporate bodies, according to *The Interpretation Act*, subject to the said provisions. R. S. O. 1887, c. 230, s. 70.

Rev. Stat. c. 1, s. 8 (25).

Members of the Council.

72. The said corporation shall consist of a president and such professors as may from time to time be appointed to chairs in the said University College. R. S. O. 1887, c. 230, s. 71.

Dean of University College.

73. The Dean of Residence in University College for the time being shall be a member of the council of the said College. R. S. O. 1887, c. 230, s. 72.

Meetings of the Council.

74. The President, or in his absence, then the senior member of the Council present, shall preside at all meetings of the said Council; and in case of an equal division of votes among the members present, the question shall be negatived; and among members appointed at the same time, or on the same day, the order in which their appointments were made shall be the order of seniority; and all such meetings shall be held at the times to be prescribed by the regulations of the said council. R. S. O. 1887, c. 230, s. 73.

Quorum.

75. Any five members of the Council shall be a quorum for transacting the business of the Council and doing all things which the Council may lawfully do; and all things done at any meeting of the Council shall be ordered by the majority of votes of the members present thereat, subject to the provision hereinbefore made for the case of an equal division of votes. R. S. O. 1887, c. 230, s. 74

Majority to decide.

Council to make statutes for certain purposes.

76.—(1) The Council may make regulations for the management of the property and business thereof, and for any

purpose necessary for carrying this Act into effect according to its intent and spirit in cases for which no provision is made, so that such regulations be not inconsistent with this Act or the laws of this Province; and the Council may from time to time amend or repeal the same.

Which shall be transmitted to Provincial Secretary, and approved by Lieutenant-Governor.

(2) A certified copy of all such regulations shall be transmitted to the Provincial Secretary within ten days from the passing thereof, to be submitted to the Visitor for his approval; and no regulation made by the said Council shall have force and effect until it has been submitted to the said Visitor and by him approved. R. S. O. 1887, c. 230, s. 75.

President, etc., to be appointed by the Lieutenant-Governor.

77. The president, professors, lecturers, teachers, officers and servants of the College shall be appointed by the Lieutenant-Governor, after such examination, inquiry and report as he considers necessary, and shall hold office during his pleasure; but the president may, at any time, suspend any officer or servant, any such case of suspension to be reported by him forthwith to the Visitor of the College. R. S. O. 1887, c. 230, s. 76.

Faculty of University College.

78. There shall be established in the said University College a teaching faculty consisting of a professor, lecturer, and fellow, in each of the following subjects, viz.: Greek, Latin, French, German and English, and a professor and lecturer in Oriental Languages and a professor of Moral Philosophy, and Ancient History shall be taught in connection with the classes of Greek and Latin, and a teaching faculty may be established in such other subjects (except Divinity) not mentioned in section 5 of this Act, as by regulation made in that behalf may be determined, subject to the approval of the Lieutenant-Governor in Council. R. S. O. 1887, c. 230, s. 77.

Fees payable by students.

79. The annual or other fees to be paid by students or persons attending lectures or receiving instruction in University College, or by students enrolled in University College, shall be determined by the Lieutenant-Governor in Council on the report of the Council of University College; and such fees may be fixed and included in an annual sum for enrolment in University College, which sum may include all fees for lectures or instruction for which under the law any fee can be charged, with the exception of library and laboratory fees. 55 V. c. 61, s. 6.

Students to be enrolled.

80. All students, except in cases specially provided for by statute of the Senate shall be enrolled in University College, or in an affiliated college, or in a federating university. R. S. O. 1897, c. 230, s. 79.

Council to report to the Lieut. Governor.

81. The Council shall, at all times when thereunto required by the Lieutenant-Governor, inquire into, examine and report

Copies to be laid before the Legislative Assembly.

upon any subject or matter connected with the said University College; and copies of such annual or other reports shall be laid before the Legislative Assembly of this Province at the then next session thereof. R. S. O. 1887, c. 230, s. 80.

PROVISIONS APPLICABLE TO UNIVERSITY OF TORONTO AND UNIVERSITY COLLEGE.

No religious test, etc., to be required.

82. No religious test shall be required of any professor, lecturer, teacher, student, officer or servant of the said College or University, nor shall religious observances, according to the forms of any particular religious denomination, be imposed on them or any of them; but the University council, and the council of University College, may respectively make such regulations as they think expedient touching the moral conduct of the students and their attendance on public worship in their respective churches or other places of religious worship and respecting their religious instruction by their respective ministers, according to their respective forms of religious faith, and every facility shall be afforded for such purposes: provided always that attendance on such form of religious observance be not compulsory on any student attending the University or University College. R. S. O. 1887, c. 230, s. 81.

Professorships may be founded by private parties, and how.

83. Any person, body politic or corporate, may found professorships, fellowships, lectureships, scholarships, exhibitions, prizes and other rewards in the said College or University, by providing a sufficient endowment in land or other property, and surrendering or conveying the same to the Crown for the purposes of the said College or University, and thereupon suing out letters patent from the Crown, instituting, establishing and endowing the same with the property so provided for that purpose as aforesaid. And the Senate may by statute provide that interest at a rate not exceeding six per cent. per annum shall be paid and applied out of the income fund of the University on all moneys actually paid in to the Crown for the purposes of such endowment. R. S. O. 1887, c. 230, s. 82; 55 V. c. 61, s. 7.

Letters patent shall set forth rules, etc.

84. In such letters patent shall be set forth such rules and regulations for the appointing to and conferring of such professorships, fellowships, lectureships, scholarships, prizes or other awards as the respective founders thereof, with the approbation of the Crown, think fit to prescribe for that purpose, all which rules and regulations the authorities of the said College or University shall observe and give effect to, as in the said letters patent may be directed. R. S. O. 1887, c. 230, s. 83.

Certain professorships prohibited.

85. No professorship or lectureship shall be so founded for the teaching of any subject which under this Act is not to be

taught in the said College or University. R. S. O. 1887, c. 230, s. 84.

86. Every endowment of lands or other property of the endowment as aforesaid shall be vested in the Crown for the purposes for which it was given, and also any property, real or personal, given, devised or bequeathed to the said College or University, or for the use thereof. R. S. O. 1887, c. 230, s. 85. Endowment to be vested in the Crown.

87. The University endowment and all additions thereto shall be applied to the maintenance of the University, the University Faculty, and University College. R. S. O. 1887, c. 230, s. 86. Application of endowment.

88. The subjects assigned by sections 5 and 78 of this Act to the teaching faculties of the University and University College respectively, shall not be transferred from either of the said teaching faculties to the other, except upon the unanimous consent of the Senate, expressed at a special meeting called for the consideration of such transfer, of which at least one month's notice shall be given, nor until such consent has been concurred in by the Lieutenant-Governor in Council. R. S. O. 1887, c. 230, s. 87. Transfer of subjects assigned to the University and to University College.

89.—(1) The Lieutenant-Governor in Council may make regulations respecting the retirement or superannuation of any professor, lecturer, officer or servant of the said University or University College now employed, or who may hereafter be employed, and any gratuity or superannuation allowance shall be a charge on the University endowment, and shall be paid out of the same as the Lieutenant-Governor in Council may from time to time direct. R. S. O. 1887, c. 230, s. 88 (1); 55 V. c. 61, s. 8. Regulations as to superannuation of professors.

(2) Every such regulation shall be laid before the Legislative Assembly forthwith, if the Legislature is in session at the date of such regulation, and if the Legislature is not in session such regulation shall be laid before the House within the first seven days of the session next after such regulation is made. Regulations to be laid before Legislative Assembly.

(3) In case the Legislative Assembly at the said session, or if the session does not continue for three weeks after the said regulation is laid before the House, then at the ensuing session of the Legislature, disapproves by resolution of such regulation, either wholly or in part, the regulation, so far as disapproved of, shall have no effect from the time of such resolution being passed. R. S. O. 1887, c. 230, s. 88 (2-3).

SCHEDULE.

(*Sections* 16, 17).

FORM OF VOTING PAPER.

University of Toronto.

Election 18 .

I,
resident at in the County of
do hereby declare

(1) That the signature affixed hereto is my proper handwriting.

(2) That I vote for the following person (*or* persons) as Chancellor *or* as members of the Senate (*as the case may be*) of the University of Toronto, viz., of in the County of
etc., etc..

(3) That I have not in this election signed any other voting paper as a graduate in the Faculty of Arts (*or* Medicine *or* Law *or* as Headmaster *or* Assistant of a High School, *as the case may be*).

(4) That this voting paper was executed on the day of the date hereof.

(5) That I vote in my right as Graduate of University, *or* Head Master *or* Assistant Master of a High School (*as the case may be*).

Witness my hand this day of A.D. 18 .

R. S. O. 1887, c. 230, Sched.

CHAPTER 299.

An Act respecting the Income and Property of the University of Toronto and University College.

PROPERTY VESTED IN CROWN, ss. 1,2.
BURSAR, ss. 2-7.
Investments to be taken in name of, s. 10.
Expenses of Office, s. 17.
CONVEYANCES OF PROPERTY, ss. 8, 9.
GENERAL AND PERMANENT INCOME FUNDS, ss. 11-18.
Appropriations, how made, ss. 14-16.
Apportioning property for the use of the several institutions, s. 18.
IMPROVEMENT OF BUILDINGS, s. 19.
FISCAL YEAR, s. 20.
QUEEN'S PARK LEASE, s. 21.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Property vested in Crown.

1.—(1) All the property and effects, real and personal, of what nature and kind soever vested in the Crown when this Act takes effect, in trust for the purposes of the University of Toronto and University College shall hereafter be deemed to be and shall be so vested for the purposes of the University of Toronto and University College, subject to the provisions of this Act and of the Acts respecting the said University of Toronto and University College. R. S. O., 1887, c. 231, s. 1. 58 v. c. 58, s. 1.

Gifts for University, etc., to vest in Crown.

(2) All property, real and personal, hereafter given, devised or bequeathed to or for the said University of Toronto, or University College shall be vested in the Crown for the purposes and support of said institutions respectively, subject to the provisions of this Act and to the terms of the gift, devise or bequest. R. S. O. 1887, c. 231, s. 6.

Management of property.

2. All the property and effects, real and personal, vested in the Crown as aforesaid, shall be managed and administered under the orders of the Lieutenant-Governor in Council, by an officer to be appointed by commission under the Great Seal of this Province, to hold his office during pleasure and to be called the Bursar of the University and Colleges at Toronto. R. S. O. 1887, c. 231, s. 7.

Bursar's salary.

3. The salary of the Bursar shall be such amount as may be appropriated therefor by the Legislature, and the Bursar shall be allowed by the Lieutenant-Governor in Council such assistance in his office as may be found necessary. R. S. O. 1887, c. 231, s. 8.

Bursar to have a seal, etc.

4. The Bursar shall have a seal of office, and shall have such powers as may from time to time be assigned to him by the Lieutenant-Governor in Council, for the management and administration of the said property, for the leasing or sale of the same, or any portion thereof, for the receiving of rents, issues and profits thereof or the proceeds of the sale of any part thereof, or of any moneys in any way arising therefrom, and he shall account for and pay over the same in such manner as the Lieutenant-Governor from time to time directs. R. S. O. 1887, c. 231, s. 9.

Bursar to give security to the Crown

5. The Bursar shall give security to the Crown for the due performance of his duties and the faithful accounting for and paying over of all moneys which come into his hands as such Bursar, in such amount, with such securities, and in such manner and form as the Lieutenant-Governor in Council may direct. R. S. O. 1887, c. 231, s. 10.

Responsibility of the bursar.

6. The Bursar shall, as regards his obligation to account for and pay over the moneys which come into his hands as Bursar, be deemed to be an officer employed in the collection of the Provincial Revenue, and shall in case of his default, be liable to be dealt with accordingly. R. S. O. 1887, c. 231, s. 11.

To transmit annual accounts to the Lieutenant Governor to be laid before the Legislative Assembly.

7.—(1) At such time in each year as the Lieutenant-Governor may appoint, the Bursar shall make and transmit to him an annual account of the property under the Bursar's management and of his official receipts and expenditure; and a copy of such account shall be laid before the Legislative Assembly at the next Session thereof.

What such accounts must shew.

(2) Every such annual account shall shew, among other things—

(*a*) The total investments in the permanent fund hereinafter mentioned, and the annual income therefrom.

(*b*) The amount received each year from fees, interest, donations or other sources, and a detailed account of the amount expended in salaries, contingent expenses and buildings, specifying the duties of the persons receiving such salaries, and the purposes of such buildings. R. S. O. 1887, c. 231, s. 12.

DEEDS OF CONVEYANCE.

Provision for facilitating the transfer of property sold.

8. In order to facilitate the transfer and conveyance of the property so as aforesaid vested in Her Majesty, the Lieu-

tenant-Governor may from time to time issue a commission, under the Great Seal, to the Bursar of the University and Colleges at Toronto, authorizing the said Bursar, under his hand and seal of office, to transfer and convey any of such property to purchasers and others entitled to receive conveyances thereof; and all such transfers and conveyances may be made according to the form given in the Schedule to this Act, or in words to the like effect; and the same shall to all intents and purposes grant, transfer and convey the lands therein set forth, to the parties therein specified, according to the quality of the estate and the conditions and provisions therein mentioned, in the same manner and with the like effect as if the same had been directly granted by the Crown under the provisions of this Act; but nothing herein contained shall prevent the Crown from granting such lands directly. R. S. O. 1887, c. 231, s. 13.

Transfers to be registered, etc.

9. All such transfers and conveyances shall be registered in the registry office of the registry division in which the lands are situate, in like manner and subject to the same provisions of law as conveyances from and to private persons. R. S. O. 1887, c. 231, s. 14.

Investments to be taken in the name of bursar.

10.—(1) Where under any order of the Lieutenant-Governor in Council any part of the endowment of the University of Toronto, or University College, is authorized to be invested on the security of freehold lands in this Province, the mortgages or other instruments representing such investments may be made to and taken in the name of the Bursar of the University and Colleges at Toronto in his official character as such, and his successors in office, and the said Bursar and his successors shall have and possess such powers with respect to taking and holding such securities and releasing, discharging or assigning the same under his seal of office as Bursar as from time to time may be assigned to him by any order of the Lieutenant-Governor in Council, under and subject to such regulations, terms and conditions as may be prescribed in such order.

(2) Each and every mortgage security heretofore taken, and in which any part of the property or endowment of the University of Toronto or University College respectively, is invested, is hereby granted to and vested in the said Bursar and his successors in office, under and subject to the provisions of this Act. R. S. O. 1887, c. 231, s. 15.

GENERAL INCOME FUND.

General income fund constituted.

11. The fees received for tuition, examination, degrees, certificates of honour or otherwise, in the said University of Toronto and in University College, the rents, issues and profits of all such property as aforesaid, and all the interest on the purchase money of any part of such

property sold and not wholly paid for, or on moneys arising from the sale of any such property and invested at interest and all other casual and periodical incomings, including any donations or subscriptions touching which it has not been otherwise ordered by the donors, shall be deemed income for the purposes of this Act, and shall form the general income fund of the University of Toronto, and may be expended for the purposes and under the authority of this Act. R. S. O. 1887, c. 231, s. 16; 51 V. c. 38, s. 3.

Permanent fund.

12. The purchase money of any such property sold and the principal of any money invested, shall be deemed permanent property, and shall not (except only in the case herein provided for) be expended or diminished in any way, but shall remain as a permanent fund for the support of the said institutions and the purposes of this Act. R. S. O. 1887, c. 231, s. 17.

University income fund and charges payable out of it.

13. The Lieutenant-Governor in Council may appropriate yearly the sum required to defray the current expenses of the said University of Toronto and University College; including in both cases the care, maintenance and ordinary repairs of the property assigned for the use of the said University and College, and with power to the Lieutenant-Governor in Council to decide what shall be deemed ordinary repairs as distinguished from permanent improvements. R. S. O. 1887, c. 231, s. 19.

In what manner appropriations out of the said funds may be made.

14. In making such appropriations for the current expenses of the said University, or of University College, the Lieutenant-Governor in Council may either direct the particular purposes to which the whole or any part of the sum appropriated shall be applied, or place the whole or any part of such sum at the disposal of the Senate of the said University or of the Council of the said College, to be applied under the provisions of statutes in that behalf, approved as aforesaid. R. S. O. 1888, c. 231, s. 20.

Sums may be placed at disposal of a committee.

15. By such statutes the said Senate or Council may place any sums at the disposal of any committee, or persons, to be applied by them according to the directions of such statutes, or in their discretion, to purposes to be therein named. R. S. O. 1887, c. 231, s. 21.

Surplus how to be appropriated.

16. Any surplus of the said University income fund remaining at the end of any year after defraying the expenses payable out of the same, shall be treated as permanent property, unless the Lieutenant-Governor in Council during the next financial year, authorizes the expenditure thereof for University purposes. R. S. O. 1887, c. 231, s. 22; 55 V. c. 62, s. 2.

Expenses of Bursar's office how paid.

17. The expenses of the Bursar's office and the management of the property aforesaid shall be paid out of the said general

income fund hereinbefore mentioned, and shall be the first charge thereon. R. S. O. 1887, c. 231, s. 23.

Portions of property to be assigned for use of the said institutions.

18. The Lieutenant-Governor in Council shall from time to time assign for the use and purposes of the said University and the said University College, respectively, such portions of the property vested in the Crown as aforesaid, as may be necessary for the convenient accommodation and business of the said institutions respectively; and the property so assigned for the use of each shall be deemed to be in the legal possession and under the control of the Senate or Council of such institutions respectively. R. S. O. 1887, c. 231, s. 24.

IMPROVEMENT OF BUILDINGS.

Lieutenant-Governor in Council may authorize improvements.

19. The Lieutenant-Governor in Council may from time to time authorize such permanent improvements or additions to the buildings on the said property as may be necessary for the purposes of the said institutions respectively, and may direct the cost thereof to be paid out of that part of the permanent fund aforesaid hereby made applicable to the support of the institution for the purposes of which the improvement or addition is made; provided, however, that every Order in Council directing payment from the said permanent fund, under this section, shall, as soon as conveniently may be after the making of the same, be laid before the Legislative Assembly of the Province of Ontario for its ratification or rejection, and no such order shall be operative unless and until the same has been ratified by a resolution of the Legislative Assembly. R. S. O. 1887, c. 231, s. 25.

Fiscal year.

20. For all the purposes of this Act, and of all accounts to be kept and payments or expenditure to be made under it, the fiscal year shall commence on the first day of July and end on the 30th day of June following. R. S. O. 1887, c. 231, s. 26; 55 V. c. 62, s. 3.

THE QUEEN'S PARK.

Lease to city of Toronto of land for a park.

21. Whereas the Bursar of the University of Toronto was by section 66 of chapter 62 of the Consolidated Statutes for Upper Canada authorized to demise at a nominal rent, for a period of nine hundred and ninety-nine years, to the corporation of the City of Toronto, in trust for the purposes of a park, as well for the use of the professors, students and other members of the University, as of the public generally, and for no other purpose whatsoever, so much of the land vested in Her Majesty as aforesaid, situate within or adjacent to the limits of the said city, as the said Chancellor, Vice-Chancellor and members of the Senate of the said University might, by by-law approved of by the Governor in Council, set apart for such

Land so leased to be part of the city and residue of University lands adjacent to be subject to city's police regulations and by-laws.

purposes, not exceeding in the whole fifty acres, and upon such terms and conditions as had been or might after the said Act took effect, be agreed upon between the said University and the council of the said corporation; and whereas in pursuance of such powers, the said Bursar made such lease as aforesaid:—Therefore it is enacted that, so long as the said lease remains in force, the land so demised, shall be deemed to be and shall be taken to form a part of the said City of Toronto; and the residue of the lands so vested in Her Majesty as aforesaid, adjacent to the said park, shall be subject to all the police regulations of the said city of Toronto, and to all by-laws of the said city in that behalf, R. S. O. 1887, c. 231, s. 27.

SCHEDULE.

(Section 8.)

FORM OF CONVEYANCE.

To all to whom these presents shall come:

Whereas *A. B.*, of is entitled to receive a conveyance of the lands hereinafter mentioned, which lands are part of certain property vested in Her Majesty in trust for the purposes set forth in chapter 299 of The Revised Statutes of Ontario, 1897; And whereas, under the provisions of the said Statute, *C. D.*, of , the Bursar of the University and Colleges at Toronto, has been authorized by a Commission under the Great Seal of this Province to transfer and convey any of the property aforesaid to purchasers and others entitled to receive conveyances thereof: Now these presents witness that the said *C. D.*, as such Bursar, under and by virtue of the said Commission and the Statute in that behalf, and in consideration of the sum of paid therefor by the said *A. B.*, hereby grants transfers and conveys to the said *A. B*, his heirs and assigns for ever (*or as the case may be,*) all that certain parcel or tract of land, being lot etc, (*as the case may be*), which said land is bounded or may be known as follows, etc. (*describe the land by its boundaries, and insert any reservations, conditions or provisoes*). In witness whereof the said *C. D.*, as Bursar aforesaid, has hereunto set his hand and affixed the seal of his office, this day, etc.

Signed, sealed and delivered in presence of } *C. D.*, Bursar, [L.S.]

R. S. O. 1887, c. 231, Sched.

CHAPTER 300.

An Act respecting the School of Practical Science.

SCHOOL CONTINUED, s. 1.
GEOLOGICAL MUSEUM, s. 2.
SITE, s. 3.
GIFTS TO, s. 4.
OWNERS OF MINES TO FURNISH SPECIMENS, s. 5.
RULES, s. 6.
INSTRUCTION, ss. 6-8.
LECTURERS, s. 9.
ARRANGEMENTS WITH TORONTO UNIVERSITY, s. 10.
ANNUAL REPORT, s. 11.
FEES, s. 12.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

School of Practical Science continued.

1. The School of Practical Science heretofore established in this Province for instruction in mining, engineering, and the mechanical and manufacturing arts is hereby continued. R. S. O. 1887, c. 232, s. 1.

Museum of geology and mineralogy.

2. In connection with the school there shall be a museum of geology and mineralogy, with other branches, in order to afford aids for practical instruction, and illustrations of the mineral and economic products of the Province. R. S. O. 1887, c. 232, s. 2.

Site of school.

3. The site of the school and museum shall be in the City of Toronto, and the school and museum may be continued in the building already acquired, or such building may be sold and new premises erected or obtained therefor. R. S. O. 1887, c. 232, s. 3.

Gifts, bequests, etc., to school.

4. It shall be lawful for the Lieutenant Governor in Council, on behalf of this Province, to accept, hold and enjoy any gifts, bequests, or devises of personal or real property or effects which any person may think fit to make for the purposes of the said school and museum. R. S. O. 1887, c. 232, s. 4.

Owners of mines to furnish specimens.

5. Specimens of the ores, minerals and other products of any mine now being worked in this Province, shall, on request, be furnished by the respective owners of such mines for the school and museum, and the owners, in case of refusal to furnish such specimens, shall be liable to a fine not exceeding

Rev. Stat. c. 90.

$50 in each case of refusal, to be recovered according to the provisions of *The Ontario Summary Convictions Act.* R. S. O. 1887, c. 232, s. 5.

Rules, etc., of the school.

6. The government of the school and museum shall be under and according to such rules and regulations as the Lieutenant-Governor in Council may from time to time prescribe; and the rules and regulations shall contain provisions for the subjects and course of study in each branch of practical science in which instruction is to be given, and may authorize certificates of proficiency, scholarships or other rewards to be given after examination in any of such subjects, and may also impose reasonable fees for attendance upon classes and lectures. R. S. O. 1887, c. 232, s. 6.

Nature of instruction.

7. The school shall be furnished with all such appliances and apparatus as may be necessary for practical education in the hereinbefore mentioned arts, and the course of instruction therein shall be with reference to the following subjects:

1. The construction and working of machinery, manufactures, and mechanical powers in general;

2. The construction of roads, bridges, railways, water and drainage system, and other public works;

3. Mining, and the analysis of ores and minerals;

4. The chemistry applicable to arts and manufactures;

5. And such further subjects as will promote a knowledge of the physical sciences. R. S. O. 1887, c. 232, s. 7.

Who may attend the school.

8. Besides training students in regular classes at the school, instruction shall also be given to artisans, mechanics, and workmen, by evening classes, in such subjects as may further their improvement in their different callings. R. S. O. 1887, c. 232, s. 8.

Appointment of lecturers, etc.

9. The Lieutenant-Governor in Council may, from time to time, appoint such lecturers, instructors and assistants, as the Lieutenant-Governor in Council may think necessary for the efficient working of said school, and the promotion of its usefulness, and may entrust the internal management and discipline of said school to a board or council, composed of the lecturers and instructors therein. R. S. O. 1887, c. 232, s. 9.

Arrangements with University of Toronto and University College.

10. The Lieutenant-Governor in Council may make arrangements with University College for the attendance of students of the said school at such lectures in the college as may come within the course or subjects of instruction prescribed by the rules and regulations of the school; and may agree with the University of Toronto for the use of its library and museum for the purposes of the school, and for the acquisition of

such specimens as have relation to geology and mineralogy, and may also affiliate the school with the university, but only to the extent of enabling students of the school to obtain, at the examination of the university, such rewards, honours, standing, scholarships and degrees in Science, as the said university, under its statutes, and the Acts of the Legislature in that behalf, may be authorized to confer. R.S.O. 1887, c. 232, s. 10.

Annual reports to be submitted to the Legislative Assembly.

11. Full reports of the progress of the school shall be annually returned and submitted to the Legislative Assembly, which reports shall, amongst other things, contain:

1. A tabular statement with the name, place of birth, age, residence and occupation, or intended occupation of each student attending in each term of said year, and the number of classes that such student attended, and his progress or proficiency;

2. A similar statement with respect to the persons attending evening classes or lectures;

3. A return of the lecturers, teachers and assistants, and the lectures delivered or classes instituted in each term, and the number of persons attending each lecture or class. R. S. O. 1887, c. 232, s. 11.

Fees.

12. All fees and moneys received on account of the school shall be returned to the Treasurer of the Province, by whom all accounts relating to the said school shall be kept. R. S. O. 1887, c. 232, s. 12.

CHAPTER 301.

An Act respecting Technical Schools.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Establishment of technical schools by high school boards.

1. The trustees of any High School or any Board of Education may by resolution passed at a special meeting called for the purpose (of which at least one month's notice shall be given in writing to each member thereof), establish a technical school or may change any High School already established into a Technical School, providing that such resolution shall not take effect until ratified by a by-law of each municipality composing the High School district and also by the county council (if any) required by *The High Schools Act*, to contribute the equivalent of the Legislative grant towards the maintenance of such High School. 60 V. c. 58, s. 1.

Rev. Stat. c. 293.

Technical instruction provided by high school boards.

2. Subject to the preceding section it shall be lawful for the trustees of any High School or Board of Education to provide instruction in the arts and sciences usually taught in Technical Schools, but particularly such arts and sciences as relate to the industries of the Province, the marketable value of the raw material used in manufactures; the chemistry of foods, dyes, and minerals. Instruction shall also be given in agriculture and domestic science, and in architecture, mechanical drawing and decorative design, and such other related subjects as may be found necessary to render the labours of the farmer, the mechanic and the artisan more productive. The buildings to be used for Technical School purposes shall be separate and distinct from the buildings used for High School purposes. Any pupil not entitled to be admitted to a High School shall not be entitled to admission to any Technical School established as herein provided. 60 V. c. 58, s. 2.

Rev. Stat. c. 293, to apply to technical schools subject to regulations of department.

3. The provisions of *The High Schools Act* shall apply to Technical Schools, subject to any regulations of the Education Department with respect to the fees to be paid by pupils, the course of study, the qualifications of teachers, the use of textbooks, and the equipment of the school. The conditions upon which money voted by the Legislature for High Schools shall apply to all appropriations made to Technical Schools. 60 V. c. 58, s. 3.

TECHNICAL SCHOOLS FOR ADULTS.

Establishment of technical schools for adults in cities and towns. Rev. Stat. c. 223.

4. It shall be lawful for the municipal corporation of any city or town by by-law to appropriate such sums of money as may be deemed expedient for the establishment of a Technical School for adults within the meaning of this Act. All the powers vested in the corporation by *The Municipal Act*, for the purchase or expropriation of lands or for leasing or repairing buildings or for the erection of new buildings for the use of the municipality, shall be applicable to this Act. 60 V. c. 58, s. 4.

Grant to adult technical schools.

5. Towards the maintenance of such schools, there shall be paid annually, on the report of the Minister of Education, out of any moneys appropriated by the Legislature for that purpose, a sum not exceeding the amount payable for the maintenance of High School pupils under the regulations of the Education Department. 60 V. c. 58, s. 5.

Board of management. Rev. Stat. c. 232.

6. The general management and control of the school for adults shall be vested in and exercised by a board of management to be appointed as provided in section 9 of *The Public Libraries Act*. In cities and towns in which a Public Library has been established under Part I. the said Act, Technical Schools for adults shall be under the management and control of the board of such library. Provided always that any Technical School already established under by-law of a municipality may be carried on under such by-law during the pleasure of the municipal council, subject to the regulations of the Education Department. 60 V. c. 58, s. 6.

Powers of board. Expenses.

7. The board or the trustees (as the case may be) appointed under any by-law as in the preceding section provided shall have the power to appoint such teachers, officers and servants as may be necessary for the purposes of the school, to fix their salaries and to assign them their several duties. For the payment of the salaries of the teachers, officers and servants, and for all other purposes of maintenance, the municipality shall have power to appropriate out of the general income of the municipality from any source whatever, such sums of money as the municipality may by by-law determine. The expenditure of the board of management shall be subject to the same audit as the expenditures of the municipality. 60 V. c. 58, s. 7.

Regulations of Education Department.

8. The qualifications of the teachers employed in technical schools for adults, and all matters relating to the course of study and the equipment of the school, shall be subject to the regulations of the Education Department. 60 V. c. 58, s. 8.

CHAPTER 302.

An Act respecting the Agricultural College.

SCHOOL CONTINUED, s. 1.
COURSE OF INSTRUCTION, ss. 2, 3.
EXPERIMENTS, s. 4.
RULES AND REGULATIONS, s. 5.
APPOINTMENT OF OFFICERS, s. 6.
ADVISORY BOARD, s. 7.
ADMISSION OF STUDENTS FREE, s. 8.
TERMS AND VACATIONS, s. 9.
AFFILIATION WITH UNIVERSITY OF TORONTO, s. 10.
MUSEUM AND LABORATORY, ss. 11-12.
NO RELIGIOUS TEST, s. 13.
ORDERS IN COUNCIL TO BE LAID BEFORE LEGISLATURE, s. 14.
REPORTS AND RETURNS, s. 15.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

School of Agriculture, continued.

Name.

1. The School of Agriculture, heretofore established in the county of Wellington, in this Province, for instruction in the theory and practice of agriculture, horticulture and arboriculture, and the conducting of experiments relating thereto, is hereby continued, at its present site, under the name of the "Ontario Agricultural College and Experimental Farm." R. S. O. 1887, c. 233, s. 1.

Nature of instruction.

2. The said college shall be furnished with all appliances, such as land, buildings, implements, tools and apparatus generally, as may be necessary for theoretical and practical education in agriculture, horticulture and arboriculture, and the course of instruction therein shall be with reference to the following subjects:

1. The theory and practice of agriculture;

2. The theory and practice of horticulture;

3. The theory and practice of arboriculture;

4. The elements of the various sciences, especially chemistry (theoretical and practical), applicable to agriculture and horticulture;

5. The technical English and mathematical branches requisite for an intelligent and successful performance of the business of agriculture and horticulture;

6. The anatomy, physiology, and pathology, of the ordinary farm animals; with the characteristics of the different varieties of each kind; with the management thereof in the breeding, raising, fattening, and marketing of each, and with a knowledge of the cheese and butter factory systems;

7. The principles of construction and skilful use of the different varieties of buildings, fences, drainage systems, and other permanent improvements, machinery, implements, tools and appliances necessary in agricultural and horticultural pursuits;

8. And such other subjects as will promote a knowledge of the theory and practice of agriculture, horticulture and arboriculture. R. S. O. 1887, c. 233, s. 2.

Education.

3. The education and instruction shall be at once theoretical and practical, the former known as a course of study and the latter as a course of apprenticeship; and the hours of labour in such practical instruction shall be regulated by the president of the college, with the approval of the Minister of Agriculture; and for the encouragement of such labours, an allowance in part liquidation of expenses may be made; yet, notwithstanding, the course of apprenticeship may be dispensed with, if a satisfactory examination be previously passed in all the operations therein required. R.S.O. 1887, c. 233, s. 3.

Nature of experiments.

Publication of procedure and results.

4. Experiments with the different varieties of cereals, grasses, and roots; of trees, plants, shrubs, flowers, and fruits; with different modes of cultivation; with different manures; with the breeding, raising, and fattening of animals; with the products of the dairy; and with whatsoever else may be of practical benefit in adding to the knowledge of the facts, principles, and laws of the science and art of agriculture, horticulture, and arboriculture under the climatic conditions of this Province, shall be carried out on the experimental farm, and the modes of procedure and results published from time to time. R. S. O. 1887, c. 233, s. 4.

Rules, regulations and curriculum of the College.

5. The government of the college shall be under and according to such rules and regulations as the Lieutenant-Governor in Council may from time to time prescribe; and such rules and regulations shall contain provisions for the standard and mode of admission, the course of study and apprenticeship in each branch in which instruction is given, and may authorize diplomas, certificates of proficiency, scholarships, or other rewards to be given, after examination, in any of such subjects; and may also impose reasonable fees for attendance. R. S. O. 1887, c. 233, s. 5.

Appointments to be made by the Lieutenant-Governor in Council.

6. The Lieutenant-Governor in Council may from time to time appoint a president and such professors, instructors, officers, assistants, and servants as the Lieutenant-Governor in

Council may deem necessary for the efficient working of the college, and the promotion of its usefulness, and may pass by-laws regulating and prescribing their respective duties. R. S. O. 1887, c. 233, s. 6.

Advisory Board.

7.—(1) The Lieutenant-Governor in Council may appoint an Advisory Board of practical agriculturists to advise and assist the Minister of Agriculture in the management of the college and farm, and may by Order in Council prescribe its duties and powers. The members appointed to the board shall not exceed seven. The Deputy Minister of Agriculture shall be *ex officio* a member of the board. Three members thereof may, upon the constitution of the board, be appointed for the period of one year, and the other members thereof for a period of two years. Subsequent appointments may be for a period of two years, and any retiring member shall be eligible for re appointment.

Payment of Board.

(2) The members of the advisory board shall be paid for attending the meetings of the board an allowance not exceeding $4 per day, and also their actual necessary travelling expenses in attending the meetings. R. S. O. 1887, c. 233, s. 7.

Admission of students free of entrance and tuition fees.

8.—(1) Every county and every territorial district in the Province may have the privilege of having during all college terms one student in attendance, and receiving instruction at the college, without the payment of any entrance or tuition fee. The county council of each county shall nominate the student entitled to this privilege for the county, and the advisory board shall nominate the students for the territorial district. Such student must be the son of a practical farmer resident in the county or district, and must have lived on his parents' farm at least two years prior to his admission to the college.

(2) The Lieutenant-Governor in Council may prescribe the manner in which such students shall be nominated by the county council and advisory board. R. S. O. 1887, c. 233, s. 8.

Sessions, terms and vacations.

9. The sessions, terms and vacations shall be fixed by the Lieutenant-Governor in Council. R. S. O. 1887, c. 233, s. 9.

Affiliation of the College with the University of Toronto.

10. The Lieutenant-Governor in Council may agree with the University of Toronto for the affiliation of the said college with the said university, but only to the extent of enabling the students of the said college to obtain at the examinations of the university such rewards, honours, standing, scholarships, diplomas and degrees in Agriculture as the university, under its statutes and the Acts of the Legislature in that behalf, may be allowed to confer. R. S. O. 1887, c. 233, s. 10.

Museum and laboratory.

11. In connection with the college there shall be a museum of agriculture and horticulture, together with the scientific and

technical branches relating thereto, in order to afford aids to practical instruction, and illustrations of the agricultural and horticultural products of the Province; as well as a botanical and chemical laboratory to which vendors of seeds and artificial manures may send such seeds and manures, in order that, after the proper inspection and tests, their purity and strength may be reported for the benefit and protection of the agricultural community. R. S. O. 1887, c. 233, s. 11.

Gifts, bequests, etc., to college, museum or laboratory.

12. It shall be lawful for the Lieutenant-Governor in Council on behalf of the Province to accept, hold and enjoy any gifts, bequests, or devises of personal or real property or effects which any person may think fit to make for the purposes of the said college, museum or laboratory. R. S. O. 1887, c. 233, s. 12.

No religious test or profession required but all facilities given for affording religious training.

13. The Lieutenant-Governor in Council may make such regulations as may be deemed expedient touching the conduct of the students, and their attendance on public worship in their respective churches or other places of religious worship, and respecting their religious instruction by their respective ministers, according to their respective forms of religious faith, and every facility shall be afforded for such purposes. R. S. O. R. S. O. 1887, c. 233, s. 13.

Orders in Council to be laid before Legislature.

14. Every Order in Council under this Act shall be laid before the Legislative Assembly forthwith, if the Legislature is in session at the date of the Order, and if the Legislature is not then in session, the Order shall be laid before the said Assembly within the first fourteen days of the session next after the Order in Council is made; and in case the said Assembly at the said session (or if the session does not continue for three weeks after the Order is laid before the House then, at the ensuing session of the Legislature) disapproves by resolution of the Order in Council, the same so far as so disapproved of, shall have no effect from the time of such resolution being passed. R. S. O. 1887, c. 233, s. 14.

Reports and returns to the Legislative Assembly.

15. Full reports of the progress of the college and farm shall be annually returned and submitted to the Legislative Assembly, which reports shall, amongst other things, contain:

1. A tabular statement with the name and residence of each student attending in each session of the year, together with the name, residence and occupation of the parent or guardian, the number of classes that each student attended, and his progress and efficiency therein;

2. A return of the professors, instructors and assistants, with a summary of the instruction given by each;

3. A copy of the examination papers used in the sessional examinations, and the results thereof;

4. A summary of the operations in the various departments of the farm;

5. A clear and succinct account of the modes of procedure and results of the various experiments carried on during the year;

6. A detailed statement of the income and expenditure of the college and farm for the year;

7. A copy of all rules and regulations made during the year by the Lieutenant-Governor in Council, regarding the standard and mode of admission, the course of study and the course of apprenticeship;

8. A comparative statement shewing the progress of the college and farm from year to year. R.S.O. 1887, c. 233, s. 15.

CHAPTER 303.

An Act for the establishment of Mining Schools.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation "Union municipality."

1.—(1) The words "union municipality," where used in this Act, shall mean a municipality composed of two or more townships or wards.

"Ward."

(2) The word "ward," where used in this Act, shall mean a ward or township forming part of any union municipality. 54 V. c. 60, s. 1.

By-laws for establishment of mining schools.

2. Any city, town, incorporated village, township, or union municipality may, by by-law, provide for the establishment within such city, town, incorporated village, township or union municipality, or elsewhere of a mining school, and may by said by-law provide for the levying of a special annual rate upon the whole of the rateable property thereof, for any term not less than ten, nor more than thirty years, for the establishment or maintenance of such school or both, or for the leasing of buildings, or grounds, or for the purchase of lands and erection of buildings, or for the purchase and maintenance of machinery, furnaces and scientific apparatus, and all other things necessary for the treatment of any ore, or other mineral found in the Province, and of all the appliances necessary for the treatment of such ores or minerals by reduction, smelting, and other works, as well as all appliances, works, methods and systems necessary for the separation, amalgamation, manufacture, or other treatment of the metals thereby produced, and for the maintenance of the necessary teaching staff: provided that no such by-law shall be finally passed until it has first received the assent of a majority of the electors of the municipality in the manner provided by *The Municipal Act* with respect to by-laws for creating debts. 54 V. c. 60, s. 2.

Proviso.

Rev. Stat c. 223.

Establishment of schools in portions of municipalities.

3. In case a petition is presented from any township, or ward, forming part of a union municipality to the council of such union municipality, praying for the passing of a by-law for any or all of the purposes set out in the preceding section of this Act, it shall be the duty of such council to submit a

by-law for the assent of the electors of such township or ward in accordance with the prayer of the petition, and upon the assent of a majority of the electors of such township or ward being obtained to the passage of the by-law, to pass the same, and levy and collect a special annual rate upon the whole of the rateable property within such township or ward for any term of years not less than ten nor more than thirty years, for any of the purposes by the preceding section provided. 54 V. c. 60, s. 3.

Aid to mining schools from municipalities.

4. Subject to the assent of the electors being first obtained as provided by section 2 of this Act the council of any city, town, incorporated village, township, or union municipality may pass a by-law or by-laws providing for the granting of aid by way of bonus to any such school already established or to be established, either in any township or ward forming part of such municipality or elsewhere, and every such by-law shall provide for the issue of debentures for the purpose of granting such bonus; but such debentures shall not be payable within any period less than ten years nor more than thirty years after the issue thereof; and such by-law shall provide for the levying and collection of a special annual rate for payment of such debentures, and the interest thereon to be levied upon all the rateable property within the municipality. 54 V. c. 60, s. 4.

Aid from counties.

5. The council of any county may by a by-law which has been passed by the votes of two-thirds of the whole number of members thereof, grant aid to the extent of $10,000 to any mining school established or to be established under the provisions of this Act, for any or all of the purposes mentioned in section 2 hereof. 54 V. c. 60, s. 5.

Schools to be managed by board of trustees.

6. Every school so established or aided shall be under the management and control of a board of trustees, who shall be elected annually, one by each of the cities, towns, incorporated villages, townships or union municipalities granting such aid, and the trustees so elected shall be a body corporate and politic under the name of "The Board of Trustees of the Mining School of ," and all the school lands, buildings and property belonging thereto shall be vested in such corporation, and when any county council makes a grant such council shall be entitled to appoint one of the trustees of the board. 54 V. c. 60, s. 6.

Schools to be subject to regulations of Education Department.

7. Every school so established shall be conducted in accordance with such regulations of the Education Department as may from time to time be made with reference thereto, and all teachers or instructors employed in any such school shall, before entering upon their duties, obtain a certificate or permit from the Minister of Education. 54 V. c. 60, s 7.

Number of trustees.

8. If any such school is established or aided by only one municipality, or one portion of a municipality then such municipality, or the township, or ward thereof granting such aid shall elect three trustees for the purposes mentioned in section 6; and where only two municipalities, or two townships or wards forming a part thereof grant such aid then each of such municipalities, or of such townships, or wards shall elect two trustees. 54 V. c. 60, s. 8.

Where school abandoned or departmental regulations violated.

9. If at any time a school established under this Act is abandoned, or in case the trustees of any such school refuse or neglect to comply with any order or regulation of the Education Department, the Minister of Education may by an order in writing signed by himself, authorize the council or councils granting aid to such school to cease to collect or levy the rates hereinbefore provided for, and may direct the council to cease to pay over to the trustees of such school, any sums in the hands of the council payable to the said trustees; but this section shall not apply to, or affect in any way the levying of rates for the payment of debentures issued under the provisions of this Act. 54 V. c. 60, s. 9.

Application of railway aid clauses of Rev. Stat. c. 223

10. Except where inconsistent with the provisions of this Act the provisions of *The Municipal Act* with regard to granting aid from any municipality or portion of a municipality to any railway shall apply to the by-law which may be passed under this Act. 54 V. c. 60, s. 10.

Election and powers of trustees.

11. Any board of trustees to be elected under this Act shall be elected in the manner provided for the election of municipal councillors within the municipality establishing such a school, or granting such aid, and the said trustees shall, in so far as the same are applicable, with regard to the management and control of the Mining School, possess the same powers and be subject to the same provisions of law as public school trustees. 54 V. c. 60, s. 11.

Act incorporated with Rev. Stat. c. 223 and c. 225.

12. Except where inconsistent therewith, this Act shall be read and construed as if it formed part of *The Municipal Act* and shall apply to municipalities formed under section 1 of the *Act respecting the establishment of Municipal Institutions in Territorial Districts*. 54 V. c. 60, s. 12.

CHAPTER 304.

An Act respecting Industrial Schools.

SHORT TITLE, s. 1.
INTERPRETATION, s. 2.
ESTABLISHMENT OF SCHOOLS, ss. 3, 4.
DELEGATION OF POWERS TO PHILANTHROPIC SOCIETIES, s. 5.
Power of Philanthropic Societies to borrow, s. 6.
AID BY SCHOOL BOARDS, ETC., ss. 7, 8.
GRANTS OF LAND BY RELIGIOUS CORPORATIONS, s. 9.
APPOINTMENT OF TEACHERS, s. 10.
COMMITTAL TO SCHOOLS, ss. 11-16.
ROMAN CATHOLIC CHILDREN, PROVISO AS TO, s. 17.
VISITS BY CLERGYMEN, s. 18.
PLACING OUT OF CHILDREN, ss. 19-21.
DISCHARGE, ss. 22-23.
SUPERVISION AFTER DISCHARGE, 24.
POWERS OF SCHOOL CORPORATION, s. 25.
RULES OF MANAGEMENT, s. 26.
MAINTENANCE, ORDER FOR, ss. 27-29.
Liability for, according to residence of child, s. 30.
APPREHENSION OF CHILDREN ESCAPING FROM SCHOOLS, ss. 31, 32.
SURRENDER OF CHILD TO PARENTS, s. 33.
INSPECTION, ss. 34-36.
PUBLIC AID TO INDUSTRIAL SCHOOLS, ss. 37-40.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Industrial Schools Act.*" R. S. O. 1887, c. 234, s. 1.

"Industrial School," definition of.

2.—(1) The words "Industrial school" in this Act shall mean a school in which industrial training is provided, and in which children are lodged, clothed and fed, as well as taught, and which has been certified by the Minister under section 3 of this Act. R. S. O. 1887 c. 234, s. 2 (1); 58 V. c. 59, s. 1 *part.*

(2) "Industrial school board" shall mean the board of management of such certified industrial school, whether acting directly under powers conferred by, or under powers delegated pursuant to this Act. 58 V. c. 59 s. 1 *part.*

"Philanthropic Society."

Rev. Stat. c. 205.

Rev. Stat. c. 211.

(3) "Philanthropic society," in this Act, shall mean a philanthropic society (not being a loan corporation within the meaning of *The Loan Corporations Act,*) incorporated under *The Act respecting Benevolent, Provident and other Societies,* or under any other Act in force in this Province, and approved by the Lieutenant-Governor-in-Council for the purposes of this Act. R. S. O. 1887, c. 234, s. 2 (2); 60 V. c. 38, s. 121 (1).

(4) "Minister" shall mean the Provincial Secretary or other Minister whose duties for the time being include the charge of industrial schools. *See* 59 V. c. 73, s. 2. "Minister."

In cities, examination by Inspector, report thereon.

3. In case the public school board of trustees for any city or town, or the separate school trustees therein, establish an industrial school, and provide the necessary building or buildings, either by purchase, lease or otherwise, and provide the other requisites for such schools, and cause notice thereof to be given to the city inspector of public schools, or in case of a Roman Catholic industrial school then to one of the inspectors of separate schools, the said inspector shall make an examination of the school buildings so provided, and of their fitness for the reception of children, and shall inquire as to the other requisites provided, and shall inquire also into the means adopted for carrying on the school, and shall report the said particulars to the Minister; and if the Minister is satisfied with the report of the inspector, he may, in writing under his hand, certify that the school is a fit and proper one for the reception of children to be sent there, and the school shall thereupon be deemed a certified industrial school for the purposes of this Act. R. S. O. 1887, c. 234, s. 3; 59 V. c. 73, s. 2.

Certificate by Minister.

Notice of the certificate and evidence thereof.

4. The notice of the grant of the certificate shall forthwith be given by the board to the Police Magistrate and the Judge of the County Court, and shall likewise be inserted by the board in the *Ontario Gazette*; and a copy of the *Gazette* containing the notice shall be conclusive evidence of the grant which may also be proved by the certificate itself, or by an instrument purporting to be a copy of the certificate, and attested as such by the Minister or his Deputy. R. S. O. 1887, c. 234, s. 4; 59 V. c. 73, s. 2

Delegation of powers conferred on school trustees by this Act.

5.—(1) Any board of school trustees may delegate the powers, rights and privileges conferred upon such board by this Act, respecting the establishment, control and management of an industrial school to any philanthropic society or societies and the society or societies to which such powers are delegated, shall have and may exercise all the powers so delegated, and this Act shall thereafter apply to the philanthropic society or societies as fully as to the said boards; provided, nevertheless, that the chairman and secretary of the board of public school trustees in the city or town in which the industrial school is situated, or under whose control it is placed, and the public school inspector of the city or town, shall be members of the board of management of the society when acting under powers delegated by the board of public school trustees, and the chairman and secretary of the separate school board shall be members of the board of management, when the society is acting under powers delegated by the separate school board.

(2) The by-laws of such society shall be subject to the approval of the Lieutenant-Governor in Council. R. S. O. 1887, c. 234, s. 5.

Societies in may borrow on debentures.

6. A philanthropic society in addition to any powers conferred by the Act incorporating it as to raising money on the security of its property, shall have power to borrow money on debentures, and for that purpose may issue debentures pledging all the real and personal estate of the society for the payment of such debentures. The issue of such debentures shall not exceed two-thirds of the value of the property owned by such society, and no debenture shall be for a less sum than $100. A certificate of the number and amount of such debentures, as they are issued under the seal of the society and signature of the president or secretary, shall be filed in the registry office where the lands affected lie, which certificate shall be open to inspection on payment of 10 cents. 54 V. c. 59, s. 2.

Aid to industrial schools, from school boards.

7. Any school board authorized to establish industrial schools may aid such schools in the same manner as other schools, notwithstanding that such school does not lie within the municipality or school section wherein such school board has jurisdiction; provided such school has been established by the said school board, or by some society to which the said school board has delegated its powers, and upon the board of management of which it is represented. 54 V. c. 59, s. 1.

Authorizing corporations of cities and towns guarantee to debentures issued, for industrial school purposes.

8.—(1) When the school board of any city or town has itself, or where any philanthropic society acting under powers delegated by the public or separate school board, has established an industrial school or schools, and for the purpose of the purchase of lands and the erection of the necessary buildings thereon has incurred a debt or debts, or is about to incur such debt or debts, and where such school board, or the philanthropic society aforesaid, is desirous of or has issued debentures for the purpose of paying such indebtedness, then such school board or the board of such philanthropic society may request the council of such city or town to indorse or guarantee such debentures, and the corporation of such city or town shall have the power and are hereby authorized to guarantee the debentures so issued, and such indorsement or guarantee shall have the same force and effect as debentures issued by such city or town for school purposes: Provided, first: That the amount of the debentures so issued shall not exceed sixty per cent. in value of the lands, buildings and improvements of such school board or philanthropic society held for industrial school purposes: Provided, secondly: That the corporation shall either take a mortgage on the said property in respect of which the debentures are issued themselves, or an assignment of an existing mortgage, or require a mortgage to be made to

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a trust corporation or other trustees as security for such debentures. 58 V. c. 59, s. 2.

Debentures issued for public industrial schools to be supported by public school moneys.

(2) Any debenture debt incurred under this section by an industrial school board acting under powers derived from the public school board shall be a liability of the supporters of public schools, and likewise any debt incurred by an industrial school board acting under powers derived from a separate school board shall be a liability of the supporters of separate schools. 58 V. c. 59, s. 3.

Religious corporations empowered to grant or lease lands to industrial schools.

9. Any religious corporation may out of lands held by the corporation whether rectory or other lands, and over which such corporation has a power of sale, set apart and grant or lease for a nominal consideration, or otherwise for industrial school purposes, such portions of said lands as said corporation, or the committee having power to sell the same may think proper, without the corporation being deemed guilty of a breach of trust. 54 V. c. 59, s. 3.

Appointment of teachers and general superintendent.

10.—(1) The respective school boards shall provide the teachers necessary for the industrial school, and the general superintendent of the school shall, when practicable, be selected from the teachers so appointed. R. S. O. 1887, c. 234, s. 6.

School boards may pay a *per capita* allowance instead of furnishing teachers.

(2) Any such school board may pay a *per capita* allowance to the industrial school board in lieu of providing such teachers, such *per capita* allowance for each child taught, to be not less than the average cost *per capita* for each child attending the schools under the management of such school board in the then next preceding year, the number of children in the industrial school to be estimated as being the same number as during such next preceding year, and should such plan of payment be adopted, then all the powers of such school board as to hiring and discharging of teachers shall vest in the industrial school board. 58 V. c. 59, s. 4.

Certain children under fourteen may be brought before Police Magistrate or Justices.

11.—(1) Any person may at a special sitting bring before the Police Magistrate, or before the Judge of the County Court, and, except in cities where there is a Police Magistrate, before any Justice of the Peace, any child apparently under the age of fourteen years who comes within any of the following descriptions, namely:

(a) Who is found begging or receiving alms, or being in any street or public place for the purpose of begging or receiving alms;

(b) Who is found wandering, and not having any home or settled place of abode or proper guardianship, or not having any lawful occupation or business, or visible means of subsistence;

(c) Who is found destitute, either being an orphan or having a surviving parent who is undergoing penal servitude or imprisonment;

(d) Whose parent, step-parent or guardian represents to the Judge or Magistrate that he is unable to control the child, and that he desires the child to be sent to an industrial school, under this Act;

(e) Who, by reason of the neglect, drunkenness or other vices of the parents, is suffered to be growing up without salutary parental control and education, or in circumstances exposing him to lead an idle and dissolute life;

(f) Who has been found guilty of petty crime, and who, in the opinion of the Judge or Magistrate before whom he has been convicted, should be sent to an industrial school instead of to a gaol or reformatory. R. S. O. 1887, c. 234, s. 7.

(g) Who (being a child between eight and fourteen years of age) has been expelled from school for vicious and immoral conduct. 54 V. c. 56, s. 6.

Magistrate to inquire into truth of facts charged.

(2) No formal information shall be requisite to authorize proceedings being taken under the next preceding subsection, but the Judge or Magistrate, before issuing his order, shall have such child brought before him, and shall, in its presence, take evidence in writing under oath of the facts charged, and shall make reasonable inquiry into the truth thereof. R. S. O. 1887, c. 234, s. 8.

Magistrate may order child to school; requisites of the order.

12. If the Judge or Magistrate is satisfied on inquiry that it is expedient to deal with the child under this Act, he may order him to be sent to a certified industrial school; which order shall be in writing, and shall specify the name of the school, and the time for which the child is to be detained in the school, being such time as to the Judge or Magistrate seems proper for the teaching and training of the child, but not in any case extending beyond the time when the child will attain the age of sixteen years. R. S. O. 1887, c. 234, s. 9.

Admission to the schools.

13. The said school corporations or philanthropic societies may admit into any industrial school established by them, any children apparently under the age of fourteen years who are committed to any such school by the Judge or Magistrate; and the said corporations or societies, respectively, shall have power to place the said children at such employments, and cause them to be instructed in such branches of useful knowledge as are suitable to their years and capacities. R. S. O. 1887, c. 234, s. 10.

Powers as to instruction and employment.

Boys under 13 may be committed to industrial schools.

14.—(1) Where under the authority of any statute of the Province, or of any other statute or law in force in the Province, and relating to matters within the legislative authority of the Legislature of the Province, any offender is convicted

whether summarily or otherwise, of any offence punishable by imprisonment, by any Judge, Stipendiary or Police Magistrate, or Justice of the Peace, who at the time of the trial is of the opinion that such offender does not exceed the age of thirteen years, such Judge, Magistrate or Justice, may order such offender to be sent to a certified industrial school, subject to the provisions of this Act. 53 V. c. 76, s. 2.

Period of detention at industrial schools.

(2) Such offender shall thereupon be detained in such industrial school until he is reformed or otherwise fit to be apprenticed or bound out, or is probationally or permanently discharged under the provisions of this Act, and such detention shall be substituted in such case for the imprisonment in the penitentiary or reformatory or such place of confinement by which the offender would otherwise be punishable under any such statute or law relating thereto as aforesaid; but in no case shall the offender be detained beyond the age of 17 years. 53 V. c. 76, s. 3.

Incorrigible offenders may be sent to reformatory.

15. Upon complaint made to the Judge of the County or District Court, or to any Stipendiary or Police Magistrate by the general superintendent or other officer in charge of such industrial school, that by reason of incorrigible or vicious conduct, or escape, or habits of escape, and with reference to the general discipline of the school, the offender is beyond the control of such officer, the Judge, Stipendiary or Police Magistrate may order such offender to be confined in the reformatory for an undefined period, not to exceed the period for which he would be otherwise liable to be detained. 53 V. c. 76, s. 4.

Admission of offenders to industrial schools.

16.—(1) In case an offender against any law of Canada who at the time of his trial is or appears to be under the age of thirteen years is for any offence against any law of Canada committed to a certified industrial school, or is transferred by legal authority from any place of imprisonment to a certified industrial school, the managers of such school may admit the offender into the said school accordingly. 53 V. c. 75, s. 2.

Provisions for maintenance, etc., to extend to offenders against Dominion laws.

(2) The provisions for maintenance and all other matters relating to offenders against Provincial laws shall also apply to offenders between the ages aforesaid against the laws of Canada, who may be transferred or committed to a certified industrial school. 53 V. c. 75, s. 3.

Order charging maintenance in such cases.

(3) The order for chargeability of maintenance of an offender against the laws of Canada, transferred or committed to a certified industrial school, may be made by the Court, Judge, Stipendiary or Police Magistrate before whom the offender is convicted at any time, as if such Court, Judge, Stipendiary or Police Magistrate had ordered the commitment of such offender for an offence against Provincial law. 53 V. c. 75, s. 4.

Roman Catholic children.

17. In case an industrial school is established by the Roman Catholic separate school trustees in any city, the Judge or

Magistrate shall endeavour to ascertain the religious persuasion to which every child to be sent by him to an industrial school belongs, and shall, as far as practicable, send Roman Catholic children to the Roman Catholic industrial school and other children to the other industrial school; and if a parent or guardian, or in case there is no parent or guardian, then if the nearest adult relative of a child in a Roman Catholic separate school claims that the child should be sent to the industrial school under the said board of trustees, or claims that a child in an industrial school established by the latter should be sent to the Roman Catholic separate school, the Minister, on being satisfied of the justness of such claim, shall order a transfer of the child accordingly, provided that the managers of the school to which the transfer is to be made are willing to receive the child. R. S. O. 1887, c. 234, s. 11; 59 V. c. 73, s. 2.

Visits by clergymen.

18. A clergyman of the religious persuasion to which a child appears to belong may visit the child at the school on such days and at such times as may be from time to time fixed by regulations of the Minister in that behalf, for the purpose of instruction in religion. R. S. O. 1887, c. 234, s. 12; 59 V. c. 73, s. 2.

Children may reside with respectable persons.

19.—(1) The school corporation, or philanthropic society, may permit a child sent to their industrial school under this Act to live at the dwelling of any trustworthy and respectable person; provided, that a report is made forthwith to the Minister in such manner as he thinks fit to require, of every instance in which this discretion is exercised. R. S. O. 1887, c. 234, s. 13; 59 V. c. 73, s. 2.

Revocation of permission to reside out of school.

(2) Any permission for that purpose may be revoked at any time by the school corporation or philanthropic society; and thereupon the child to whom the permission relates shall be required to return to the school. R. S. O. 1887, c. 234, s. 14.

Time of absence how calculated.

Return to school.

(3) The time during which the child is absent from the school under permission shall, except where the permission is withdrawn on account of the child's misconduct, be deemed to be part of the time of his detention in the school, and at the expiration of the time allowed by the permission, he shall be taken back to the school. R. S. O. 1887, c. 234, s. 15.

Maintenance and education of children in homes outside of school.

20. The industrial school board may arrange for the maintenance and education of any child committed to their care in any satisfactory home outside of such school, provided that the control of the board over such child is not thereby abated or diminished, nor the liability of any municipality for the maintenance of such child thereby increased and in all cases when the cost of maintenance at such house is less than the statutory liability of any municipality, such municipality shall be chargeable only with the amount paid by said board of management. 54 V. c. 59 s. 4.

Transfer of child from one school to another.

21. The Minister may at any time order any child to be transferred from one certified industrial school to another, or may order a child to be discharged from any such certified industrial school either absolutely or on such conditions as he may think fit, and the child shall be transferred or discharged accordingly. 59 V. c. 73, s. 1 (1).

Applications for discharge of children committed.

22. In case an application is made to any Court or Judge for the discharge from the industrial school of any child committed thereto under the provisions of section 11 of this Act, notwithstanding any irregularity in or insufficiency of the order or other proceedings, no order shall be made for such discharge in case the Court or Judge deems it for the benefit of the child that it should remain in the industrial school, and it appears by the depositions taken before the committing Judge or Magistrate that the child was liable to be committed to the industrial school under the provisions of this Act. R. S. O. 1887, c. 234, s. 18.

Depositions to be delivered to person executing warrant.

Evidence.

23. The committing Judge or Magistrate shall deliver to the constable, or other person having the execution of his order, the depositions taken by him, or a certified copy thereof, which depositions or copy shall be delivered by the constable or other person to the superintendent or officer receiving the child into the said industrial school; such copy shall be *prima facie* proof of the contents of the original depositions and shall be receivable in evidence upon any application for the discharge of any child committed thereunder. R. S. O. 1887, c. 234, s. 19.

Children to be under supervision of industrial school board till 18.

24.—(1) Every child sent to an industrial school, shall, from the expiration of the period of his detention at such school, remain up to the age of 18 under the supervision of the industrial school board.

(2) Such industrial school board shall have the same powers in respect of children under their supervision as are conferred upon such board in respect of boys committed to said school. 58 V. c. 59 s. 5.

School corporation, etc., to have powers granted by Rev. Stat. c. 161.

25. The school corporation, or philanthropic society, may at any time during the period of detention of a child in a school, exercise all the powers conferred by sections 2 and 6 of *The Act respecting Apprentices and Minors*, upon the charitable societies therein mentioned. R. S. O. 1887, c. 234, s. 20

Rules of management, power to make.

26. The school corporation, or philanthropic society, may from time to time make rules for the management and discipline of the certified industrial school established by the board or society, such rules not being inconsistent with the provisions of this Act, but the rules shall not be enforced until they have been approved by the Minister; and rules so ap-

proved shall not be altered without the like approval; a printed copy of the rules purporting to be rules of a school so approved and signed by the Minister shall be evidence of the rules of the school. R. S. O. 1887, c. 234, s. 21; 59 V. c 73, s. 2.

Power to order parent, etc., to maintain a child.

27. On the complaint of the school corporation or philanthropic society, or of any agent of the school corporation or philanthropic society at any time during the detention of a child in a certified industrial school, the Judge of the Division Court of the division in which the parent, step-parent or guardian of the child resides, may, on summons to the parent, step-parent or guardian, in the form or to the effect of the Schedule to this Act, issued and served according to the ordinary practice of the Court, examine into his ability to maintain the child; and the Judge may, if he thinks fit, make an order on such parent, step-parent or guardian for the payment to the school corporation or philanthropic society of such weekly sum, not exceeding $1.50 per week, as to the Judge seems reasonable, during the whole or any part of the time during which the child is liable to be detained in the school; and the said order shall for all purposes be a judgment of the Division Court. R. S. O. 1887, c. 234, s. 22.

Varying the order for maintenance.

28. The Judge making such order, or any other Judge holding the Division Court, may from time to time vary any such order as circumstances require, on the application either of the person on whom the order is made, or of the school corporation or philanthropic society or its agent, on fourteen days' notice of the application being first given to the other party. R. S. O. 1887, c. 234 s. 23.

Costs of order for maintenance.

29. The officers of the Court shall be entitled to charge fees upon proceedings had under the next preceding two sections, according to the lowest Division Court scale, and in every case all costs shall be in the discretion of the Judge. R. S. O. 1887, c. 234, s. 24.

Liability of other corporations for maintenance according to residence of the child.

30.—(1) In case a child sent by a Judge or Magistrate to an industrial school has not resided in the city or town in which said school is situated, or to which it is attached for a period of one year, but has resided for that period in some other county, city, or separated town, the school corporation or philanthropic society may recover from the corporation of such county, city, or separated town the expense of maintaining the child.

(2) If the child, although he or she had resided for a period of one year in the city in which the industrial school is situated, or to which it is attached, had, since such residence, been resident for a period of one year in some other municipality, the school corporation or philanthropic society, may, in like manner, recover the expense of maintenance from the

county, city, or separated town in which the child last resided for a period of one year. R. S. O. 1887, c. 234, s. 25 (1-2).

(3) Where the child resided for one year last preceding its admission to said school in the city or town in which the industrial school is situated or to which it is attached, such city or town shall pay a sum of not less than $2.00 per week towards the expenses of maintaining in the school of each such child whose maintenance is not otherwise fully provided for; and such city or town shall have the power to recover the amount so paid from the parents if able to pay it. R. S. O. 1887, c. 234, s. 25 (3); 51 V. c. 39, s. 1.

What shall be deemed escape from school.

31. A child escaping from the person with whom he is placed, or refusing to return to the school on the revocation of the permission or at the expiration of the time allowed thereby, shall be deemed to have escaped from the school. R. S. O. 1887, c. 234, s. 16.

Apprehension on escape or absence.

32. If a child sent to a certified industrial school, and while liable to be detained there, escapes from the school, or neglects to attend thereat, he may, at any time before the expiration of his period of detention, be apprehended without warrant, and may be brought back to the same school, there to be detained during the period equal to so much of his period of detention as remained unexpired at the time of his escape. R. S. O. 1887, c. 234, s. 26.

Surrender of child to parents or other persons.

33. Wherever it is satisfactorily proved that the parents of any child committed under the provisions of this Act have reformed and are leading orderly and industrious lives, and are in a condition to exercise salutary parental control over their children, and to provide them with proper education and employment, or wherever, said parents being dead, any person offers to make suitable provision for the care, nurture and education of such child as will conduce to the public welfare, and will give satisfactory security for the performance of the same, then the board of school trustees or philanthropic society may discharge said child to the parents or to the person making provision for the care of the child as aforesaid. R. S. O. 1887, c. 234, s. 29.

INSPECTION OF INDUSTRIAL SCHOOLS.

Inspection as under School Acts.

34. Industrial schools established under this Act shall be under the same inspection, and subject to the same laws in all respects as other schools, except so far as may be inconsistent with this Act. R. S. O. 1887, c. 234, s. 28.

Inspection of schools receiving public aid.

35 The Superintendent of Neglected Children shall, by virtue of his office have the right to inspect every institution receiving aid under this Act. 56 V. c. 50, s. 7; 58 V. c. 59, s. 6.

Duties of Superintendent of Neglected Children.

36. The said Superintendent shall, from time to time, visit and inspect every industrial school and make all proper inquiries as to the maintenance, management, and affairs thereof; and by examination of the registers and such other means as he may deem necessary, particularly satisfy himself as to the correctness of any returns made under this Act, or under any Order in Council in that behalf, as aforesaid; upon all which matters he shall make report to the Lieutenant-Governor in Council. 56 V. c. 50, s. 8; 58 V. c. 59, s. 6.

PUBLIC AID TO INDUSTRIAL SCHOOLS.

Amount of aid.

37. In case of public moneys being appropriated for the purposes of this Act by the Legislative Assembly, every industrial school complying with the requirements of this Act and of all orders made hereunder by the Lieutenant-Governor in Council, shall receive in each year aid from such moneys to the extent and amount following, that is to say, seven cents for each day's actual stay of every pupil admitted to, or being within such institution during the calendar year next preceding the year for which such aid is given. 56 V. c. 50, s. 3.

Further aid.

38. In every year, each such institution shall also be entitled to have and receive from such public funds, further aid to the extent and amount of three cents per pupil per day: provided

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that the aggregate amount of such further aid, at the rate aforesaid shall not, in any one year, exceed one-fourth of the entire

Limit of amount of aid.

moneys received by such institution in said preceding year, from all sources other than the Province, towards the ordinary yearly maintenance thereof; and in every such case, where said further aid in the aggregate would exceed said one-fourth of the last mentioned moneys, there shall be substituted and given in lieu thereof, from the public moneys so appropriated, a sum equal to the said one-fourth of the last mentioned moneys. 56 V. c. 50, s. 4.

How amount to be calculated.

39. In calculating the amount of aid to be given under this Act to any institution as aforesaid, the day of departure of any pupil from such institution shall not be counted or reckoned. 56 V. c. 50, s. 5.

Penalty in case of false return.

40. Any person who knowingly and wilfully makes, or is a party to, or procures to be made, directly or indirectly, any false return, either under this Act, or any Order in Council, shall thereby incur a penalty of $1,000, which penalty may be recovered, with costs, by civil action or proceeding, at the suit of the Crown only, in any form allowed by law and before any Court of the Province having jurisdiction to the amount of such penalty in cases of simple contract. 56 V. c. 50, s. 6.

SCHEDULE.

(*Section* 27.)

[L.S.]

SUMMONS FOR MAINTENANCE IN INDUSTRIAL SCHOOL.

In the Division Court of the County of

BETWEEN the Public School Board of the City of (*or as may be*)

Plaintiffs,

and

C. D.

Defendant.

You, the above-named defendant, are hereby summoned to appear at the next sitting of this Court, to be holden at in the County of on the day of A.D. 18 , at the hour of ten o'clock in the forenoon, to answer the allegation of the plaintiff, that you, the said are liable for the expense of maintaining one *E. D.*, a boy detained in the Industrial School, under the charge of the above named plaintiffs, in the City of

And, further, you are hereby required to take notice that the plaintiffs claim that you are able to pay the sum of $ per week towards the said expenses, and that if you do not appear at the said time and place, such order will be made in your absence as may seem just.

Dated this day of A.D. 18 .

By the Court,

X. Y.,
Clerk.

R. S. O. 1887, c. 234, Sched.

SECTION XVI.

RELIGIOUS MATTERS.

CHAPTER 305.

An Act respecting Tithes.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

No rector, etc., to be entitled to tithes.

1. No tithes shall be claimed, demanded or received by any rector, vicar, or other ecclesiastical person of the Protestant Church within Ontario. R. S. O. 1887, c. 235, s. 1.

CHAPTER 306.

An Act respecting Rectories.

Preamble.

WHEREAS the recognition of legal equality among all religious denominations is an admitted principle of Colonial legislation; And whereas, in the state and condition of this Province, to which such principle is peculiarly applicable, it is desirable that the same should receive the sanction of direct legislative authority, recognizing and declaring the same as a fundamental principle of the civil policy of this Province:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

The free exercise of religious profession, etc., guaranteed.

1. The free exercise and enjoyment of religious profession and worship without discrimination or preference, provided the same be not made an excuse for acts of licentiousness, or a justification of practices inconsistent with the peace and safety of the Province, is by the constitution and laws of this Province assured to all Her Majesty's subjects within the same. R. S. O. 1887, c. 236, s. 1.

No rectories to be hereafter created.

2. No letters patent shall be issued in this Province by the Crown for the erection of any parsonages or rectories, according to the establishment of the Church of England, or for the endowment thereof, out of the Clergy Reserves or the public domain, or for the presentation of any incumbent or minister to any such parsonage or rectory. R. S. O. 1887, c. 236, s. 2.

Rectories not to be affected by this Act.

3. Nothing herein contained shall in any wise affect any proceedings heretofore had, whereby certain parsonages or rectories were erected and endowed, or supposed to be erected and endowed by the authority of an Act of the Imperial Parliament passed in the 31st year of the reign of King George the Third, chapter 31, intituled *An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province*, or whereby certain incumbents or ministers were presented, under the same authority, to such parsonages or rectories or any of them, but the legality or illegality of all such

31 Geo. III. c. 31.

proceedings shall be adjudicated upon and determined as if this Act had not been passed. R. S. O. 1887, c. 236, s. 3.

Presentation to such rectories provided for.

4. The right of presenting an incumbent or minister to any such parsonage or rectory shall vest in and be exercised by the synod of the Church of England diocese within which the same is situated, or in such other person or persons, bodies politic or corporate, as such synod, by any by-law or by-laws to be by them from time to time passed for that purpose, may think fit to direct or appoint in that behalf. R. S. O. 1887, c. 236, s. 4.

CHAPTER 307.

An Act respecting the Property of Religious Institutions.

CONVEYANCES FOR SITE OF CHURCH, ETC., TO BE MADE TO TRUSTEES, s. 1.
TRUSTEES:
Powers, s. 1.
Change of number, ss. 2-7.
MORTGAGES, s. 8.
LEASES, ss. 9-13.
SALES, ss. 14, 15.
Assent of congregation, s. 14.
APPOINTMENT OF TRUSTEES, ss. 16-18.
TRUSTEES FOR SEPARATE CONGREGATIONS, s. 19.
REGISTRATION OF DEEDS, ss. 20, 21.
ACCOUNTS OF TRUSTEES, s. 22.
ACTS AS TO RELIGIOUS BODIES NOT AFFECTED, s. 23.
POWERS AS TO HOLDING LAND, s. 24.
TRUSTEES FOR ADJOINING BURIAL GROUNDS, ss. 25, 26.
APPLICATION OF ACT TO CHURCH OF ENGLAND, s. 27.
APPLICATION OF ACT TO ROMAN CATHOLIC CHURCH, s. 28.
APPLICATION OF ACT TO JEWS, s. 28.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

When religious societies desire to take conveyances for site of a church, etc., conveyance may be made to trustees.

Powers of trustees.

1.—(1) Where any religious society or congregation of Christians in Ontario desires to take a conveyance of land for the site of a church, chapel, meeting-house, burial-ground, residence for a minister, book-store, printing or publishing-office, or for any other religious or congregational purpose whatever, such society or congregation may appoint trustees, to whom, and their successors, to be appointed in such manner as may be specified in the deed of conveyance, the land requisite for all or any of the purposes aforesaid may be conveyed; and such trustees and their successors in perpetual succession, by the name expressed in the deed, may take, hold and possess the land, and maintain and defend actions for the protection thereof, and of their property therein. R. S. O. 1887, c. 237, s. 1.

Description of trustees in conveyances

(2) The deed of conveyance made to the trustees may be made to such trustees under a collective name, and it shall not be necessary to set out the individual names of the trustees in such deeds as parties thereto or as grantees therein, provided such names be set out or appear by recital or otherwise in the said deed. This section shall apply to conveyances heretofore made as well as to those hereafter to be made to such trustees. 52 V. c. 54, s. 1.

Change of name under which lands have been held.

(3) In case the name by which any such religious society or congregation or trustees therefor, have heretofore held or hereafter hold lands under and pursuant to the powers of this said Act, has been or shall be changed by such religious society or congregation by by-law or resolution, such change of name shall not prejudice or affect the title of the society or congregation or their trustees to the said lands. 52 V. c. 54, s. 2.

Number of trustees may be varied.

2. Any congregation or society of Christians entitled to the benefit of any lands held under the provisions of this Act, or otherwise, may from time to time, by a resolution passed by a two-thirds vote of the persons entitled to vote in respect of the appointment of trustees, increase or decrease the number of trustees by the deed or otherwise to be appointed for the purpose of holding such lands; or may in like manner fix the number of trustees in case the deed makes no provision as to their number. R. S. O. 1887, c. 237, s. 2.

Notice of meeting required.

3. No such resolution shall be passed unless the said meeting has been duly notified in the same manner as a meeting for the election of trustees for such lands is required to be notified, or unless notice has been given at the time of such notification that a proposal for increasing (or decreasing or determining, as the case may be) the number of the trustees, will be considered at the meeting. R. S. O. 1887, c. 237, s. 3.

Time when variation to take effect.

4. In case the resolution passed provides for the appointment of more trustees than are authorized by the deed, or more than there are in fact if the number is not limited by the deed, the same shall take effect forthwith; and the additional trustees to be appointed may be elected at the meeting at which the resolution is passed or at a subsequent meeting: if the resolution provides for a smaller number of trustees than the deed provides for, then the resolution shall not take effect until vacancies occur, by death or otherwise, reducing the number of trustees to the number provided for by the resolution; and no other trustees shall be appointed under the authority of this Act until the number of trustees has been reduced as aforesaid below the number authorized by the resolution. R. S. O. 1887, c. 237, s. 4.

Record of proceedings.

5. A record of the proceedings of the meeting shall be made out in writing, and entered and transcribed in the minute book or other official register of the acts and proceedings of the congregation or society, and shall be signed by the chairman and secretary thereof, and shall thereafter be deposited of record among the archives of the congregation or society, and

Copy to be registered.

a copy of such record, certified to be a true copy by the chairman or secretary, on oath (or affirmation) before a Justice of the Peace, may be recorded in the registry office of the registry division in which the property is situate. R. S. O. 1887, c. 237, s. 5.

Certified copy evidence.

6. A copy of such proceedings taken from the minute book or other official register of the congregation, and certified by the clerk or custodian of the records of the congregation, or a copy certified by the registrar of the registry division wherein the same has been registered under the preceding section, shall be *prima facie* evidence of the contents thereof. R. S. O. 1887, c. 237, s. 6.

Special Acts not affected by preceding provisions.

7. The provisions contained in the preceding five sections of this Act shall not be construed so as in any way to repeal, alter, affect, or vary any of the provisions in any special Act contained with reference to any religious body or congregation of Christians in this Province. R. S. O. 1887, c. 237, s. 7.

Mortgages allowed in certain cases.

8.—(1) Where a debt has heretofore been or is hereafter contracted for the building, repairing, extending or improving of a church, meeting-house, chapel, book-store, printing-office or other building, on land held by trustees for the benefit of any religious society in Ontario, or for the purchase of the land on which the same has been or is intended to be erected, the trustees, or a majority of them, may from time to time secure the debt or any part thereof by a mortgage upon the land, church, meeting-house, chapel, book-store, printing-office or other building; or may borrow money to pay the debt or part thereof, and may secure the repayment of the loan and interest by a like mortgage upon such terms as may be agreed upon.

(2) The authority conferred by this section to mortgage land as security for a debt contracted for the building, repairing, extending or improving of a church, meeting-house, chapel, book-store, printing-office or other building on land held for the benefit of the society, shall extend to any land so held, although the church, or other building, in respect of which the debt is contracted, is not erected on the said land. R. S. O. 1887, c. 237, s. 8.

Power to join in mortgage of lands held under separate conveyances.

9. In the case of separate but contiguous parcels of land held under separate conveyances by trustees for the same religious society or congregation under this Act, if such parcels of land be so used, occupied, or built upon as to become indivisible except by the removal, alteration, or destruction, in whole or in part, of such user, occupation or building, the trustees of such parcels may join in any mortgage, authorized by section 8 of this Act. 52 V. c. 54, s. 3.

Power to lease.

10. The grantees in trust named in any letters patent from the Crown, or the survivors or survivor of them, or the trustees for the time being appointed in manner prescribed in the letters patent, whereby lands are granted for the use of a congregation or religious body, and any other trustees for the time being entitled by law to hold lands in trust for the use of a congregation or religious body, may lease, for any term not

exceeding twenty-one years, lands so held by them for the use of a congregation or religious body, at such rents and upon such terms as the trustees or a majority of them deem reasonable. R. S. O. 1887, c. 237, s. 9.

Power to agree in leases to renew and pay for improvements by lessee.

11. In such lease the trustees may covenant or agree for the renewal thereof at the expiration of any or every term of years, for a further term of twenty-one years or a less period, at such rent and on such terms as may then, by the trustees for the time being, be agreed upon with the lessee, his heirs, executors, administrators or assigns, or may consent or agree for the payment to the lessee, his executors, administrators or assigns, of the value of any buildings or other improvements which may at the expiration of any term be on the demised premises; and the mode of ascertaining the amount of such rents or the value of such improvements may also be specified in the original lease. R. S. O. 1887, c. 237, s. 10.

Consent of *cestuis que trustent* requisite before leasing—consent, how signified.

12. The trustees shall not so lease without the consent of the congregation or religious body for whose use they hold the land in trust, and such consent shall be signified by the votes of a majority of the members present at a meeting of the congregation or body, duly called for the purpose; nor shall the trustees lease any land which, at the time of making the lease, is necessary for the purpose of erecting a church or place of worship or other building thereon, or for a burial ground for the congregation for whose use the land is held. R. S. O. 1887, c. 237, s. 11.

Remedies of trustees for rent in arrear

13. The trustees for the time being entitled by law to hold land in trust for a congregation or religious body, may, in their own names, or by any name by which they hold the land, sue or distrain for rent in arrear, and may take all such means for the recovery thereof as landlords in other cases are entitled to take. R. S. O. 1887, c. 237, s. 12.

Sales by trustees.

14.—(1) Where land held by trustees for the use of a congregation or religious body becomes unnecessary to be retained for such use, and it is deemed advantageous to sell the land, the trustees for the time being may give public notice of an intended sale specifying the premises to be sold and the time and terms of sale; and after publication of the notice for four successive weeks in a weekly paper published in or near the place where the lands are situated, they may sell the land at public auction according to the notice; but the trustees shall not be obliged to complete or carry a sale into effect, if in their judgment an adequate price is not offered for the land; but this provision shall not affect or vary any special powers or trusts for sale contained in any deed or instrument, and inconsistent herewith.

Special powers not affected.

Private sales.

(2) The trustees may thereafter sell the land either by public or private sale; but a less sum shall not be accepted at

private sale than was offered at public sale. R. S. O. 1887, c. 237, s. 13.

Before conveyance *cestuis qui trustent* to be notified, and sanction obtained.

15.—(1) Before any conveyance is executed in pursuance of a public or private sale, the congregation or religious body for whose use the lands are held shall be duly notified thereof, and its assent obtained to the execution of the said deed, and such assent shall be signified by the votes of a majority of the members present at a meeting of the congregation or body duly called for the purpose.

Evidence of.

(2) Such assent shall be held in favour of the grantee and his assigns to be conclusively testified by the execution of the deed by the chairman at such meeting, or by the official head of such religious body, or by some person appointed at such meeting for the purpose; and the person assuming to execute the deed as chairman, official head or appointee, shall be presumed to be such chairman, official head or appointee, as the case may be.

When County Judge may approve of deed.

(3) Instead of such assent of the congregation or religious body aforesaid, it shall be sufficient for the validity of any such conveyance, that the sale be sanctioned and the deed approved of by the Judge of the County Court of the county in which the land sold is situate. R. S. O. 1887, c. 237, s. 14.

Power to convene public meeting, and determine how successors to trustees are to be appointed, or to appoint trustees.

16. It shall be lawful for any congregation or society of Christians of any denomination, on whose behalf lands in this Province are now, have been, or hereafter may be held by a trustee or trustees, without the manner of appointing successors being set forth in the grant, conveyance, will or devise of such lands, or who are or may be entitled to any lands without being a body corporate, at any time hereafter to assemble in a public meeting duly convened by notice in writing, signed by at least five members of such congregation or society, and affixed to the door of their place of worship, at least eight days previous to the day appointed for holding such meeting; and at such meeting, by the votes of a majority of the members of such congregation or society then and there present, to determine in what manner the successors to such trustee or trustees shall be appointed out of the members of the religious denomination on whose behalf such lands were originally granted, conveyed or conceded, or to appoint a trustee or trustees of any lands to which the said congregation or society is entitled, and their successors in the trust. R. S. O. 1887, c. 237, s. 15.

Record of proceedings.

17.—(1) A record of the proceedings of the meeting shall be made out in writing, and entered and transcribed in the minute book or other official register of the acts and proceedings of the congregation or society, and shall be signed by the chairman and secretary thereof, and shall thereafter be deposited of record among the archives of the congregation or society; and a copy of such record, certified to be a true copy by the chair-

Deposit and registry thereof.

man or secretary, on oath (or affirmation) before a Justice of the Peace, shall be recorded in the registry office of the registry division in which the property is situate.

Copy as evidence.

(2) A copy of the proceedings taken from the minute book or other official register of the congregation, and certified by the clerk or custodian of the records of the congregation, or a copy certified by the registrar of the registry division wherein the same has been registered, according to this section, shall be *prima facie* evidence of the contents thereof. R. S. O. 1887, c. 237, s. 16.

The determination at the meeting to have the effect of a clause in the grant.

18. Such determination shall, in every such case, have the same effect as a clause in the grant, concession or conveyance of the lands to which it relates, setting forth the manner of appointing successors to the trustee or trustees named, would have; and any lands to which any religious congregation or society, not being incorporated, is entitled, shall from time to time vest in and be held by the trustee or trustees to be appointed as hereinbefore mentioned, and their successors in the trust, immediately upon the registration of the proceedings in the last preceding section mentioned, and without any or further conveyance or instrument whatsoever. R. S. O. 1887, c. 237, s. 17.

Upon registration lands of unincorporated bodies to vest in the trustees appointed.

The case of two societies desirous to build a house of worship.

19. Where members or adherents in any locality of two or more religious societies desire to build a house for public worship, it shall be lawful for each of the societies respectively to appoint from time to time one trustee in the manner and form prescribed in this Act, and the trustees of the religious bodies so united shall have the like powers as are conferred on trustees under this Act, and no others; and as to any act, deed or thing to be done or made by trustees under this Act which requires the sanction or assent of the congregation or religious body, the trustees under this section shall obtain the sanction or assent of each and every of the congregations or religious bodies so united, to be ascertained and signified in the manner hereinbefore mentioned. R. S. O. 1887, c. 237, s. 18.

Registration of deeds executed before March 29th, 1873.

20.—(1) All deeds of conveyance executed before the 29th day of March, 1873, for any of the uses, interests or purposes enumerated therein, if the same were registered before the 30th of March, 1874, shall be as valid and effectual, as if registered within twelve months after the execution thereof respectively, except in so far as the same may be affected by the prior registration of other deeds or instruments relating to the same lands respectively.

Proviso as to certain cases of adverse right.

(2) But in all cases where any such religious bodies had not erected any buildings or made improvements, and any person claiming to hold or to be entitled to any real estate or property included in any such deed on account of the omission to register the same, had, in virtue of such claim, taken possession of such

real estate before the said 29th day of March, 1873, and also in all cases where the persons claiming to hold or to be entitled to such real property, on account of such omission as aforesaid, had actually sold or departed with, or had actually contracted to sell or depart with such real estate before the said date, the provisions of this section shall not extend to render invalid any right or title to such estate, but such right or title shall be taken and adjudged to be as if this Act had not been passed. R. S. O. 1887, c. 237, s. 19.

Conveyances to be registered within twelve months after execution.

21. The trustees of any lands to which the provisions of this Act apply, shall, within twelve months after the execution of the conveyance, cause the deed to be registered in the office of the registrar of the registry division in which the land is situate, or otherwise the same shall be void; and further, the deed shall be subject to the law affecting priority of registration in the same manner as if made between private parties. R. S. O. 1887, c. 237, s. 20.

Trustees to exhibit statements as to lands sold and leased.

22. Trustees selling or leasing land under the authority of this Act shall on the first Monday in July in every year, have ready and open for the inspection of the congregation or religious body which they represent, or of any member thereof, a detailed statement shewing the rents which accrued during the preceding year, and all sums of money whatever in their hands, for the use and benefit of the congregation or religious body, which were in any manner derived from the lands under their control or subject to their management, and also shewing the application of any portion of the money which has been expended on behalf of the congregation or body. R. S. O. 1887, c. 237, s. 21.

This Act not to affect special Acts as to religious bodies.

23. This Act shall not be construed so as in anywise to repeal, alter, affect or vary any of the provisions in any special Act contained with reference to any religious body or congregation of Christians in this Province, but, on the contrary, any of the said provisions, while differing from or inconsistent with any of the provisions of this Act, shall prevail, and where any additional rights or privileges are conferred by this Act, these shall be construed as supplementary to the provisions contained in any such special Act; and in every case the special trusts or powers of trustees contained in any deed, conveyance, or other instrument, shall not be affected or varied by any of the provisions of this Act. R. S. O. 1887, c. 237, s. 22.

Powers of religious societies as to [illegible] lands.

24. Any religious society or congregation of Christians in Ontario may by the name thereof, or in that of trustees, from time to time take or hold, by gift, devise or bequest, any lands or tenements, or interests therein, if such gift, devise or bequest is made at least six months before the death of the person making the same, but the said religious society or congregation

shall at no time take or hold by any gift, devise or bequest, so that the annual value of any lands or tenements or interests therein, so to be taken or held by gift, devise or bequest, at any one time exceeds in the whole the sum of $1,000; and no lands or tenements, or interests therein, (other than land used for any purpose specially mentioned in section 1 of this Act) acquired by gift, devise or bequest, shall be held by the said religious society or congregation for a longer period than seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said religious society or congregation, which shall have power in the name thereof, or in that of the trustees for said society or congregation, to grant and convey the said lands to any purchaser, so that it no longer retains any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said society or congregation; and such lands, tenements, or interests therein, or such thereof as have not, within the said period, been so disposed of, shall revert to the person from whom the same were acquired, his heirs, executors, administrators or assigns. R. S. O. 1887, c. 237, s. 23.

Power to appoint joint trustees for two or more burial grounds which adjoin each other.

25. Whenever any two or more different parcels of land adjoining each other, or in the same neighbourhood, are held as sites for burial grounds by different bodies of trustees, whether of the same denomination, society, or congregation, or of different denominations, societies, or congregations of Christians, and such trustees think it desirable that for purposes of economic management, or any other reason, such parcels should be vested in one body of trustees, such two or more bodies of trustees, or the majority of each of such bodies, may, by deed under their hands, appoint trustees to whom and their successors, to be appointed in such manner as may be specified in such deed, all or any of the lands vested in such appointing bodies of trustees as sites for burial grounds may be conveyed, and such trustees so by such deed appointed, and their successors in perpetual succession by the name expressed in the deed, may take, hold and possess the lands thereby or thereafter conveyed to them as a site or sites for a burial ground, and maintain and defend actions for the protection thereof and of their property therein, and the said several appointing bodies of trustees may, in or by the same deed of appointment, or by any other deed or deeds, convey and assure all or any of the parcels of land so as aforesaid vested in them respectively to such trustees so appointed and their successors upon, with and subject to such trusts, powers, limitations and provisions not inconsistent with the purposes of a burial ground as shall by the parties thereto be deemed proper. R. S. O. 1887, c. 237, s. 24.

26.—(1) No such deed of appointment of trustees, and no such conveyance or assurance, shall be made or executed by any body, or the majority of any body, of trustees, unless or until the congregation or religious body for whose use the lands are held is duly notified thereof, and its assent obtained for the execution of such deed of appointment, or of such conveyance or assurance, and such assent shall be signified by the votes of a majority of the members present at a meeting of the congregation or body duly called for the purpose. Assent of congregation or religious body required.

(2) Such assent shall be held in favour of such new trustees and their successors to be testified by the execution of said deed by the chairman at such meeting, or by the official head of such religious body, or by some person appointed at such meeting for the purpose; and the person assuming to execute said deed as chairman, official head, or appointee, shall be presumed to be such chairman, official head, or appointee, as the case may be. R. S. O. 1887, c. 237, s. 25.

27.—(1) All the rights, powers, and privileges, conferred upon any religious society or congregation of Christians by this Act, shall extend and apply to the Church of England in this Province, formerly or otherwise called the United Church of England and Ireland in Canada, or the United Church of England and Ireland in Upper Canada, or the Church of England in Upper Canada. Rights extended to the Church of England.

(2) The parson or other incumbent of the church for the time being and the churchwardens thereof, shall, for the purpose of this Act, be deemed and taken to be trustees within the meaning thereof. Incumbent and churchwardens to be trustees within the meaning of Act.

(3) In cases within section 16 of the Act passed in the third year of Her Majesty's reign, chapter 74, and intituled *An Act to make provision for the management of the Temporalities of the United Church of England and Ireland in this Province, and for other purposes therein mentioned*, the Bishop, or Parson, Rector or Incumbent, or any successor or other person in whom the legal title or estate is vested, by, from or under any of them, shall also be deemed and taken to be a trustee, by whom the like rights and powers of trustees, may be exercised equally as in the case of such trustees. Bishop, etc., to be trustees under 3 V. c. 74, s. 16.

(4) In cases of property vested in the Bishop of any diocese in trust, not covered by the preceding sub-section, the Bishop shall also be deemed and taken to be a trustee by whom the like powers of trustees under this Act may be exercised equally, as in the case of such trustees. Property vested in the Bishop in trust.

(5) In cases of property vested in the synod of any diocese within the Act passed in the 7th year of Her Majesty's reign, chapter 68, intituled *An Act to incorporate the Church Societies of the United Church of England and Ireland in the Dioceses of Quebec and Toronto*, and the Act passed in the Property vested in the Synod in trust within 7 V. c. 68 and 32 V. c. 51.

32nd year of Her Majesty's reign, chapter 51, intituled *An Act to incorporate the Synod of the Diocese of Toronto and to unite the Church Society of the Diocese of Toronto therewith*, the synod shall also be deemed and taken to be a trustee, by whom the like rights and powers of trustees under this Act may be exercised equally as in the case of such trustees; and the powers of the synod under this sub-section may be exercised by and through such boards and committees as the synod may, from time to time, by by-law appoint for that purpose.

How land may be sold or incumbered, consent requisite.

(6) Provided always, that land shall not be sold, mortgaged, leased, or otherwise incumbered, under the powers conferred by this Act, except with the consent of the vestry of the church or congregation interested therein, and of the Bishop of the diocese, and the executive committee of the synod of the diocese; and it is hereby declared, that the consent or assent of the vestry, given in accordance with the rules and canons of the said Church, shall be deemed to be the consent or assent of the congregation within the meaning of the said Act, and the execution of the deed by the Bishop, and by the secretary or secretaries of the synod, or a memorandum of consent indorsed thereon and signed by them, shall, in favour of the grantee and his assigns, be conclusive evidence of the consent or assent of the Bishop and executive committee. R. S. O. 1887, c. 237, s. 26.

Rights extended to Roman Catholic Church.

28. All the rights and privileges conferred upon any religious society or congregation of Christians in section 1 of this Act mentioned, shall extend, in every respect, to the Roman Catholic Church, to be exercised according to the government of the said Church, and since the 7th day of April, 1891, have been or are hereby extended to, and shall apply to any religious society or congregation of Jews, professing the Jewish religion. R. S. O. 1887, c. 237, s. 27; 53 V. c. 74, s. 1.

SECTION XVII.

PRISONS AND PUBLIC CHARITIES.

CHAPTER 308.

An Act respecting the Central Prison.

INTERPRETATION, s. 1.
NAME, s. 2.
OFFICERS, ss. 3, 4.
POWERS AND DUTIES OF INSPECTOR, ss. 5-11.
TRANSFER OF PRISONERS TO CENTRAL PRISON, ss. 12-20.
From Central Prison, s. 17.
Powers and duties of officer in charge, ss. 21, 22.
GOVERNMENT OF PRISON:
The Warden, s. 23.
Security by officers, s. 24.
Oaths of office, s 25.
Interest in contracts, s. 26.
Officers not to engage in other business, s 27.
Liquors, etc., not to be brought into Prison, s. 28.
DISCIPLINE:
Sexes to be kept separate, s. 29.
Hard labour, s. 30.
Solitary confinement, ss. 30, 31.
Employment of prisoners, ss. 32, 33.
DISCHARGE AND ESCAPE OF PRISONERS, ss. 34-36.
PROPERTY VESTED IN CROWN, s. 37.
CONTRACTS TO BE MADE BY INSPECTOR, s. 38.
BOOKS AND ACCOUNTS OF PRISON, ss 39 46.
Audit, s. 47.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation.

1. The word "county," wherever it occurs in this Act, shall include any union of counties for judicial purposes, and every provisional judicial or territorial district now existing or that may be hereafter formed out of any portion of the unorganized territory in this Province. R. S. O. 1887, c. 238, s. 1.

Name of prison.

2. The prison heretofore declared to be the Central Prison for the Province, shall be called "The Central Prison for the Province of Ontario." R. S. O. 1887, c. 238, s. 2.

Appointment of certain officers.

3. The Lieutenant-Governor may appoint for said central prison, a warden, a surgeon, a schoolmaster, an accountant, a matron, and such other officers and servants as may be necessary, to hold office respectively during pleasure; and may also fix and determine the salary of every such officer and servant. R. S. O. 1887, c. 238, s. 3.

Appointment of central prison bailiffs.

4. The Lieutenant-Governor may also appoint a central prison bailiff or central prison bailiffs, who shall be employed for the purpose of conveying prisoners from any gaol or other place in which they may be in custody, to the central prison, or from the central prison to any other place to which they may be lawfully removed, and in the performance of such other duties as may be assigned to him or them by the Inspector of Prisons and Public Charities. R. S. O. 1887, c. 238, s. 4.

Inspector of prisons to be *ex officio* inspector of the central prison. Rev. Stat. c. 321.

5. The Inspector of Prisons and Public Charities shall, by virtue of his office, be the inspector of the central prison and shall have the same powers in respect thereof as are conferred upon him in respect of the Provincal Reformatory by *The Prison and Asylum Inspection Act.* R. S. O. 1887, c. 238, s. 5.

Inspector to make rules, etc.

6. The said Inspector shall have power, and it shall be his duty, to make rules and regulations for the management, discipline and police of the said central prison, and for fixing and prescribing the duties and conduct of the warden and every other officer or servant employed therein, and for the diet, clothing, maintenance, employment, classification, instruction, discipline, correction, punishment and reward of persons confined therein, and to annul, alter and amend the same from time to time: but no such rule or regulation shall have any effect until approved of by the Lieutenant-Governor in Council. R. S. O. 1887, c. 238, s. 6.

Record to be kept with view to mitigation of sentence.

7. In order to encourage good behaviour and industry, it shall be lawful for the Inspector to make rules so that a correct record of the conduct of every inmate of the prison may be made with a view to permit such criminal to earn a remission of a portion of the term for which he is sentenced to be confined. R. S. O. 1887, c. 238, s. 7.

Power of Inspector over officers of the prison.

8. The Inspector shall have power summarily to suspend any of the officers or servants of the central prison for misconduct, until the circumstances of the case (of which the Lieutenant-Governor shall be at once notified) have been decided upon by the Lieutenant-Governor, and the Inspector may, until such decision has been intimated to him, cause any officers or persons so suspended to be removed beyond the precincts of the prison; and it shall be the duty of the inspector to recommend the removal of any of the above-named officers or servants whom he finds incapable, inefficient or negli-

gent in the execution of his duty, or whose presence in the central prison he deems injurious to the interests thereof; and the pay of every officer or servant so suspended shall cease during the period of such suspension. R. S. O. 1887, c. 238, s. 8.

Power of inspector to impose fines on officers of the prison.

9. The Inspector may impose a fine, payable in money, upon any officer or servant of the central prison for any act of negligence, carelessness or insubordination by him committed, of reasonable amount, not exceeding one month's pay of the officer or servant, as the inspector may think fit. R. S. O. 1887, c. 238, s. 9.

Inspection of prison by inspector.

10. The Inspector shall have power at all times to enter into the central prison, and have access to every part thereof, and to examine all papers, documents, vouchers, records, books and other things belonging thereto; and to investigate the conduct of any officer or servant employed in or about such central prison, or of any person found within the precincts thereof, and may summon any person before him by order under his hand, and examine such person under oath, touching any matter relating to any breach of the rules of the central prison, or any matter affecting the interests of the institution; and may by the same or like order compel the production of books, papers and writings before him; and any person who neglects or refuses to appear at the time and place specified in the order, having been duly served with a copy thereof, or refuses to give evidence, or to produce the books, papers or writings demanded of him, may be taken into custody by virtue of a warrant under the hand of the Inspector, in that behalf, and imprisoned in the common gaol of the locality, as for contempt of Court, for a period not exceeding fourteen days. R. S. O. 1887, c. 238, s. 10. *See Cap. 321, s. 11.*

Audit by inspector.

11. It shall also be the duty of the Inspector to audit the accounts of the warden of the central prison; to inquire into all money transactions when requisite; to demand and obtain a statement of all cash transactions of the prison every month; and to administer to the warden and accountant an oath or affirmation to the effect following, viz:

"I, , Warden, and I, , Accountant, of the Central Prison of this Province, make oath (*or* affirm) and say, that the foregoing statement of revenue and expenditure of the said Central Prison for the month of , 18 , is true and correct."

R. S. O. 1887, c. 238, s. 11.

Prisoners may be transferred from common gaol to central prison.

12. All persons from time to time confined in any of the common gaols of the Province, under sentence of imprisonment for any offence against any Act of the Legislature of the Province, may by direction of the Provincial Secretary be transferred from such common gaols respectively to the central prison, there to be imprisoned for the unexpired portion of the

term of imprisonment to which such persons were originally sentenced or committed to such common gaols respectively; and such persons shall thereupon be imprisoned in the central prison for the residue of their said respective terms, and shall be subject to all the rules and regulations of the central prison. R. S. O. 1887, c. 238, s. 12. *See R. S. C. c. 183, s. 20.*

Imprisonment in central prison on conviction by Justices.

13. Every person convicted before a Justice or Justices of the Peace, or by a Police Magistrate, of any offence cognizable by such Justice or Justices, or Police Magistrate, and for which punishment by imprisonment in the common gaol may be awarded, for any period not less than fourteen days, and committed to a common gaol under such conviction, may be removed and transferred by order of the Provincial Secretary from the common gaol to the central prison, and there imprisoned for the unexpired portion of his sentence in the central prison instead of the common gaol of the county. R. S. O. 1887, c. 238, s. 13.

Convicts may be sentenced to central prison instead of common gaol.

14. Every Court before which any person is convicted of an offence against any Act of the Legislature of this Province, punishable by imprisonment in the common gaol, may sentence such person to imprisonment in the central prison instead of the common gaol of the county where the offence was committed or was tried. R. S. O. 1887, c. 238, s. 14. *See R. S. C. c. 183, s. 19.*

Operation of ss. 12-14, declared.

15. The next preceding three sections of this Act shall be held to extend to persons convicted of offences created under the authority of an Act of the Legislature of this Province, as well as to persons convicted of offences directly created by the said Legislature, and to any case where imprisonment is imposed in whole or in part, in default of the payment of a fine or penalty in money, notwithstanding the offender is entitled to be discharged upon payment of such fine or penalty; if the fine or penalty is paid after the removal of the offender to the central prison, the same shall be paid to the proper officer of the said prison, to defray the expense of removal, and otherwise for the use of the said prison; but nothing herein contained shall affect the right of any private person to the said fine, or any part thereof. R. S. O. 1887, c. 238, s. 15.

Detention of offenders until removal to central prison.

16. Any sheriff or other person having the custody of an offender convicted of an offence punishable by virtue of a statute of this Province, for which such offender has been sentenced to imprisonment in the central prison, may detain the offender, or cause him or her to be detained, in the common gaol of the county or district in which such offender is sentenced, or other place of confinement in which the said offender may be, until a provincial bailiff or other person lawfully authorized in that behalf requires the delivery of the said offender for the

purpose of being conveyed to the central prison. R. S. O. 1887, c. 238, s. 16.

Transfer of prisoners from central prison to reformatory or gaol.

17. The Lieutenant-Governor may from time to time, by warrant, signed by the Provincial Secretary, or by such other officer as may be authorized by the Lieutenant-Governor in Council in that behalf, direct the removal, from the central prison to the provincial reformatory, or from the central prison back to the common gaol, or from the said reformatory to the central prison, of any person under sentence of imprisonment for an offence against any Act of the Legislature of this Province. R. S. O. 1887, c. 238, s. 17. *See R. S. C. c. 183, s. 24.*

Wardens and gaolers to deliver up prisoners for removal.

18. The warden of the central prison or reformatory, or the keeper of any common gaol having the custody of any convict or offender ordered to be removed, shall, when required so to do, deliver up the convict or offender, together with a copy, attested by the warden, of the sentence and date of conviction of the convict or offender, as given him on reception of the person into his custody, to the constable or other officer or person who produces the warrant. R. S. O. 1887, c. 238, s. 18.

Conveyance of prisoners to central prison.

19. The sheriff or deputy-sheriff of any county, or any bailiff, constable or other officer or person, by his direction, or by direction of the Court, or other lawful authority, may convey to the central prison any convict sentenced or liable to be imprisoned therein, and deliver him to the warden or keeper thereof, without any further warrant than a copy of the sentence, taken from the minutes of the Court before which the offender was tried, and certified by a Judge or the clerk or acting clerk of such Court. R. S. O. 1887, c. 238, s. 19.

Warden to receive prisoner and detain him.

20. The warden shall receive into the central prison every offender legally certified to him as sentenced to imprisonment therein, and shall there detain him, subject to all the rules, regulations and discipline thereof, until the time to which he has been sentenced is completed, or until he is otherwise discharged in due course of law. R. S. O. 1887, c. 238, s. 20. *See R. S. C. c. 183, s. 22.*

Powers of sheriff, etc., in that behalf.

21. The sheriff or other officer or person employed by competent authority to convey such offender to the central prison, or to or from the provincial reformatory, penitentiary, or common gaol, as by law provided, may secure and convey him through any county or district through which he may have to pass; and until such offender has been delivered to the warden of the central prison, reformatory, or penitentiary, or the keeper of the common gaol, the sheriff, or other officer or person, shall have in every part of this Province through which it may be necessary to convey the offender,

the same power and authority over and with regard to the offender, and to command the assistance of any person to prevent his escape, and in recapturing him in case of an escape, as the sheriff of the county in which he was convicted would himself have in conveying him from one part to another of that county. R. S. O. 1887, c. 238, s. 21.

Sheriff, etc., to give and take receipt for prisoners.

22. The sheriff, or other officer or person, shall give a receipt to the warden or gaoler for the convict or offender, and shall thereupon, with all convenient speed, convey and deliver up such convict or offender with the attested copy into the custody of the warden or gaoler of the central prison, reformatory, or common gaol, mentioned in the warrant, who shall give a receipt in writing for every convict or offender so received into his custody, to the sheriff or other officer or person, as his discharge; and the convict or offender shall be kept in custody in the central prison, reformatory or common gaol to which he has been so removed, until the termination of his sentence, or until his pardon, or release, or discharge by law, unless he is in the meantime again removed under competent authority. R. S. O. 1887, c. 238, s. 22.

Powers and duty of warden.

23. The warden of the central prison shall reside within the prison, and shall be the chief executive officer of the same, under the direction of the Inspector, and as such shall have the entire execution, control and management of all its affairs, subject to the rules, regulations and written instructions from time to time duly made by the Inspector, and approved by the Lieutenant-Governor in Council, and he shall be held responsible for the faithful and efficient administration of the offices of every department of the institution. R. S. O. 1887, c. 238, s. 23.

To give security.

24. The warden, the accountant, and every storekeeper and steward of the central prison shall severally execute to Her Majesty a bond, with sufficient sureties, conditioned for the faithful performance of the duties of their respective offices, according to law, in the respective sums following, that is to say:

Amount.

1. The Warden in	$8,000
With two sureties each in	4,000
2. The Accountant, Storekeeper and Steward each	4,000
With two sureties each in	2,000

Bond to be filed

which bond shall be filed in the office of the Provincial Secretary and Registrar. R. S. O. 1887, c. 238, s. 24.

To take oath of allegiance and the oath of office.

25. The warden and every other officer or servant employed permanently in the central prison shall severally take and subscribe, in a book to be kept for that purpose by the accountant at his office, the oath of allegiance to Her Majesty, and the following oath of office, viz.:

"I *(A. B.)* do promise and swear (*or* affirm), that I will faithfully, diligently and justly serve and perform the office and duties of in the Central Prison of this Province to the best of my ability, and that I will carefully observe and carry out all the regulations of the said Prison: So help me God." Form.

which oath may be administered by the Inspector, or in the case of any other of the said officers, by the warden. R. S. O. 1887, c. 238, s. 25. By whom administered.

26. No Inspector, warden or other officer or servant employed in such central prison, shall, either in his own name, or in the name of or in connection with any other person, provide, furnish or supply any materials, goods or provisions, for the use of such central prison; nor shall be concerned, directly or indirectly, in furnishing or supplying the same, or in any contract relating thereto, under pain of forfeiting $1,000, with full costs of suit, to any person who sues for the same in any Court of competent jurisdiction in this Province, one-half thereof to belong to Her Majesty for the public services of this Province. R. S. O. 1887, c. 238, s. 26. Warden, etc., not to be interested in any prison contract. Penalty.

27. No warden, officer or servant, except the surgeon, shall be allowed to carry on any trade or calling of profit or emolument in such central prison; nor shall any such officer buy from or sell to any convict in the said prison anything whatever; or take or receive to his own use, or for the use of any other person, any fee, gratuity or emolument from any prisoner or visitor or any other person; nor employ any convict in working for him. R. S. O. 1887, c. 238, s. 27. Officers not to be engaged in any other business.

28. No spirituous or fermented liquors shall, on any pretence whatever, be brought into the central prison for the use of any officer or person in the institution, except the warden, or for the use of any convict confined therein (except under the rules of the institution); and any person other than an officer of the prison, giving any spirituous or fermented liquors, and any person or officer giving any tobacco, snuff, or cigars to any convict (except under the rules of the institution), or conveying the same to any such convict, shall forfeit and pay the sum of $40 to the warden, to be by him recovered for the use of the prison, in any Court of competent jurisdiction. R. S. O. 1887, c. 238, s. 28. *For penalty in case of officers giving liquor, see Cap. 315, s. 1.* No liquors, tobacco, etc., to be admitted.

29. The female convicts or prisoners shall be kept distinct and secluded from the male convicts, and shall be under the charge of the matron. R. S. O. 1887, c. 238, s. 29. Females to be kept separate from males.

30. The said central prison shall be furnished with all requisite means for enforcing the performance of hard labour by the inmates thereof; and solitary confinement shall form part of the discipline thereof. R. S. O. 1887, c. 238, s. 30. Hard labour and solitary confinement.

Cells for solitary confinement.

31. The central prison shall contain not less than fifty penal cells for the separate and solitary confinement of such prisoners as are sentenced to solitary confinement, or for enforcing obedience to the rules and discipline of the said prison. R. S. O. 1887, c. 238, s. 31.

Lieut.-Governor may acquire lands.

32. The Lieutenant-Governor may cause to be procured and provided, adjacent to or surrounding the central prison, a tract of land fit for agricultural or mechanical purposes, not exceeding two hundred acres, and may cause the same to be securely enclosed. R. S. O. 1887, c. 238, s. 32.

Employment of prisoners without the precincts of the prison, under certain regulations.

33.—(1) The Lieutenant-Governor by Order in Council, may from time to time authorize, direct or sanction the employment upon any specific work or duty, without or beyond the walls or limits of such central prison, of any of the prisoners confined or sentenced to be imprisoned therein; and all such prisoners shall, during such last mentioned employment, be subject to all the provisions of this Act, and to all the rules, regulations and discipline of the said central prison, so far as the same may be applicable, and to such other regulations for the purpose of preventing escapes and otherwise as may be approved by the Lieutenant-Governor in that behalf.

Under supervision.

(2) No such prisoner or prisoners shall be so employed without the walls or limits of such central prison, except under the strictest care and supervision of officers appointed to that duty. R. S. O. 1887, c. 238, s. 33. *See R. S. C. c. 183, s. 23.*

Prisoner not to be discharged on a Sunday.

34. Whenever the time of the sentence of any prisoner committed to the central prison for an offence against any Act of the Legislature of Ontario expires on a Sunday, he shall be discharged on the previous Saturday, unless he desires to remain until the following Monday. R. S. O. 1887, c. 238, s. 34. *See R. S. C. c. 183, s. 45.*

Prisoners labouring under certain diseases not to be discharged until cured.

35. No prisoner shall be discharged from the central prison at the termination of his sentence if then labouring under any contagious or infectious disease, or under any acute or dangerous illness, but he shall be permitted to remain in the prison until he recovers from such disease or illness: and any convict or prisoner remaining from such cause in the central prison shall be under the same discipline and control as if his sentence were still unexpired. R. S. O. 1887, c. 238, s. 35.

Escape, etc., punishable according to the rules of the prison.

36. Any escape, prison breach or attempt to escape by any person confined in or sentenced to the central prison shall be punished as may be provided by the rules and regulations of the prison in that behalf. R. S. O. 1887, c. 238, s. 36.

Property belonging to Central Prison

37. The central prison shall be held to include all the land and real estate procured or acquired under section 32 of this

Act: and all buildings and machinery erected or used thereon, and all carriages, waggons, sleighs or other vehicles for land carriage, and all boats, scows and other vessels for water carriage, being the property of such central prison, or employed in its service; and the real property of every such prison, and every other property or description of property belonging thereto, shall be and remain vested in Her Majesty, Her Heirs and Successors; but the warden for the time being shall have the custody and care thereof, under such regulations as may be provided in that behalf; and all such property, real and personal, shall be exempt from taxation for municipal purposes. R. S. O. 1887, c. 238, s. 37.

vested in Her Majesty, exempt from taxation.

38. All dealings and transactions on account of the central prison, and all contracts for goods, wares or merchandise, necessary for maintaining and carrying on the said institution, or for the sale of goods prepared or manufactured in such central prison, or for the hire, labour or employment of any of the prisoners, either within or without the limits of the central prison, shall be entered into and carried out in the corporate name of the said Inspector on behalf of Her Majesty. R. S. O. 1887, c. 238, s. 38.

Contracts, how to be made.

39. All books of account, and other books, bills, registers, returns, receipts, bills of parcels and vouchers, and all other papers and documents of every kind relating to the affairs of the said central prison, shall be considered the property of the prison, and shall remain therein; and the warden of the central prison shall preserve therein at least one copy of all official reports made to the Legislature respecting the same, for which purpose, and for the purpose of enabling him to distribute such official reports in exchange for like documents from other similar institutions elsewhere, he shall be furnished by the Clerk of the Legislative Assembly, on application, with fifty copies of such reports as printed by the Legislative Assembly. R. S. O. 1887, c. 238, s. 39

Books of account, etc., to remain in the prison.

Official reports to be preserved, etc.

40. For more efficiently carrying on the industries at the Central Prison, the Lieutenant-Governor may cause an account to be opened in any chartered bank of the Dominion of Canada having an office in the Province of Ontario in the name of the "Central Prison Industries," with a credit from year to year to cover what may be required for the year for the purposes of the business in connection with the said industries, not exceeding the estimated sales of the year as these are reported to the Legislative Assembly by one of the Inspectors of Prisons and Public Charities and the Minister for the time being to whose department is attached the charge of the Central Prison. 56 V. c. 53, s. 1.

Lieutenant-Governor may order account to be opened with a bank for the prison industries.

41. The said account shall be conducted on such terms as to rates of interest and payment of advances as may be arranged

Terms on which account may be opened.

with the bank and as may be specified by Order in Council. 56 V. c. 53, s. 2.

Drafts on account.

42. The said account shall be drawn upon in the manner hereinafter provided. 56 V. c. 53, s. 3.

Moneys received for goods sold to be deposited.

43. All moneys received by the Central Prison for and on account of goods sold of whatever kind shall be deposited from day to day in the said bank to the credit of the said account. 56 V. c. 53, s. 4.

Cheques, how signed and countersigned.

44. All cheques drawn upon the said account shall be signed by the warden and bursar of the prison, and countersigned by the said Inspector and the Minister in charge of the department. 56 V. c. 53, s. 5.

Bill to be attached to cheque when presented for signature.

45. Every cheque drawn upon the said account shall, when presented to the several officers required to sign and countersign the same for signature, have attached thereto for the information of such officers, the original bill, or a duplicate or certified copy of the original bill, for payment of which the cheque is issued, the said bill having been theretofore certified by the accountant of the said prison to be correct. 56 V. c. 53, s. 6.

Balance at end of year to be paid to Provincial Treasurer.

46. At the end of each year there shall be paid over to the Provincial Treasurer the balance of the moneys standing at the credit of the said account. 56 V. c. 53, s. 7.

Audit.

47. The Provincial Auditor shall audit the industrial accounts of the Central Prison at least every three months. 56 V. c. 53, s. 8.

[*As to fees payable to Sheriffs and Gaol Surgeons for services in connection with offenders sentenced or liable to be removed or sentenced to the Central Prison, see Cap. 101, ss. 9, 10 and Schedule, p. 1040.*

CHAPTER 309.

An Act Respecting the Andrew Mercer Ontario Reformatory for Females.

INTERPRETATION, s. 1.
OBJECT OF REFORMATORY, s. 2.
OFFICERS, ss. 3, 4.
POWERS AND DUTIES OF INSPECTOR, ss. 5-11.
TRANSFER OF PRISONERS, ss. 12-18.
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Powers and duties of officer in charge, ss 19, 20.
GOVERNMENT OF REFORMATORY:
The Superintendent, s. 21.
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Oaths of office, s. 23.
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Spirituous liquors, etc, not to be taken into Reformatory, s. 26.
HARD LABOUR, s. 27.
EXTENT OF REFORMATORY, s. 28.
CONTRACTS TO BE MADE BY INSPECTOR, s. 29.
DISCHARGE OF PRISONERS, ss. 30, 31.
BOOKS TO BE PROPERTY OF REFORMATORY, s. 32.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation.

1. The word "county," wherever it occurs in this Act, shall include a union of counties for judicial purposes, and every provisional judicial or territorial division or district now existing or which may be hereafter formed out of any portion of the unorganized territory in this Province. R. S. O. 1887, c. 239, s. 1.

Object of Reformatory.

2. The Andrew Mercer Ontario Reformatory for females shall be for the reception, confinement and employment, of such female offenders as are hereinafter mentioned. R. S. O. 1887, c. 239, s. 2.

Appointment of certain officers.

3. The Lieutenant-Governor may from time to time appoint for the said reformatory, a female superintendent, an accountant, a surgeon, a school mistress, and such other officers and servants as may be necessary. R. S. O. 1887, c. 239, s. 3.

Appointment of other officers.

4. The Lieutenant-Governor may also appoint an officer or officers, who shall be employed for the purpose of conveying prisoners from any gaol or other place in which they may be in custody, to the reformatory, or from the reformatory to any other place to which they may be lawfully removed,

and in the performance of such other duties as may be assigned to such officer or officers by the Inspector of Prisons and Public Charities. R. S. O. 1887, c. 239, s. 4.

Inspector.

5. The Inspector of Prisons and Public Charities shall, by virtue of his office, be the inspector of the reformatory. R. S. O. 1887, c. 239, s. 5.

Inspector to make rules, etc.

6. The said Inspector shall have power, and it shall be his duty, to make rules and regulations for the management, discipline and police of the reformatory, and for fixing and prescribing the duties and conduct of the superintendent and every other officer or servant employed therein, and for the diet, clothing, maintenance, employment, classification, instruction, discipline, correction, punishment, and reward of persons confined therein, and to annul, alter, and amend the same from time to time: but no such rule or regulation shall have any effect until and unless it is first approved of by the Lieutenant-Governor in Council. R. S. O. 1887, c. 239, s. 6.

Encouragement of good behaviour.

7. In order to encourage good behaviour and industry, it shall be lawful for the Inspector to make rules so that a correct record of the conduct of every inmate of the prison may be made, with a view to permit each offender to earn a remission of a portion of the term for which she is sentenced to be confined. R. S. O. 1887, c. 239, s. 7.

Powers of Inspector over officers.

8. The inspector shall have power summarily to suspend any of the officers or servants of the reformatory for misconduct, until the circumstances of the case (of which the Lieutenant-Governor shall be at once notified) have been decided upon by the Lieutenant-Governor, and the Inspector may, until such decision has been intimated to him, cause any officers or persons so suspended to be removed beyond the precincts of the reformatory; and it shall be the duty of the Inspector to recommend the removal of any of the above-named officers or servants whom he finds incapable, inefficient, or negligent in the execution of his duty, or whose presence in the reformatory he may deem injurious to the interests thereof; and the pay of every officer or servant so suspended shall cease during the period of such suspension. R. S. O. 1887, c. 239, s. 8

Power of Inspector to impose fines.

9. The Inspector may impose a fine, payable in money, upon any officer or servant of the reformatory for any act of negligence, carelessness, or insubordination committed by such officer or servant, of reasonable amount, not exceeding one month's pay of the officer or servant, as the Inspector may think fit. R. S. O. 1887, c. 239, s. 9.

Inspection of Reformatory.

10. The Inspector shall have power at all times to enter into the reformatory, and have access to every part thereof, and

to examine all papers, documents, vouchers, records, books, and other things belonging thereto; and to investigate the conduct of any officer or servant employed in or about the reformatory, or of any person found within the precincts thereof, and may summon any person before him by order under his hand, and examine such person under oath, touching any matter relating to any breach of the rules of the reformatory, or any matter affecting the interests of the institution; and may, by the same or like order, compel the production of books, papers, and writings before him; and any person who neglects or refuses to appear at the time and place specified in the order, having been duly served with a copy thereof, or refuses to give evidence, or to produce the books, papers, or writings demanded of him, may be taken into custody by virtue of a warrant under the hand of the Inspector, in that behalf, and imprisoned in the common gaol of the locality, as for contempt of Court, for a period not exceeding fourteen days. R. S. O. 1887, c. 239, s. 10.

Audit by Inspector.

11. It shall also be the duty of the Inspector to audit the accounts of the accountant of the reformatory; to inquire into all money transactions when requisite; to demand and obtain a statement of all cash transactions of the prison every month; and to administer to the accountant an oath or affirmation to the effect following, viz.:

Oath of Accountant.

"I Accountant of the Andrew Mercer Ontario Reformatory for Females, make oath (*or* affirm) and say, that the foregoing statement of revenue and expenditure of the said Reformatory for the month of , 18 , is true and correct."

R. S. O. 1887, c. 239, s. 11.

Transfer from gaol to Reformatory.

12. All females confined from time to time in any of the common gaols of the Province, under sentence of imprisonment for any offence against any Act of the Legislature of the Province, may by direction of the Provincial Secretary be transferred from such common gaols respectively to the said reformatory, to be imprisoned for the unexpired portion of the term of imprisonment to which such females were originally sentenced or committed to such common gaols respectively; and such females shall thereupon be imprisoned in the reformatory aforesaid, for the residue of their said respective terms, and shall be subject to all the rules and regulations of the reformatory. R. S. O. 1887, c. 239, s. 12.

Convict may be sentenced to Reformatory.

13. Every Court before which any female is convicted of an offence against any Act of the Legislature of this Province, punishable by imprisonment in the common gaol, may sentence such female to imprisonment in the said reformatory instead of the common gaol of the county where the offence was committed or was tried; but this section shall not autho-

rize the imposition of such sentence by any Justice of the Peace, or Police or Stipendiary Magistrate. R. S. O. 1887, c. 239, s. 13.

Application of ss. 12 and 13.

14. The next preceding two sections shall be held to extend to persons convicted of offences created under the authority of an Act of the Legislature of this Province as well as to persons convicted of offences directly created by the said Legislature and to any case where imprisonment is imposed in whole or in part in default of the payment of a fine or penalty in money, notwithstanding the offender is entitled to be discharged upon payment of such fine or penalty; if the fine or penalty is paid after the removal of the offender to the reformatory the same shall be paid to the proper officer of the reformatory to defray the expense of removal and otherwise for the use of the said reformatory, but nothing herein contained shall affect the right of any private person to the said fine or any part thereof. R. S. O. 1887, c. 239, s. 14.

Transfer from Reformatory to gaol.

15. The Lieutenant-Governor may from time to time, by warrant signed by the Provincial Secretary, or by such other officer as may be authorized by the Lieutenant-Governor in Council in that behalf, direct the removal from the reformatory back to the common gaol, of any person under sentence of imprisonment for an offence against any Act of the Legislature of this Province. R. S. O. 1887, c. 239, s. 15.

Superintendent or gaoler to deliver up prisoners.

16. The superintendent of the reformatory, or the keeper of any common gaol, having the custody of any offender ordered to be removed, shall, when required so to do, deliver up to the constable or other officer or person who produces the said warrant, the offender, together with a copy, attested by the superintendent or gaoler, of the sentence and date of conviction of the offender, as given him on reception of the offender into his custody. R. S. O. 1887, c. 239, s. 16.

Copy of sentence sufficient warrant.

17. Any officer appointed under section 4, or other officer or person by his direction, or by direction of the Court or other lawful authority, may convey to the reformatory any convict sentenced or liable to be imprisoned therein, and deliver her to the superintendent or keeper thereof, without any further warrant than a copy of the sentence, taken from the minutes of the Court before which the offender was tried, and certified by a Judge or the clerk or acting clerk of the Court. R. S. O. 1887, c. 239, s. 17.

Superintendent to receive and detain prisoners.

18. The superintendent shall receive into the reformatory every offender legally certified to her as sentenced to imprisonment therein, and shall there detain her, subject to all the rules, regulations, and discipline thereof, until the time to which she has been sentenced is completed, or until she

is otherwise discharged in due course of law. R. S. O. 1887, c. 239, s. 18.

Powers of officer in charge of prisoner.

19. The officer or other person employed by competent authority to convey such offender to the reformatory or back to a common gaol, as by law provided, may secure and convey her through any county or district through which he may have to pass; and until the offender has been delivered to the superintendent of the reformatory, or the keeper of such common gaol, the said officer or other person shall have in every part of this Province through which it may be necessary to convey the offender, the same power and authority over and with regard to the offender, and to command the assistance of any person to prevent her escape, and in recapturing her in case of an escape, as the sheriff of the county in which she was convicted would himself have in conveying her from one part to another of that county. R. S. O. 1887, c. 239, s. 19.

Officer to give and take receipt for prisoner.

20. The said officer or other person, shall give a receipt to the said superintendent or gaoler for the offender, and shall thereupon, with all convenient speed, convey and deliver up the offender with the said attested copy into the custody of the superintendent of the reformatory or gaoler of the gaol mentioned in the warrant, who shall give a receipt in writing for every offender so received into his custody, to such officer or other person, as his discharge; and the offender shall be kept in custody in the reformatory or gaol to which she has been so removed, until the termination of her sentence, or until her pardon, or release, or discharge by law, unless she is in the meantime again removed under competent authority. R. S. O. 1887, c. 239, s. 20.

Powers and duty of Superintendent.

21. The superintendent of the reformatory shall reside within the prison, and shall be the chief executive officer of the same, under the direction of the Inspector, and as such shall have the entire execution, control, and management of all its affairs, subject to the rules, regulations, and written instructions from time to time duly made by the Inspector, and approved by the Lieutenant Governor in Council: and she shall be held responsible for the faithful and efficient administration of the offices of every department of the institution. R. S. O. 1887, c. 239, s. 21.

Accountant to give security.

22. The accountant of the reformatory shall execute to Her Majesty a bond, with sufficient sureties, conditioned for the faithful performance of the duties of the office, according to law, in the sum of $4,000 with two sureties for $2,000 each, which bond shall be filed in the office of the Provincial Secretary and Registrar. R. S. O. 1887, c. 239, s. 22.

Superintendent and officers to take oath of allegiance.

23. The superintendent and every other officer or servant employed permanently in the reformatory, shall severally take and subscribe, in a book to be kept for that purpose by the accountant at his office, the oath of allegiance to Her Majesty, and the following oath of office, viz:

"I *(A. B.)*, do promise and swear (*or* affirm) that I will faithfully, diligently, and justly serve and perform the office and duties of in the Andrew Mercer Ontario Reformatory for females to the best of my ability, and that I will carefully observe and carry out all the regulations of the said prison, so help me God."

Which oath may be administered by the Inspector, or, in case of any other of the said officers, by the superintendent. R. S. O. 1887, c. 239, s. 23.

Officers not to be interested in any contract.

24. No Inspector, superintendent, or other officer or servant employed in the reformatory, shall either in his own name, or in the name of, or in connection with any other person, provide, furnish, or supply any materials, goods, or provisions for the use of the said reformatory; nor shall be concerned, directly or indirectly, in furnishing or supplying the same, or in any contract relating thereto, under pain of forfeiting $1000, with full costs of suit, to any person who sues for the same in any Court of competent jurisdiction in this Province, one half thereof to belong to Her Majesty for the public services of this Province. R. S. O. 1887, c. 239, s. 24.

Officers not to engage in trade, etc., in the Reformatory.

25. No superintendent, officer, or servant, except the surgeon, shall be allowed to carry on any trade or calling of profit or emolument in the reformatory; nor shall any such superintendent, officer, or servant buy from or sell to any convict in the said prison anything whatever, or take or receive to his own use, or for the use of any other person, any fee, gratuity, or emolument from any prisoner or visitor, or any other person, or employ any convict in working for him. R. S. O. 1887, c. 239, s. 25.

Liquors, etc., not to be taken into Reformatory.

26. Except under the rules of the institution, no spirituous or fermented liquors shall, on any pretence whatever, be brought into the reformatory for the use of any officer or person in the institution, or for the use of any convict confined therein; and any person, other than an officer of the reformatory, giving any spirituous or fermented liquors, and any person or officer giving any tobacco, snuff, or cigars, to any convict (except under the rules of the institution), or conveying the same to any such convict, shall forfeit and pay the sum of $40 to the superintendent, to be by her recovered for the use of the reformatory, in any Court of competent jurisdiction. R. S. O. 1887, c. 239, s. 26.

Hard labour.

27. The reformatory shall be furnished with all requisite means for enforcing the performance of hard labour by the inmates thereof. R. S. O. 1887, c. 239, s. 27.

Reformatory, what to include.

28. All the land enclosed and used in connection with the reformatory building shall be held to be part of the Andrew Mercer Ontario Reformatory for females. R.S.O. 1887, c. 239, s. 28.

Contracts, etc., how made.

29. All dealings and transactions on account of the reformatory, and all contracts for goods, wares, or merchandise, necessary for maintaining and carrying on the said institution, or for the sale of goods prepared or manufactured in the reformatory, or for the hire, labour, or employment of any of the prisoners, shall be entered into and carried out in the corporate name of the said Inspector on behalf of Her Majesty. R. S. O. 1887, c. 239, s. 29.

Prisoners not to be discharged on Sunday.

30. Whenever the time of the sentence of any prisoner committed to the reformatory, for an offence against any Act of the Legislature of Ontario, expires on a Sunday, she shall be discharged on the previous Saturday, unless she desires to remain until the following Monday. R. S. O. 1887, c. 239, s. 30.

Prisoners not to be discharged if labouring under certain diseases.

31. No prisoner shall be discharged from the reformatory at the termination of her sentence, if then labouring under any contagious or infectious disease, or under any acute or dangerous illness, but she shall be permitted to remain in the prison until she recovers from the disease or illness; and any convict or prisoner remaining from any such cause in the reformatory, shall be under the same discipline and control as if her sentence were still unexpired. R. S. O. 1887, c. 239, s. 31.

Books of account to remain in Reformatory.

Official reports.

32. All books of account, and other books, bills, registers, returns, receipts, bills of parcels, and vouchers, and all other papers and documents of every kind, relating to the affairs of the reformatory, shall be considered the property of Her Majesty and shall remain in the reformatory, and the superintendent of the reformatory shall preserve therein at least one copy of all official reports made to the Legislature respecting the same, for which purpose, and for the purpose of enabling her to distribute such official reports in exchange for like documents from other similar institutions elsewhere, she shall be furnished by the Clerk of the Legislative Assembly, on application, with fifty copies of such reports as printed by the said Legislative Assembly. R. S. O. 1887, c. 239, s. 32.

CHAPTER 310.

An Act to establish an Industrial Refuge for Girls.

INDUSTRIAL REFUGE, ss. 1,2.
OFFICERS, ss. 3,4.
COMMITTAL OR REMOVAL TO REFUGE, ss 5-15.
DISCHARGE, ss. 16,17.
DEPOSITIONS TO BE DELIVERED TO OFFICER RECEIVING PRISONER, s. 18.
EXPENSES OF CONVEYING PRISONERS TO REFUGE, s. 19.
NOTICE TO PARENTS, s. 20.
APPRENTICING GIRLS, s. 21.
RE-COMMITTAL OF GIRLS DISCHARGED ON PROBATION, s. 22.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Portion of the Mercer Reformatory may be set apart for Refuge.

1. The Lieutenant-Governor in Council may set apart such portion of the Andrew Mercer Ontario Reformatory for females as he may think fit for the reception of girls under the age of sixteen and over the age of thirteen years. R. S. O. 1887, c. 240, s. 1, 58 V. c. 52, s. 12.

Name of portion set apart.

2. The said portion so set apart shall be called "The Industrial Refuge for Girls." R. S. O. 1887, c. 240, s. 2.

Certain officers of Mercer Reformatory to act as officers of Refuge

3. The Inspector of Prisons and Public Charities and the superintendent, accountant, surgeon and school mistress of the Andrew Mercer Ontario Reformatory for females, shall be also the inspector, superintendent, accountant, surgeon, and school mistress of the said industrial refuge for girls, and shall perform similar duties in respect to both institutions. R. S. O. 1887, c. 240, s. 3.

Appointment of other officers.

4. The Lieutenant-Governor may appoint for the refuge such other officers and servants as may be required, or he may require any officer or servant of the said reformatory to act for both of the said institutions. R. S. O. 1887, c. 240, s. 4.

What convicts may be sent to Refuge.

5. Whenever a girl under the age of fourteen years is convicted under any Act of the Legislature of Ontario of an offence punishable on summary conviction and is thereupon sentenced and committed to prison in any common

gaol, any Judge of the High Court, or the Judge of any County Court (in a case occurring within his county) may examine and inquire into the circumstances of such case and conviction, and may direct the offender to be sent either forthwith or at the expiration of her sentence to the said refuge, to be there detained for a period of not less than two years and not exceeding five years, and such offender shall be liable to be detained pursuant to such direction unless, in the manner hereinafter provided or otherwise lawfully, sooner discharged: but no one sent to the refuge under this section shall be discharged under this Act until the period for which she is sentenced for her said offence has expired. R. S. O. 1887, c. 240, s. 5. Proviso.

Removal from Reformatory to Refuge.

6. The Inspector of Prisons and Public Charities may, upon the application of the superintendent, direct the removal from the reformatory to the said refuge of any girl under sixteen who is confined in the said reformatory for any offence within the jurisdiction of the Legislature of Ontario. R. S. O. 1887, c. 240, s. 6.

In certain other cases girls may be sent to Refuge.

7. A County or District Court Judge or Police Magistrate may by his warrant commit to the refuge any girl apparently under the age of fourteen years who comes within any of the following descriptions:

1. Who is found begging or receiving alms or being in any street or public place for the purpose of begging or receiving alms;

2. Who is found wandering and not having any home or settled place of abode or proper guardianship;

3. Who is found destitute and is an orphan, or has a surviving parent who is undergoing penal servitude or imprisonment;

4. Whose parent, step-parent or guardian represents to the Judge or Police Magistrate that he is unable to control the girl and that he desires her to be sent to the refuge: the word guardian as used herein shall include any officer of a society under whose charge the girl is, or any person standing in fact in the place of a parent although not lawfully appointed a guardian;

5. Who by reason of the neglect, drunkenness, or other vices of her parents or either of them, or of any other persons in whose charge such girl is, is suffered to be growing up without salutary control and education or in circumstances which render it probable that such girl will, unless placed under proper control, lead an idle and dissolute life. R. S. O. 1887, c. 240, s. 7.

Mode of proceeding under last section.

8. No formal information shall be requisite to authorize proceedings being taken under the preceding section, but the Judge or Police Magistrate before issuing his warrant shall have such girl brought before him and shall in her presence take evidence in writing under oath of the facts charged and shall make reasonable inquiry into the truth thereof. R. S. O. 1887, c. 240, s. 8.

Judge to obtain address of parents, etc.

9. It shall be the duty of the Judge or Police Magistrate to obtain from the witnesses at the hearing, where practicable, the residence of the parents of the girl, or of the persons with whom she resides, and their post office address R. S. O. 1887, c. 240, s. 9.

Proceedings and forms.

10. The proceedings to be taken and the forms to be followed upon an application for a committal to the refuge shall, unless where otherwise provided by this Act, be, as nearly as may be, in accordance with the proceedings and forms which are authorized in case of prosecutions before a Justice of the Peace under *The Ontario Summary Convictions Act.* R. S. O. 1887, c. 240, s. 10.

Rev. Stat. c. 90.

Time of detention in Refuge.

11. It shall not be necessary in the said warrant to fix any period for the detention of any girl committed to the refuge, but every girl so committed shall be liable to be there detained for the purpose of learning some proper trade, or being taught some other means of earning her livelihood, or for the formation of industrious habits, for the period of five years, unless the Lieutenant-Governor sooner directs her discharge or the Inspector makes an order under section 21. R. S. O. 1887, c. 240, s. 11.

Transfer of prisoners from Refuge to Reformatory.

12. The Lieutenant-Governor in his discretion may at any time, and from time to time, order any girl confined in the said refuge, who is reported by the superintendent as incorrigible, to be transferred to the said female reformatory for any period not exceeding two months at any one time. R. S. O. 1887, c. 240, s. 12.

Lieutenant-Governor may transfer girls from the Refuge to an industrial school.

Rev. Stat. c. 304.

13. The Lieutenant-Governor, in his discretion, may at any time, and from time to time, order any girl confined in the said refuge, and committed thereto under any Act of the Legislature of this Province, to be transferred to any industrial school duly certified under the provisions of *The Industrial Schools Act*, to be maintained and cared for under the provisions of the said Act: and such transfer shall be on such terms as to payment for maintenance as may be agreed upon; and the Lieutenant-Governor may also order such girl to be re-committed to the said refuge, and thereupon she shall be detained therein under her original sentence, as if such transfer to an industrial school had not taken place. 59 V. c. 74, s. 1

14. Where the confinement of any girl in the refuge is directed under this Act, the Judge or Police Magistrate may either by his warrant authorize some female to convey the said girl to the refuge, or he may give such directions as he considers advisable for the detention of the girl in some proper place of confinement until a female provincial bailiff, or other person lawfully authorized in that behalf, requires the said girl's delivery for the purpose of being conveyed to the refuge. R. S. O. 1887, c. 240, s. 13.

Judge or Magistrate may give directions as to removal or detention of girls in certain cases.

15. In case the Judge or Police Magistrate directs the girl's detention under the next preceding section, he shall cause the superintendent of the refuge to be forthwith notified of his action in the said matter. In case a female is employed by the said Judge or Police Magistrate to convey the girl to the refuge, she shall be entitled to receive from the county or separate town or city the like fees and charges therefor as a constable would receive for similar services. R. S. O. 1887, c. 240, s. 14.

Notice of detention to be given to superintendent of Refuge.

Fees.

16. It shall be the duty of the superintendent from time to time to report to the Provincial Secretary, for submission to the Lieutenant-Governor, the cases of such girls as she is of opinion may with propriety be discharged from the refuge. R. S. O. 1887, c. 240, s. 15.

Superintendent to report proper cases for discharge.

17. In case an application is made to any Court or Judge for the discharge from the refuge of any girl committed thereto under the provisions of section 7 of this Act, notwithstanding any irregularity in or insufficiency of the warrant or other proceedings, no order shall be made for such discharge in case the Court or Judge deems it for the benefit of the girl that she should remain in the refuge and it appears by the depositions taken before the committing Judge or Magistrate that she was liable to be committed to the refuge under the provisions of this Act. R. S. O. 1887, c. 240, s. 16.

Applications for discharge of girls committed under section 7.

18. The committing magistrate shall deliver to the constable or other person having the execution of his warrant, the depositions taken by him, or a certified copy thereof, which depositions or copy shall be delivered by the constable or other person to the superintendent or officer receiving the prisoner into the refuge; such copy shall be *prima facie* proof of the contents of the original depositions and shall be receivable in evidence upon any application for the discharge of any girl committed thereunder. R. S. O. 1887, c. 240, s. 17.

Depositions to be delivered to person receiving prisoner.

19. The expenses of conveying to the said refuge any girl committed thereto shall be paid by the county, city or separate town in which such girl is committed. R. S. O. 1887, c. 240, s. 18.

Expenses of conveying persons to Refuge.

Superintendent to send notice to parents, etc.

20. The superintendent shall, upon the reception of any girl into the refuge, ascertain from the girl and from the depositions the address of the parents, guardian, or other person with whom such girl has been living, and shall send by mail, registered, a notice that such girl has been committed to the said refuge. R. S. O. 1887, c. 240, s. 19.

Power to bind girls as apprentices.

21. In case any respectable and trustworthy person is willing to undertake the charge of any girl committed to the refuge, under either this Act or any other Act of the Legislature of this Province, whether she be over or under the age of twelve years, as an apprentice to the trade or calling of such person or for the purpose of domestic service, the superintendent may, with the consent of the Inspector, bind the said girl to such person for any term not to extend beyond the girl's attaining the age of eighteen years, and the Inspector shall thereupon order that such girl shall be absolutely discharged, or discharged on probation, and she shall be discharged accordingly; any wages reserved in any such indenture shall be payable to the girl or to some other person for her benefit. R. S. O. 1887, c. 240, s. 20,

Re-committal of girls discharged on probation.

22.—(1) The Judge of any County or District Court or any Police Magistrate, or the Inspector, may, upon satisfactory proof that any girl, who was sentenced under the provisions of this Act or any other Act of the Legislature of this Province, and who has been discharged on probation, has violated the conditions of her discharge, order such girl to be re-committed to the refuge, and thereupon she shall be detained therein under her original sentence, as if she had never been discharged.

(2) The said proof may be by oral evidence, and each of the said officers is hereby authorized to administer an oath to any person requiring to give evidence under this section. R. S. O. 1887, c. 240, s. 21

(c) p 3553. p 3627

CHAPTER 311.

An Act respecting Houses of Refuge for Females.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In this Act

Interpretation "House of Refuge." Rev. Stat. c. 320.

(*a*) "House of refuge" shall mean any institution for the care of young or adult females, named in Schedule B of *The Charity Aid Act*, or other similar institution, which is subject to the inspection of the Inspector of Prisons and Public Charities.

"Superintendent."

(*b*) "Superintendent," shall mean the matron, superior, or other person in charge of such institution. 56 V. c. 56, s. 1.

Committal of females to houses of refuge.

2. All females sentenced to, or confined from time to time in any of the common gaols of the Province under sentence of imprisonment by a Police Magistrate of any city, for any offence against any Act of the Legislature of the Province, or against any by-law of any municipality in the Province, may be committed to any house of refuge situate in the county or union of counties, city or town in which such females respectively were convicted, or may be transferred, by order of such Police Magistrate, from such common gaol to such house of refuge, to be there respectively imprisoned for the whole or the unexpired portions of the terms of imprisonment to which such females were originally sentenced or committed respectively to such common gaols; and such females shall thereupon be imprisoned in such houses of refuge aforesaid for the whole or the residue of their respective terms of imprisonment, and shall be subject to all the rules and regulations of such houses of refuge respectively; Provided that no Protestant female shall be committed or transferred under this Act to a Roman Catholic institution; and no Roman Catholic shall be committed or transferred to a Protestant institution. 56 V. c. 56, s. 2.

Application of preceding section.

3. The next preceding section shall be held to extend to persons convicted of offences created under the authority of any Act of the Legislature of this Province, as well as to persons convicted of offences under any by-laws of any of the municipalities of said Province, or of any other offence directly or indirectly created by the said Legislature, and to any case where imprisonment is imposed in whole or in part in default

of the payment of a fine or penalty in money, notwithstanding the offender is entitled to be discharged upon payment of such fine or penalty; and if the fine or penalty is paid after the committal or removal of the offender to any such house of refuge, and whilst such offender is confined therein, the same shall be paid to the superintendent of the house of refuge to defray the expense of removal and otherwise, for the use of the said house of refuge, but nothing herein contained shall affect the right of any private person to any part thereof. 56 V. c. 56, s. 3.

Transfer from houses of refuge to gaols.

4. The Police Magistrate may from time to time direct the removal of any such offender from any house of refuge to the common gaol, to which such offender had been originally sentenced, or from which she had been before removed, or to any other place of imprisonment to which the offender may be removed according to law. 56 V. c. 56, s. 4.

Copy of sentence sufficient warrant.

5. Any officer to whom the magistrate's warrant in that behalf is directed may convey to the house of refuge for females named in his warrant in that behalf, any offender liable to be imprisoned therein, and deliver her to the superintendent without any further warrant than a copy of the sentence or warrant of commitment against such offender from the proper court in that behalf, certified under the hand of the gaoler to whom the same is directed. 56 V. c. 56, s. 5.

Superintendent or gaoler to deliver up prisoners.

6. The superintendent or other head of the house of refuge, or the keeper of any common gaol having the custody of any offender ordered to be removed from a house of refuge to a common gaol or other place of imprisonment, or from the common gaol to a house of refuge, shall, when required so to do, deliver up to the constable or other officer or person who produces the said warrant, the offender named therein, together with a copy certified by him or her, of the warrant of commitment of the offender, or of the copy thereof as given him or her on the reception of the offender into his or her custody. 56 V. c. 56, s. 6.

Powers of officer in charge of prisoner.

7. The officer or other person employed to convey such offender to the house of refuge or back to a common gaol or any other place of imprisonment as by law provided, may secure and convey her through any county or district through which he may have to pass; and until the offender is delivered to the superintendent, superior or other head of the house of refuge or to the keeper of such common gaol or other place of imprisonment, the said officer or other person shall have in every part of this Province through which it may be necessary to convey the offender, the same power and authority over and with regard to the offender, and to command the assistance of any person to prevent her escape, and in recapturing her in case of an escape, as the sheriff of

the county in which she was convicted would have in conveying her from one part to another of that county. 56 V. c. 56, s. 7.

Officer to give or take receipt for prisoner.

8. The said officer or other person shall give a receipt to the said superintendent or gaoler for the offender and shall thereupon, with all convenient speed, convey and deliver up the offender with the said certified copy of the warrant into the custody of the superior of the house of refuge or keeper of the gaol or other place of imprisonment mentioned in the warrant, who shall give a receipt in writing for every offender so received into his or her custody, to such officer or other person as his or her discharge; and the offender shall be kept in custody in the house of refuge or gaol or other place of imprisonment to which she is so removed, until the termination of her sentence or until her pardon or release or discharge by law, unless she is in the meantime again removed under competent authority. 56 V. c. 56, s. 8.

Racapture of escaped prisoner.

9. Any offender who escapes from any such house of refuge before her sentence therein has expired, may be again arrested without any warrant by any sheriff, sheriff's bailiff or constable of the county, city, town or village in which she may be found and conveyed to the house of refuge for females from which she escaped, or to the county gaol of the county from which she was first removed, and she shall there be confined in such house of refuge or gaol for the portion of the period of her sentence which remained unexpired at the time of her escape. 56 V. c. 56, s. 9.

Prisoners not to be discharged on Sunday.

10. Whenever the time of the sentence of any prisoner removed to a house of refuge expires on a Sunday she shall be discharged on the previous Saturday unless she desires to remain until the following Monday. 56 V. c. 56, s. 10.

Prisoners not to be discharged if labouring under certain diseases.

11. No prisoner shall be discharged from any house of refuge for females at the termination of her sentence, if then labouring under any contagious or infectious disease or under any acute or dangerous illness, but she shall be permitted to remain in the house of refuge until she recovers from the disease or illness, and any prisoner remaining from any such cause in the house of refuge shall be under the same discipline or control as if her sentence were still unexpired. 56 V. c. 56, s. 11.

Persons not to be committed without consent of superintendent.

12. No person shall be committed to any house of refuge without the consent of the superintendent, superior, or other head thereof in that behalf. 56 V. c. 56, s. 12.

Houses of refuge to be deemed houses of correction, etc., within the meaning of R. S. C. c. 157.

13. The said houses of refuge shall be and shall be deemed to be houses of industry or correction, almshouses and workhouses for the purposes of any Act of the Parliament of Canada, authorizing committal to a house of industry or correction, almshouse or workhouse. 56 V. c. 56, s. 13; 60 V. c. 3, s. 3.

CHAPTER 312.

An Act respecting Provincial Aid towards the Establishment of Houses of Refuge.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Aid to counties establishing houses of refuge.

1. The Lieutenant-Governor in Council, may by Order in Council, direct that out of the Consolidated Revenue Fund of the Province, there shall be paid to the treasurer of any county or union of counties in which the municipal council thereof may have acquired not less than forty-five acres of land for an industrial farm, and may have erected thereon suitable buildings for a house of industry or house of refuge for the care and maintenance of the aged, helpless and poor, belonging to the county, a sum not exceeding one-fourth of the amount actually expended by the municipality in the purchase of land and erection of buildings thereon, and not in any case exceeding $4,000. 53 V. c. 78, s. 1.

Aid to united or contiguous counties, etc. Rev. Stat. c. 223.

2. In case, under subsection 2 of section 524 of *The Municipal Act*, two or more united counties, or two or more contiguous counties, or a city and one or more counties, or a town and one or more counties, agree to have only one house of industry or refuge for such municipalities, the Order in Council may provide for the payment to the treasurer of each corporation of the counties entering into the agreement, a sum not exceeding $4,000; and to the treasurer of any such town, not within any of the counties, or being a town separated from any of the counties entering into such agreement, such a proportion of a sum of $4,000 as its population bears to the population of the whole county in which it is situated, according to the assessment rolls of the year preceding that in which the house of industry or refuge shall have been open for occupation; but the aggregate amount payable to such counties or united counties or town shall not exceed one-fourth of the amount actually expended by such combined municipalities in the purchase of the land and erection of buildings thereon. 53 V. c. 78, s. 2.

Aid to two or more local municipalities. Rev. Stat. c. 223.

3. In case two or more local municipalities acting under the provisions of subsection 4 of section 524 of *The Municipal Act*, jointly erect or maintain a house of industry or refuge in connection with an industrial farm, the Lieutenant-Governor in Council may grant to each of such municipalities,

such a proportion of a sum of $4,000 as the population of such municipalities bears to the population of the whole county in which it is situate, according to the assessment rolls of the year preceding that in which the house of industry or refuge shall have been opened for occupation; and provided also, that the sum so granted, shall not be in excess of one-fourth of the amount contributed and paid by such municipality for the purchase of the farm, and the erection of the buildings thereon. 53 V. c. 78, s. 3.

Inspection of houses of refuge.

4. All houses of industry or houses of refuge shall be open to inspection by the Inspector of Asylums and Public Charities, and the Inspector shall make a report to the Lieutenant-Governor in Council of any matter in connection therewith which he may consider necessary. 53 V. c. 78, s. 4.

Aid to municipalities where houses of refuge have been erected.

5. The Lieutenant-Governor in Council may by Order in Council direct that out of the Consolidated Revenue Fund of the Province there shall be paid to the treasurer of any municipality or union of municipalities which before the 7th day of April, 1890, had acquired land and had erected a house of refuge thereon, such sum (within the restrictions aforesaid) as the Lieutenant-Governor in Council may by Order in Council direct to be so paid, if the purchase of such land and erection of buildings thereon or contribution made thereto are in accordance with the provisions of this Act.

Proviso.

Provided that in the event of such sum being less than $4,000 on any further acquisition of land or the erection of further buildings by such municipality or union of municipalities in extending or improving such house of refuge, such further sum (within the restrictions aforesaid) as the Lieutenant-Governor in Council may by Order in Council direct, not exceeding when added to the amount already paid, the aggregate sum of $4,000, may be paid to such municipality or union of municipalities. 53 V. c. 78, s. 5; 59 V. c. 75, s. 1.

When grant of less than $4,000 may be supplemented.

Report of Inspector.

6. No Order in Council under this Act shall be passed until the Inspector of Asylums and Public Charities has reported that the land and buildings are suitable for the purpose intended, and are ready for occupation. 53 V. c. 78, s. 6.

Order in Council to be ratified by Assembly.

7. Every Order in Council made under this Act shall, as soon as conveniently may be after the making thereof, be laid before the Legislative Assembly for its ratification or rejection, and no such order shall be operative unless and until the same has been ratified by a resolution of said Legislative Assembly. 53 V. c. 78, s. 7.

Children not to be taken in institutions for adult paupers.

8. No child between the ages of two and sixteen years shall be received or boarded in any house of industry, house of refuge or other institution established for the reception and care of paupers or other dependent adults. 60 V. c. 15, *Sched.* B (18).

CHAPTER 313.

An Act respecting the Ontario Reformatory for Boys.

INTERPRETATION, s. 1.
NAME AND EXTENT OF REFORMATORY, ss. 2,3.
OBJECTS OF REFORMATORY, s. 4.
APPOINTMENT OF OFFICERS, ss, 5,6.
INSPECTOR, s. 7.
Notice to Inspector, s. 8.
REMOVAL TO REFORMATORY, ss. 9,10.
Receipt to be given and taken for boy, s 11.
Powers of bailiff, s. 12.
Warrant to person other than bailiff, s. 13.
CONTRACTS TO BE MADE BY INSPECTOR, s. 14.
POWERS AND DUTIES OF INSPECTOR, ss. 15-19.
POWERS AND DUTIES OF SUPERINTENDENT, ss. 20-22.
BOOKS OF ACCOUNT TO REMAIN AT REFORMATORY, s. 23.
OFFICERS:
Bursar to give security, s. 24.
Oaths, s 25.
Interest in contracts, s. 26.
COMMITTAL TO REFORMATORY, ss. 27-29.
TIME OF CONFINEMENT, s. 30.
DETENTION IN GAOL OF BOY COMMITTED TO REFORMATORY, ss. 31,33.
MITIGATION OF SENTENCE, ss. 33,34.
APPRENTICING BOYS, s. 35.
DISCHARGE, ss. 36,37.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation.

1. The word "county," wherever it occurs in this Act, shall include any union of counties for judicial purposes, and every provisional judicial or territorial district now existing or that may be hereafter formed out of any portion of the unorganized territory in this Province;

The word "sentence," except where the context requires a different meaning, shall include any order made by lawful authority for the confinement of any boy in the reformatory hereinafter mentioned, and

The word "sentenced," shall include the making of such order. R. S. O. 1887, c. 241, s. 1.

Name of Reformatory.

2. The institution established at Penetanguishene, and known as the Reformatory Prison, is hereby continued, and shall hereafter be designated the "Ontario Reformatory for Boys." R. S. O. 1887, c. 241, s. 2.

Property included in Reformatory.

3. The said Ontario Reformatory for Boys shall be held to include all the lands and buildings now attached and belonging to the reformatory, including the lands acquired from the Ordnance Department, and known as "the redoubts," and whatever land may hereafter be purchased or acquired for the

purposes of the reformatory, and whatever buildings may hereafter be erected upon any of the said lands. R. S. O. 1887, c. 241, s. 3.

Objects of Reformatory.

4. The reformatory shall have for its objects the custody and detention, with a view to their education, industrial training, and moral reclamation, of such boys as are lawfully sentenced to confinement therein. R. S. O. 1887, c. 241, s. 4.

Appointment of certain officers.

5. The Lieutenant-Governor may from time to time appoint for the reformatory a superintendent, a deputy-superintendent, a bursar, a storekeeper and steward, two or more schoolmasters, a surgeon, and such trade-instructors, overseers, and other officers and servants as the efficient management of the said reformatory may require; and may fix and determine their respective salaries. R. S. O. 1887, c. 241, s. 5.

Qualification of school masters.

6. No person shall be deemed legally qualified to be a schoolmaster in the reformatory who does not at the time of his appointment, and during his tenancy of the office, hold a first or second-class certificate of qualification as public school teacher in this Province. R. S. O. 1887, c. 241, s. 6.

Inspector.

7. The Inspector of Prisons and Public Charities shall, by virtue of his office, be the inspector of the reformatory. R. S. O. 1887, c. 241, s. 7.

Notice to be sent to Inspector when any boy is sentenced to Reformatory.

8. Wherever a boy is sentenced to confinement in the said reformatory, the sheriff or other officer having the lawful custody of such boy, shall forthwith notify the Inspector of such sentence, and shall at the same time send to the Inspector a copy of the sentence of such boy, taken from the minutes of the Court before which such boy was tried, and certified by a Judge, or the clerk, or acting clerk of such Court, or in case the boy is held in custody under the order or warrant of a Judge, Justice of the Peace, or other Magistrate, a copy, certified by such sheriff or other officer, of the said order or warrant, together with a return in accordance with the Schedule to this Act, properly filled up. R. S. O. 1887, c. 241, s. 8.

Warrant of removal.

9. The Inspector may thereupon issue his warrant in duplicate under his official seal, to a provincial bailiff requiring the bailiff to take the boy into his custody, and the sheriff or other officer having the lawful custody of such boy, shall when required so to do, upon production of one of the duplicates of the warrant, deliver up the said boy to the bailiff: and in case the sheriff or other officer holds a warrant or order for the confinement of such boy in the reformatory, he shall also deliver the original warrant or order with the boy to the bailiff, in order that he may deliver the same to the superintendent of the reformatory. R. S. O. 1887, c. 241, s. 9.

Authority for removal.

10. The bailiff may take into his custody, for the purpose of removal to the said reformatory, any boy sentenced to the reformatory, without any further authority than the said warrant of the Inspector, and either the said certified copy of the sentence or the said original warrant or order. R. S. O. 1887, c. 241, s. 10.

Receipt to be given and taken by bailiff.

11. The bailiff shall give one of the duplicates of the warrant and a receipt for such boy to the sheriff, gaoler, superintendent, or other officer having the custody of such boy, and shall thereupon, with all convenient speed, convey and deliver up such boy, with the certified copy of the sentence, or warrant or order, into the custody of the superintendent of the reformatory, or the warden or keeper of the said place to which such boy may be lawfully removed, and the superintendent, warden, or keeper shall give a receipt in writing for every boy so received into his custody to the bailiff as his discharge ; and such boy shall be kept in custody in the reformatory, or other lawful place to which he has been so removed, until the termination of his sentence, or until his pardon, release, or discharge by law or until he is removed therefrom under competent authority. R. S. O. 1887, c. 241, s. 11.

Powers of bailiff.

12. The bailiff may secure and convey such boy through any county through which he may have to pass ; and until such boy has been delivered to the superintendent of the reformatory, or to the warden or keeper of any place to which such boy may lawfully be removed from the reformatory, the bailiff shall have, in every part of this Province through which it may be necessary to convey such boy, the same power and authority over and with regard to such boy, and to command the assistance of any person to prevent his escape, and to recapture him in case of his escape, as the sheriff of the county in which he was convicted would have in conveying him from one part to another of that county. R. S. O. 1887, c. 241, s. 12.

Warrant may be directed to person not a bailiff.

13. The Inspector may, whenever it is more convenient so to do, address his warrant for the removal of any boy to or from the reformatory (whose removal is by law required or authorized) to any fit and proper officer or person other than the bailiff, and such officer or person shall thereupon, as to every such boy and for his removal or to prevent his escape or for his recapture, possess all the rights and authority which a provincial bailiff would have had if such warrant had been addressed to him, and shall perform the like duties. R. S. O. 1887, c. 241, s. 13.

Contracts how to be made.

14. All dealings and transactions on account of the reformatory, and all contracts for goods, wares, or merchandise necessary for maintaining and carrying on the industrial operations of the said institution, or for the sale of goods prepared

or manufactured therein, or for the hire, labour or employment of any boy therein confined, either within or without the limits of the reformatory, shall be entered into and carried out in the corporate name of the Inspector on behalf of Her Majesty. R. S. O. 1887, c. 241, s. 14.

Inspector to make rules, etc.

15. The Inspector shall make rules and regulations for the management, interior economy and discipline of the reformatory, and for fixing and prescribing the duties and conduct of the superintendent and every other officer and servant employed therein, and for the clothing, maintenance, education, employment, industrial instruction, classification, discipline, correction, punishment, reward, and general oversight and care of all boys sent to the reformatory, and may repeal and amend the same from time to time; but no such rule or regulation, repeal or amendment shall have any effect unless and until it is first approved of by the Lieutenant-Governor in Council. R. S. O. 1887, c. 241, s. 15.

Powers of Inspector over officers of Reformatory.

16. The Inspector shall have power summarily to suspend any of the officers or servants of the reformatory for misconduct, until the circumstances of the case (of which the Lieutenant-Governor shall be at once notified) have been decided upon by the Lieutenant-Governor in Council, and the Inspector may, until such decision is notified to him, cause any officer or servant so suspended to be removed beyond the precincts of the reformatory; and it shall be the duty of the said Inspector to recommend the removal of any officer or servant whom he finds incapable, inefficient, or negligent in the execution of his duty, or whose presence in the reformatory he deems injurious to the interests thereof; and the pay of every officer or servant so suspended shall cease during the period of such suspension. R. S. O. 1887, c. 241, s. 16.

Inspector may impose fines.

17. The Inspector may impose upon any officer or servant of the reformatory, for any act of negligence, carelessness, or insubordination by him committed, a fine of reasonable amount, not exceeding one month's pay of the officer or servant, as the Inspector thinks fit. R. S. O. 1887, c. 241, s. 17.

Inspection of Reformatory by Inspector.

18. The Inspector shall have power at all times to enter into the reformatory, and have access to every part thereof, and to examine all papers, documents, vouchers, records, books, and other things belonging thereto; and to investigate the conduct of any officer or servant employed in or about the reformatory, or of any person found within the precincts thereof, and may summon any person before him by order under his hand, and examine such person under oath touching any matter relating to any breach of the rules of the reformatory, or any matter affecting the interests of the institution, and may by the same or like order compel the production of books papers, and writings before him; and any person, having been

duly served with a copy of such order, who neglects or refuses to appear at the time and place specified therein, or refuses to give evidence, or to produce the books, papers, or writings demanded of him, may, by virtue of a warrant under the hand of the Inspector in that behalf, be taken into custody, and imprisoned in the common gaol as for contempt of Court, for a period not exceeding fourteen days. R. S. O. 1887, c. 241, s. 18.

Audit by Inspector.

19. It shall also be the duty of the Inspector to audit the accounts of the bursar of the reformatory, to inquire into all money transactions when requisite, and to demand and obtain a statement of all cash transactions of the reformatory every month. R. S. O. 1887, c. 241, s. 19.

Powers and duty of superintendent.

20. The superintendent of the reformatory shall reside in a house to be provided for him within the grounds of the reformatory, and shall be the chief executive officer of the same, under the direction of the Inspector, and as such shall have the entire execution, control, and management of all its affairs, other than those under the control and management of the bursar, subject to the rules and regulations made by the Inspector as aforesaid, and he shall be held responsible for the faithful and efficient administration of the offices of every department of the institution. R. S. O. 1887, c. 241, s. 20.

Superintendent to receive and detain boys sentenced to Reformatory.

21. The superintendent shall receive into the reformatory every boy legally certified to him as sentenced to confinement therein, and shall there detain him, subject to all the rules, regulations, and discipline thereof, until the time to which he has been sentenced is completed, or until he is otherwise lawfully discharged. R. S. O. 1887, c. 241, s. 21.

Superintendent to notify parents, etc.

22. The superintendent shall, upon the reception of any boy into the reformatory, ascertain the address of the parents, guardian, or other person with whom such boy has been living, and shall send by mail, registered, a notice that such boy has been committed to the reformatory. R. S. O. 1887, c. 241, s. 22.

Books of account, etc., to remain in Reformatory.

23. All books of account, bills, registers, returns, receipts, bills of parcels, and vouchers, and all other books, papers, and documents of every kind relating to the affairs of the reformatory, shall be considered the property of Her Majesty and shall remain in the reformatory; and the superintendent of the reformatory shall preserve therein at least one copy of all official reports made to the Legislature respecting the same, for which purpose, and for the purpose of enabling him to distribute such official reports in exchange for like documents from other similar institutions elsewhere, he shall be furnished by the Clerk of the Legislative Assembly, on application, with fifty copies of such reports as printed by the said Legislative Assembly. R. S. O. 1887, c. 241, s. 23.

Official reports.

24. Every bursar, and every storekeeper and steward of the reformatory, shall severally execute to Her Majesty a bond, with the security of some guarantee company in good standing in this Province, conditioned for the faithful performance of the duties of their respective offices according to law, in the respective sums following, that is to say: the bursar in $3,000, and the storekeeper and steward in $1,000, which bond shall be filed in the office of the Provincial Secretary and Registrar. R. S. O. 1887, c. 241, s. 24. Bursar, etc., to give security.

25. Every superintendent, officer, and servant employed permanently in the said reformatory, shall severally take and subscribe in a book to be kept for that purpose by the bursar at his office, the oath of allegiance to Her Majesty, and the following oath of office, viz.:— Oaths to be taken by superintendent, etc.

"I, (*A. B.*) do promise and swear (*or* affirm) that I will faithfully, diligently, and justly perform the duties of in the Ontario Reformatory for Boys to the best of my ability, and that I will carefully observe and carry out all the rules and regulations of the said Reformatory, so help me God:"

Which oath may be administered by the Inspector, or by a Justice of the Peace, and in the case of any of the said officers or servants other than the superintendent, by the superintendent. R. S. O. 1887, c. 241, s. 25.

26 No Inspector, superintendent, or other officer or servant employed in the reformatory, shall, either in his own name, or in the name of or in connection with any other person, provide, furnish, or supply any materials, goods, or provisions, for the use of the reformatory, or be concerned, directly or indirectly, in furnishing or supplying the same, or in any contract relating thereto, under a penalty of $1,000, with full costs of suit, to any person who sues for the same in any Court of competent jurisdiction in this Province, one-half of the penalty to belong to the person suing for the same, and the other half to Her Majesty for the public services of this Province. R. S. O. 1887, c. 241, s. 26. Officers not to be interested in any contract for supply of Reformatory. Penalty.

27. Upon complaint and due proof made to the Judge of any County or District Court or to any Police Magistrate, by a parent or guardian of any boy between the ages of thirteen and sixteen years, that by reason of incorrigible or vicious conduct such boy is beyond the control of such parent or guardian, and that a due regard for the material and moral welfare of such child manifestly requires that he should be committed to the reformatory, the Judge or Police Magistrate may order such boy to be confined in the reformatory for an undefined period not to exceed five years. R. S. O. 1887, c. 241 s. 27; 53 V. c. 76, s. 6. Boys may be sent to Reformatory on proof that they are so incorrigible or vicious as to be beyond control.

28. No boy shall be received for confinement in the reformatory who appears to the superintendent to be under the age of thirteen years. 53 V. c. 76, s. 1. Boys under 13 not to be received at reformatory.

Juvenile offenders may be received at reformatory pending removal to industrial school.

29. In case any offender against Dominion or Provincial law, who at the time of his trial is or appears to the Court to be under the age of thirteen years is for any offence against Dominion or Provincial law sentenced to imprisonment in any reformatory or common gaol, he may, by the direction of the Provincial Secretary, be received into the reformatory either until arrangements are made for his reception at or transfer to a certified industrial school or otherwise. 53 V. c. 75, s. 1. *See also Cap. 304, Sec. 14.*

Time of confinement in reformatory.

30. Any Court, Judge, Police or Stipendiary Magistrate, or Justice of the Peace, who, under and by virtue of any Act of the Legislature of this Province, has power to sentence any boy to be confined in the reformatory for any stated period, may sentence such boy to be confined therein for an undefined period; and such boy shall thereupon be detained in the reformatory until he is reformed or otherwise fit to be apprenticed or bound out, or he is probationally or permanently discharged, as hereinafter provided: But such boy shall not be detained for a longer time than the maximum term of confinement for which he might have been sentenced for the offence of which he was convicted; and no boy shall be sentenced under this section who cannot be imprisoned for two years or over. R. S. O. 1887, c. 241, s. 28.

Proviso.

Warrant for detention in gaol of persons sentenced to reformatory.

31. In case a boy is sentenced to confinement in the reformatory, a copy of the sentence of the Court duly certified as aforesaid, or the warrant or order of the Judge, Justice of the Peace, or other Magistrate by whom the boy is sentenced, shall be a sufficient authority to the sheriff, constable, or other officer who may be directed so to do (which direction may be verbal) to convey such boy to the common gaol of the county where such sentence is pronounced, and for the gaoler of such gaol to receive and detain the said boy until the provincial bailiff or other person entrusted with the warrant of the Inspector requires the delivery of such boy for removal to the reformatory. R. S. O. 1887, c. 241, s. 29.

Detention in gaol when boy cannot safely or conveniently be removed.

32. In case a boy, sentenced under any Act of the Legislature of Ontario to be confined in the reformatory, is in such a weak state of health that he cannot safely or conveniently be removed to the reformatory, he may be detained in the common gaol or other place of confinement in which he is, until he is sufficiently recovered to be safely and conveniently removed to the reformatory; but any time during which such boy is so detained shall be reckoned in computing the time served by such boy in the reformatory. R. S. O. 1887, c. 241, s. 30.

Record to be kept with a view to mitigation of sentence.

33. In order to encourage good behaviour and industry among the boys in the said reformatory, and with a view to permitting every boy to earn a remission of a portion of the

term for which he was sentenced to the said reformatory, it shall be lawful for the Inspector to make rules so that a correct record of the conduct of every boy may be made under the mark system. R. S. O. 1887, c. 241, s. 31.

Proceedings for remission of sentence.

34. Where under the rules in that behalf, a boy has obtained the requisite number of good marks, based upon good conduct, proficiency in school and industrious habits, and in addition thereto has given satisfactory evidence of being reformed, it shall be the duty of the superintendent to transmit to the Inspector a certificate to that effect, and also the separate certificates to a like effect or with such variations as their respective opinions may render necessary, of the minister or other person who has given religious instruction to such boy, of the schoolmaster who has given him secular instruction and of the trade instructors, if any, whom he has been under; whereupon, the Inspector, if he considers it requisite, shall make further inquiry into the facts, and having satisfied himself that the boy has earned his discharge shall forthwith transmit the certificates and other papers to the Attorney-General of the Province, with a recommendation that action be taken to have the remaining portion of the sentence of such boy remitted, or to have such boy discharged on probation for a stated period: Provided that no action shall be taken under this section in respect of any boy who has not been at least one year in the reformatory: Provided also that the Judge of any County Court or any Police Magistrate may, upon satisfactory proof that any boy who was sentenced under the provisions of an Act of the Legislature of Ontario and who has been discharged on probation, has violated the conditions of his discharge, order such boy to be recommitted to the reformatory, there to be confined for the residue of the term for which he was originally sentenced. R. S. O. 1887, c. 241, s. 32.

Proviso.

Proviso.

Superintendent may apprentice boys in certain cases.

35. In case any respectable and trustworthy person is willing to undertake the charge of any boy committed to the reformatory, when such boy is over the age of twelve years as an apprentice to the trade or calling of such person, or for the purpose of domestic service, and such boy is confined in the reformatory by virtue of a sentence pronounced under the authority of any statute of this Province, the superintendent may, with the consent and in the name of the Inspector, bind the said boy to such person for any term not to extend beyond a period of five years from the commencement of his imprisonment, without his consent, and the Inspector shall thereupon order that such boy shall be discharged from the said reformatory, and he shall be discharged accordingly: Provided that any wages reserved in any indenture of apprenticeship made under this section shall be payable to the said boy or to some other person for his benefit. R. S. O. 1887, c. 241, s. 33.

Proviso.

Boys not to be discharged on Sunday.

36. Wherever the time of any boy's sentence in the reformatory, under any law within the legislative jurisdiction of this Province, expires on a Sunday, he shall be discharged on the previous Saturday, unless he desires to remain until the Monday following. R. S. O. 1887, c. 241, s. 34.

Boys not to be discharged if labouring under certain diseases.

Proviso

37. No boy shall be discharged from the reformatory at the termination of his sentence, if then labouring under any contagious or infectious disease, or under any acute or dangerous illness, but he shall be permitted to remain in the reformatory until he recovers from such disease or illness: But any boy remaining in the reformatory from any such cause shall be under the same discipline and control as if his sentence were still unexpired. R. S. O. 1887, c. 241, s. 35.

SCHEDULE.

(*Section* 8.)

ONTARIO REFORMATORY FOR BOYS.

RETURN MADE UNDER R. S. O., CAP. 313, SEC. 8, OF BOY IN GAOL LIABLE TO TRANSFER TO THE REFORMATORY.

(☞A separate return to be made with each boy).

1. Name in full.
2. Age.
3. From what court sentenced.
4. Date of sentence.
5. Period and nature of sentence.
6. Place of residence.
7. Place of birth.
8. Name and post-office address of parents, guardian or other person with whom boy has been living.
9. Trade, occupation or calling of boy, if any.
10. Temperate or intemperate.
11. If married, state the fact.
12. Religious denomination.
13. Degree of education.
14. Offence.
15. Fine, if any.
16. Gaoler's opinion as to physical and mental condition of boy, and his fitness to perform ordinary work.

(*Signature of Sheriff.*)

(*Date of return.*)

R. S. O. 1887, c. 241, Sched.

CHAPTER 314.

An Act respecting the removal of persons from County Gaols to Provincial Institutions.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Appointment of bailiffs.

1. The Lieutenant-Governor may appoint a bailiff or bailiffs' male or female, who shall be designated and known as provincial bailiffs, and who shall be employed for the purpose of conveying any person from time to time confined in any of the common gaols of the Province or other place of custody, and liable to be thence lawfully removed to any asylum or other institution for the insane in this Province, or to the Reformatory for Boys, or to the Andrew Mercer Ontario Reformatory for Females, or to the Industrial Refuge for Girls, and also in the performance of such other duties as may be assigned to him, her, or them by the Inspector of Prisons and Public Charities. R. S. O. 1887, c. 242, s. 1.

Warrant for removal.

2. Any bailiff so appointed may convey any person from the gaol or other place of custody to such one of the provincial institutions in the preceding section mentioned in which such person is lawfully directed to be confined, without any further authority than the warrant of the Inspector of Prisons and Public Charities under his official seal and in duplicate, and such person shall be received into such provincial institution and there detained subject to the rules, regulations and discipline thereof until legally entitled to be discharged therefrom. R. S. O. 1887, c. 242, s. 2.

Powers of bailiffs.

3. The bailiff, in the conveyance of such person as aforesaid to any of the provincial institutions hereinbefore mentioned, may secure and convey him through any county or district through which such bailiff may have to pass, and until such person has been delivered to and placed in such provincial institution, such bailiff shall have, in every part of this Province, the same power and authority over and with regard to such person, and to command the assistance of any person to prevent his escape, and in recapturing him in case of an escape, as the sheriff of the county in which he was convicted or confined would have in conveying him from one part to another of that county. R. S. O. 1887, c. 242, s. 3.

Bailiffs to give and take receipts for persons in their charge.

4. The bailiff shall give one of the duplicates of the warrant and a receipt to the sheriff or gaoler for every person so liable to be removed from the gaol or other place of custody, and shall thereupon with all convenient speed convey and deliver up such person with the other duplicate of the warrant to the superintendent or other official head of such provincial institution, who shall give his receipt in writing for every such person so received by him to such bailiff, as evidence of his discharge of duty, and every such person shall be kept in such provincial institution until legally discharged, or removed under competent authority. R. S. O. 1887, c. 242, s. 4.

Payment by municipalities.

5. The county or other municipality, in which the gaol or other place of custody is located and from which such person is removed by such bailiff as aforesaid, shall be liable to pay to the Treasurer of the Province, on demand, the expenses incurred in the removal and conveyance, as aforesaid, of each person, together with sixty per centum added thereto toward the salary or other remuneration of such bailiff: Provided always that when gaols are maintained jointly by cities and counties, or in case of towns separated from counties, the county shall be held to be the municipality in which the gaol is located, and the cities or towns shall pay their just proportion of such salaries and expenses, and if not mutually agreed upon, the same shall be determined by arbitration as provided by *The Municipal Act*. R. S. O. 1887, c. 242, s. 5.

Proviso.

Rev. Stat. c. 223.

CHAPTER 315.

An Act respecting the use of Spirituous Liquors in Gaols and Prisons.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

No license to be granted for retailing spirituous liquors within gaols.

1. No license shall be granted for retailing spirituous liquors within any gaol or prison ; and if any gaoler, keeper or officer of any gaol or prison, sells, lends, uses or gives away, or knowingly permits or suffers any spirituous liquors or strong waters to be sold, used, lent or given away in such gaol or prison, or to be brought into the same, other than such spirituous liquors or strong waters as may be prescribed by or given by the prescription and direction of a legally qualified medical practitioner, such gaoler, keeper or other officer shall, for every such offence, forfeit the sum of $80, one moiety thereof to Her Majesty, for the public uses of the Province, and the other moiety, with full costs of suit, to the person who sues for the same in any of Her Majesty's Courts of Record in Ontario; and in case any gaoler or other officer, having been so convicted, offends again in like manner, and is thereof a second time convicted, such second offence shall be a forfeiture of his office. R. S. O. 1887, c. 243, s. 1.

Penalty

Penalty on persons supplying spirits to a prisoner in gaol.

2. If any person gives, conveys or supplies to any prisoner confined in any common gaol or house of correction, any rum, brandy, whiskey, or other spirituous liquor, contrary to the rules and regulations from time to time established by law, such offender, being duly convicted thereof before two Justices of the Peace, shall be fined a sum not exceeding $20. R. S. O. 1887, c. 243, s. 2.

CHAPTER 316.

An Act to provide for employing Prisoners without the walls of Common Gaols.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lieutenant-Governor may authorize employment of prisoners outside gaol.

1. The Lieutenant-Governor in Council may, from time to time, direct or authorize the employment upon any work or duty, the nature of which is specified in the Order in Council, beyond the limits of any common gaol, of any prisoner who is sentenced to be imprisoned with hard labour in such gaol under the authority of any Statute of Ontario, or for the breach of the by-laws of any municipal corporation in this Province. R. S. O. 1887, c. 244, s. 1.

Discipline of gaol to be observed during employment. R. S. C. c. 183, s. 8.

2. Every such prisoner shall, during such employment, be subject to all the rules, regulations and discipline of the gaol so far as applicable, and to any regulations made by the Lieutenant-Governor in Council under section 8 of chapter 183 of the Revised Statutes of Canada or any Act thereby consolidated, for preventing escapes and preserving discipline. R. S. O. 1887, c. 244, s. 2.

Supervision.

3. No such prisoner shall be so employed, save under the strictest care and supervision of officers appointed to that duty R. S. O. 1887, c. 244, s. 3.

Place of work to be deemed part of gaol.

4. Every street, highway or public thoroughfare of any kind along or across which prisoners may pass in going to or returning from their work, and every place where they may be employed under this Act, shall, while so used, be considered as a portion of the gaol for the purposes of this Act so far as the legislative authority of this Province extends in this behalf. R. S. O. 1887, c. 244, s. 4.

Application of earnings of prisoners.

5. An account shall be kept of the amount earned by the labour of prisoners imprisoned in any common gaol, and such amount shall be divided between the Province and the county in proportion to the amount contributed by them respectively

towards the care and maintenance of the said prisoners; the division shall be made by such officer, or other person or persons, and at such times as the Lieutenant-Governor in Council shall direct. R. S. O. 1887, c. 244, s. 5.

Application of earnings between county and city or towns.

6. In the case of a county in which a city or separated town is situate, the share of such earnings which the said city or town shall be entitled to receive from the county shall, in case the councils are unable to agree with respect thereto, be determind annually by arbitration, according to the provisions of *The Municipal Act*. R. S. O. 1887, c. 244, s. 6.

Rev. Stat. c. 223.

CHAPTER 317.

An Act Respecting Lunatic Asylums and the Custody of Insane Persons.

INTERPRETATION, s. 1.
ASYLUMS VESTED IN THE CROWN, s. 2.
DESIGNATION OF ASYLUMS, s. 3.
OFFICERS, ss. 4-6.
ADMISSIONS TO ASYLUM, ss. 7-9.
REMOVAL OF PATIENT NOT TO AFFECT AGREEMENT FOR MAINTENANCE, s. 10.
DESTITUTE INSANE, s. 11.
COMMITTAL OF DANGEROUS LUNATICS, ss. 12-25.
Inquiry as to property, etc., of lunatic, ss. 19-24.
REMOVAL OF PRISONERS FROM GAOL TO ASYLUM, s. 26.
Inquiry and examination, ss. 27-29.
DISCHARGE, ss. 30-32.
REMOVAL TO ASYLUM, ss. 33-35.
REMOVAL TO COUNTRY FROM WHICH PERSON CAME, s. 36.
EXPENSES OF INQUIRIES AND CONVEYANCE TO ASYLUM, s. 37.
ESCAPE AND RE-COMMITTAL, ss. 38-41.
MAINTENANCE OF LUNATICS, ss. 42-48.
POWERS OF INSPECTOR:
To sue for maintenance, s. 47.
To take control of property, ss. 48-52.
To act as Committee, ss. 53-57.
Liability to account, s. 58.
Disputes how settled, s. 59.
Costs of Inspector, s. 60.
Moneys in Court payable to Inspector, s. 61.
Power to make special orders as to comfort of lunatic, s. 62.
Power as to property of insane persons detained in gaol, ss. 63-65.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation—

1. Where the words following occur in this Act, or in the Schedules thereto, they shall be construed in the manner hereinafter mentioned unless a contrary intention appears;

"Inspector." Rev. Stat. c. 321.

1. "Inspector" shall mean the Inspector of Prisons and Public Charities, appointed under *The Prison and Asylum Inspection Act.*

"Lunatic."

2. "Lunatic" shall mean any insane person, whether found so by inquisition or not.

"Father." "Mother."

3 "Father" shall include any husband of the lunatic's mother, and "mother" shall include any wife of the lunatic's father; provided, in either case, that the birth of such lunatic was legitimate. R. S. O. 1887, c. 245, s. 1.

2. The asylums for the insane at Toronto, London, Kingston, Hamilton and Orillia, and any other public asylum established or acquired under any grant from the Legislature of this Province, for the custody and treatment of insane persons, and all the property and effects, real and personal belonging thereto, shall be vested in the Crown. R. S. O. 1887, c. 245, s. 2. Certain Asylums vested in the Crown.

3. Such asylums shall be called "The Asylum for the Insane, Toronto," or "The Asylum for the Insane, London," or elsewhere, according to the fact. R. S. O. 1887, c. 245, s. 3. Designation of asylums.

Officers.

4. The Lieutenant-Governor may from time to time appoint in each asylum a medical superintendent, who shall— Medical superintendent, appointment and duties of.

1. Direct and control the medical and moral treatment of the patients;

2. Hire and discharge from time to time the attendants and servants;

3. Watch over the internal management, and maintain the discipline and due observance of the by-laws of the institution;

4. Report the condition thereof to the Inspector of Prisons and Public Charities at each visit;

5. Annually report to the Inspector upon the affairs of the institution, with such suggestions as may in his opinion tend to the improvement of the asylum. R. S. O. 1887, c. 245, s. 4.

5. The financial business and affairs of each of the said asylums shall be conducted by an officer to be appointed from time to time by the Lieutenant-Governor, to be called "The Bursar," who shall— The Bursar, appointment and duties of.

1. Report the state of the income and expenditure of the asylum to the Inspector quarterly, and to the medical superintendent monthly;

2. Perform such other duties as may be assigned to him under any rules or regulations in force respecting such asylum, and in accordance with the direction of the Inspector. R. S. O. 1887, c. 245, s. 5.

6. The salaries of the medical superintendent and bursar, shall be such amounts as may be appropriated by the Legislature therefor. R. S. O. 1887, c. 245, s. 6. Salary of Superintendent and Bursar.

Admissions.

7. No person shall be admitted into any of the said asylums as a lunatic (except upon an order of the Lieutenant-Governor) without the certificates (Form A, Schedule No. 1) of two medical No admission without order of Lieutenant-Governor or

certificates of two doctors.

practitioners, each attested by the signatures of two subscribing witnesses, and bearing date within three months of the time of such admission. R. S. O. 1887, c. 245, s. 7.

Contents of certificates.

8. Every such certificate shall state that the medical practitioner signing the same personally examined the patient separately from any other medical practitioner, and after due inquiry into all necessary facts relating to the case of the patient, found him to be insane; and the medical practitioner so certifying shall also, in the certificate, specify the facts upon which he has formed his opinion that the person to whom the certificate relates is insane, and he shall therein distinguish the facts observed by himself from facts communicated to him by others. R. S. O. 1887, c. 245, s. 8.

Effect of certificates as authority to detain.

9. The certificate shall be a sufficient authority to any person to convey the lunatic to any of the said asylums, and to the authorities thereof to detain him therein, or to the authorities of any other asylum to which the lunatic may have been or may be removed by the order of the Inspector of Prisons and Public Charities to detain him in such asylum as long as he continues to be insane. R. S. O. 1887, c. 245, s. 9.

Agreements for maintenance of patients to continue in force notwithstanding a removal to a different asylum.

10. Where any obligation or agreement is entered into with the bursar of an asylum, or with Her Majesty, to secure the payment of the charges for the maintenance of any patient in an asylum, or to secure the payment of part thereof, such obligation and agreement shall be and continue in force and binding, and the parties thereto shall be and continue liable for the maintenance or partial maintenance of the patient, so long as he is maintained in a provincial asylum, notwithstanding his removal to an asylum different from that named in the obligation or agreement: but where the obligation or agreement is for a limited period of time, nothing herein contained shall be construed to extend the liability beyond the period limited. R. S. O. 1887, c. 245, s. 10.

Examination of destitute insane persons.

11.—(1) In any municipality within the Province of Ontario, where an insane person is in destitute circumstances, and is a fit subject for asylum treatment, application may be made to the head of the municipality for an examination to be made and certificates given, in accordance with sections 7, 8 and 9, of this Act, and the head of the municipality, if satisfied that the insane person is in destitute circumstances, shall, immediately after receiving the application, notify two medical practitioners to make the required examination.

Payment of expenses of examination, etc.

(2) The council of the municipality shall pay the medical practitioners for the examination and certificate a sum not exceeding $5 each, and twenty cents for each mile necessarily travelled, and shall also pay the necessary expenses incurred in conveying such insane person or persons to one of the pro-

vincial lunatic asylums; said sum to be reimbursed to the municipality by the county, where the municipality is a part of the county. R. S. O. 1887, c. 245, s. 11.

COMMITTAL OF DANGEROUS LUNATICS.

Justice may issue warrant to apprehend person believed to be insane and dangerous to be at large.

12. Where an information is laid before any of Her Majesty's Justices of the Peace for any territorial division that any person, being within the limits of the jurisdiction of such Justice, is, or is suspected and believed by the person laying the information to be insane and dangerous to be at large, and has exhibited a purpose of committing some crime for which, if committed, such person would be liable to be indicted, such Justice may issue his warrant to apprehend such person and to cause him to be brought before such Justice or any other Justice for the same territorial division. R. S. O. 1887, c. 245, s. 12.

Warrant to apprehend, form of.

13. Every such warrant (Form B) shall be under the hand and seal of the Justice issuing the same, and may be directed to all or any of the constables or other peace officers of the territorial division within which the Justice issuing the same has jurisdiction, and shall name or otherwise describe the person against whom the information has been laid; and shall state that information has been laid on oath that such person is insane and dangerous to be at large; and the warrant shall order the person or persons to whom it is directed to apprehend the person against whom the information has been laid and to bring him before the Justice issuing the warrant, or before some other Justice of the Peace for the territorial division, in order that inquiry may be made respecting the sanity of such person, and that he may be further dealt with according to law. R. S. O. 1887, c. 245, s. 13.

Proceedings on apprehension.

Warrant of committal.

14. Where the person alleged to be insane has been apprehended under the warrant, he shall be brought before the same Justice of the Peace, or some other Justice for the same territorial division, and the Justice may thereupon by his warrant (Form C) commit the said alleged insane person to the common gaol or other prison, or if the Justice thinks fit, to the custody of the constable or other person who apprehended him, or to such other safe custody as the Justice deems fit; and he shall in such case order the person apprehended to be brought up at a certain time or place before the Justice of which order the informant shall have due notice; or the Justice may, if he considers fitting, proceed forthwith to hear the matter as in the next section directed; but no committal under this section shall be for a longer period than three days. R. S. O. 1887, c. 245, s. 14.

Hearing of evidence; inquiry among friends, etc.

15. Upon the day so appointed the said Justice shall proceed to hear such evidence under oath as may be ad-

duced with reference to the alleged insanity of the prisoner, and shall then or previously direct inquiry to be made as to the friends and relatives of the prisoner in order that the evidence of some person or persons who is or are acquainted with the family and previous habits of the prisoner may be had before the committal of the prisoner to custody as an insane person is directed. R. S. O. 1887, c. 245, s. 15.

Adjournment of inquiry.

16. The Justice may from time to time adjourn the inquiry, and again commit for safe custody until proper inquiry is made as herein directed. R. S. O. 1887, c. 245, s. 16.

Committal on finding of insanity.

17. If after reasonable inquiry has been made by the Justice he is satisfied that the prisoner is insane and dangerous to be at large, the Justice shall commit (Form D) the prisoner to the common gaol of the territorial division, there to remain until the pleasure of the Lieutenant-Governor is known, or until the prisoner is discharged by law. R. S. O. 1887, c. 245, s. 17.

Discharge as not insane.

18. In case it appears to the Justice that the prisoner is not insane, or is not dangerous to be at large, then the Justice shall forthwith discharge such person. R. S. O. 1887, c. 245, s. 18.

Inquiry as to property and dependents.

19. If the Justice is satisfied that the person so apprehended as aforesaid is insane and dangerous to be at large it shall also be the duty of the Justice to make inquiry whether the prisoner is possessed of any and of what property, and where the same is situated, and also as to the number of persons (if any) who are dependent for support upon the prisoner, so that it may be ascertained whether the prisoner should be sustained as an insane pauper or not. R. S. O. 1887, c. 245, s. 19.

Justice to inquire as to matters in schedule 2.

20. It shall also be the duty of the Justice upon the examination of the witnesses in respect to such alleged insanity, and the danger of permitting the person apprehended to be at large, to elicit as far as such Justice may be able, all information in respect to the matters set out in Schedule No. 2 to this Act. R. S. O. 1887, c. 245, s. 20.

If the Justice thinks inquiries would be less expensive in the county town, to certify accordingly.

21. If, in the opinion of the Justice, it will be much less expensive to make the inquiries directed in the preceding two sections in the county town, or in case he finds that the persons whom it is necessary to examine in order to obtain the information desired live at a considerable distance, the Justice may, in lieu of making said inquiries, certify such fact or facts, and the Justice shall in such case be excused from making such inquiries. R. S. O. 1887, c. 245, s. 21.

Certificates, etc., to be sent by Justice to the keeper of

22. The Justice shall forthwith send, certified, to the keeper of the gaol to which the insane person is committed, the depositions taken before him, and also the certificate (if any) given

under the preceding section, and the keeper of the gaol shall forthwith deliver the same to the sheriff. R. S. O. 1887, c. 245, s. 22. Gaol, who shall transmit to Sheriff.

23. The Judge of the County Court of the county, or the Deputy or Junior Judge, or if there is no Deputy or Junior Judge, and the said Judge of the County Court is absent from the county, or unable to act, then such other Justice of the Peace as may be requested by the County Court Judge to act in his stead in this behalf, shall as soon as conveniently may be, cause to be made such of the inquiries directed to be made by sections 19 and 20 of this Act as have not been previously fully made; and the County Crown Attorney shall cause to be summoned the witnesses required therefor; but should the Judge or other Justice find that such inqures will be expensive, or that sufficient information has been obtained for the purposes of this Act by other means, then the Judge or Justice need not make the inquiries by this section directed. R. S. O. 1887, c. 245, s. 23. Judge of County Court to make inquiries required by ss. 19 and 20. When excused.

24. A Judge or Justice of the Peace acting in respect of any inquiry herein directed to be made, shall have the like authority for compelling the attendance of witnesses as a Justice would have under any Act in force respecting summary convictions, and may give directions to any constable or peace officer; and every constable and peace officer is hereby required to obey the same in like manner; and all the provisions of the said Acts as to procedure under the same shall, as nearly as may be, apply to proceedings under this Act, except where different provisions are herein made. R. S. O. 1887, c. 245, s. 24. Compelling attendance of witnesses. Direction to peace officers. Procedure.

25. Every person committed as an insane and dangerous person under this Act shall remain in confinement in the gaol mentioned in the warrant until he is thence removed to some asylum or other place of safe keeping by direction of the Lieutenant-Governor, or until an order for his discharge is made by the Lieutenant-Governor, or until he is discharged under the provisions of section 30. R. S. O. 1887, c. 245, s. 25. Person committed to remain in gaol till removed or discharged.

INSANE CONVICTS.

26. The Lieutenant-Governor upon such evidence of the insanity of any person imprisoned for an offence under the authority of any of the statutes of this Province, or imprisoned for safe custody, charged with such an offence as the Lieutenant-Governor considers sufficient, may order the removal of such insane person to an asylum for the insane; and such person shall remain there, or in such other asylum, or other place of safe keeping, as the Lieutenant-Governor may from time to time order, until his complete or partial recovery, or until other circumstances justifying his discharge from such asylum or Removal of prisoners from gaols to asylums.

place are certified to the satisfaction of the Lieutenant-Governor, who may then order such person back to imprisonment if then liable thereto, or otherwise to be discharged. R. S. O. 1887, c. 245, s. 26.

Inquiries as to property, etc., of a person in gaol.

27. The Judge, Deputy or Junior Judge of the County Court of the county in the common gaol of which any person imprisoned for an offence is confined, if such person is, in the opinion of the gaol surgeon, insane, may, and if required by any regulations, approved by the Lieutenant-Governor in Council, made respecting the admission of patients into asylums for insane persons, shall, as soon as conveniently may be, cause to be made in respect of such prisoner inquiries similar to those directed to be made by sections 19 and 20 of this Act; and in case there is no Deputy or Junior Judge for any such County Court, and the Judge is absent from the county or is unable to act, then the said inquiries may be made by such Justice of the Peace as may be requested by the said County Court Judge to act in his stead in this behalf. R. S. O. 1887, c. 245, s. 27.

Sections 23 and 24 to apply to examinations under s. 27.

28. The provisions of sections 23 and 24 of this Act shall apply to inquiries made under the preceding section. R. S. O. 1887, c. 245, s. 28.

Where examiners do not agree as to the mental state of a person committed as insane a second examination may be made.

29. Where the Judge of the County Court, or the Junior or Deputy Judge, or the Justice acting for such Judge, and the medical practitioners, upon making a personal examination of a person committed to gaol as insane, do not agree in opinion as to whether the person so committed is or is not insane, they, or any of them, may again examine such person and may grant a new certificate, if upon such further examination they change their opinion as to the mental condition of such person. R. S. O. 1887, c. 245, s. 29.

DISCHARGE.

Discharge, how obtained.

30. If the Judge of the County Court of the county, or the Deputy or Junior Judge, or if there is no such Deputy or Junior Judge, and the said County Court Judge is absent from the county or unable to act, then if such other two Justices of the Peace as may be authorized by the said Judge to act in his stead in this behalf certify (Form E) that he or they has or have personally examined a prisoner committed under the sections of this Act from 12 to 26 inclusive, and that he or they is or are satisfied that such prisoner is not insane, or that such prisoner, though insane, is not dangerous to be at large, and is not, in the opinion of such Judge or Justices, a proper person to be confined in an asylum for the insane, and if two medical practitioners (of whom the gaol surgeon shall be one), each separately from the other, personally examine the prisoner, and

certify in like manner (Form F), then, in either of such cases the prisoner shall be forthwith discharged by the keeper of the gaol in which the prisoner is confined. R. S. O. 1887, c. 245, s. 30.

Discharge of person certified as insane under s. 33

31. Where the insanity of any person committed under the warrant of any Justice or Justices of the Peace to a gaol as insane, has been duly certified under section 33 of this Act, and the gaol surgeon afterwards certifies that such person has recovered and may be safely discharged, the sheriff shall direct the keeper of the gaol to discharge such person from custody under the said warrant, and such person shall be discharged accordingly. R. S. O. 1887, c. 245, s. 31.

Discharge by Lt.-Governor or medical superintendent.

32. Persons confined by virtue of this Act may be discharged by the Lieutenant-Governor or by the medical superintendent, under such regulations as may by the Lieutenant Governor in Council be made in that behalf. R. S. O. 1887, c. 245. s 32.

REMOVAL TO AN ASYLUM.

Certificate of insanity by Justices and medical men, committal thereon to asylum.

33.—(1) In case the said medical practitioners duly certify (Form G) that they have personally examined such prisoner as aforesaid, and that he is insane, and a proper person to be confined in an asylum for the insane, and in case the said examining Judge or Justices duly certify (Form H) that they have personally examined such prisoner as aforesaid, and that from such examination and from the evidence adduced before him or them, he or they is or are of opinion that the prisoner is insane and a proper person to be confined in an asylum for the insane, the Lieutenant-Governor, upon receipt of such certificates, may, through the Provincial Secretary, direct that the prisoner shall be removed to such asylum for the insane, or other place of safe custody, as may by the Lieutenant-Governor be deemed fit.

(2) Each medical practitioner signing a certificate under this section shall specify therein the facts upon which he has formed his opinion. R. S. O. 1887, c. 245, s. 33.

Order for removal.

34. An order for the removal of any insane person, imprisoned or confined under any warrant or order of a Justice of the Peace, may be made by the Lieutenant-Governor, notwithstanding any irregularity or insufficiency in the warrant or order under which such person is imprisoned or confined. R. S. O. 1887, c. 245, s. 34.

Custody of person committed to asylum, etc., till discharged.

35. Every person so removed, as mentioned in section 33, or already removed, or in custody by authority of the Lieutenant-Governor, in any asylum for the insane, shall remain subject to the custody of the officers and other persons in charge of such asylum or other proper place to which such pri-

soner has been removed, or in which he is in custody by virtue of any like order, until the discharge of such prisoner is directed by the Lieutenant-Governor. R. S. O. 1887, c. 245, s. 35.

Lt.-Governor may in certain cases return an insane non-resident of Ontario to the country from whence he came.

36. Upon its appearing to the Lieutenant-Governor that any insane person confined as aforesaid in any gaol, or in any asylum for the insane, has come or been brought to this Province from some other Province or country, within thirty days prior to his committal to such gaol or asylum, or any other gaol or asylum, it shall be lawful for the Lieutenant-Governor, by his warrant, to authorize the removal of such insane person back to the Province or country from whence he has come or been brought, as aforesaid. R. S. O. 1887, c. 245, s. 36.

Expenses of inquiries, and conveyance to asylum, how to be borne.

37. The expenses of the inquiries directed by this Act to be made, and of conveying any insane person from any gaol to an asylum for the insane, shall be paid by the county, city or separate town in which the insane person has been apprehended; but if the insane person had not prior to his being apprehended resided in such county, city or separate town for the period of one year, but had resided for that period in some other county, city or separate town in this Province, then such expenses may be recovered back by the county, city or separate town in which the insane person was apprehended from the county, city or separate town in which the insane person had last resided for the period of a year; or if the insane person, although he had resided for the period of one year in the county, city or separate town in which he was apprehended, had since such residence been resident for the period of one year in some other county, city or separate town in this Province, then in like manner such expenses may be recovered by the county, city or separate town in which the insane person was apprehended from the county, city, or separate town in which the insane person last resided for the period of one year. R. S. O. 1887, c. 245, s. 37.

ESCAPE AND RECOMMITTAL.

pprehension on escape from asylum.

38. In case an inmate of an asylum for the insane escapes therefrom, it shall be lawful for any of the officers or servants of the asylum, or for any other person or persons, at the request of such officers or servants, or any of them, within forty-eight hours after such escape where no warrant has been issued, and within one month after such escape where a warrant (Form I,) has been issued by the medical superintendent in that behalf, to retake such escaped person, and to return him to the asylum from whence he escaped, and he shall remain in custody therein under the authority by virtue of which he was detained prior to the escape. R. S. O. 1887, c. 245, s. 38.

Medical superintendent of asylum may give over

39. In case the medical superintendent of any asylum considers it conducive to the recovery of any of the persons confined in the asylum that such person should be committed

for a time to the custody of his friends, the medical superintendent may allow such person to return on trial to his friends, upon receiving a written undertaking by one or more of the friends of such person, that he or they will keep an oversight over such person. R. S. O. 1887, c. 245, s. 39. patient to custody of his friends.

40. Nothing in the preceding section contained shall be construed to authorize the temporary discharge of any person who has been imprisoned for an offence, and the period of whose sentence has not expired. R. S. O. 1887, c. 245, s. 40. Cases of imprisonment for offences excepted.

41. In case, within six months from such temporary discharge on trial, the insane person again becomes dangerous to be at large, it shall be lawful for the medical superintendent by whom the insane person was so discharged, by his warrant (Form K) directed to any person or persons, or to any constable or peace officer, or to all constables or peace officers, to authorize and direct that such insane person be apprehended and brought back to the asylum from which he was temporarily discharged, and such warrant shall be an authority to any one acting thereunder to apprehend the person named therein and to bring him back to the said asylum. R. S. O. 1887, c. 245, s. 41. Recommittal to asylum from custody of friends.

MAINTENANCE OF LUNATICS.

42. Where a lunatic sent to any asylum is under the age of twenty-one years, and has a father or mother able to pay for his maintenance, or a guardian or committee, it shall be the duty of the bursar and medical superintendent to send a copy of the certificate mentioned in sections 7 to 9, or of the order of the Lieutenant-Governor (as the case may be), attested under their hands, to the father or mother, guardian or committee (as the case may be) of the lunatic, to which copy the said medical superintendent and bursar shall subscribe a certificate of the admission of the lunatic, and of the amount which will become due for him, each quarter, to the asylum, by the regulations of the asylum made in that behalf. R. S. O. 1887, c. 245, s. 42. Copy of certificate of admission, and of amounts required for maintenance, to be sent to parents, etc.

43. It shall be lawful for the bursar, conjointly with the medical superintendent, on the 1st day of each of the months of January, April, July and October, and during the time the lunatic remains in the asylum, to demand from the father or mother, guardian or committee (as the case may be) of the lunatic, such sum as may be due for the lunatic to the asylum, which sum shall be forthwith paid on such demand. R. S. O. 1887, c. 245, s. 43. Liability for maintenance of lunatic.

44. On the first of the said quarter days after the admission of the lunatic, the demand shall be for a sum proportionate to the broken period elapsed since the admission of the lunatic. Proportion for broken periods of a quarter.

and on the discharge of the lunatic a like demand shall be made for the sum due for the broken period since the then last quarter day. R. S. O. 1887, c. 245, s. 44.

Order for payment for maintenance.

45. In case of refusal or neglect to pay the same, the said bursar may apply to the County Judge of the county in which the father or mother, guardian or committee, resides, upon affidavit, and if the Judge, on the return of a rule which he shall make upon the proper party, to shew cause, is satisfied that the father or mother of the lunatic is able to pay for his maintenance as aforesaid, or that the guardian or committee is able to pay for the same out of property in his possession belonging to the lunatic, the bursar shall be entitled to an order for the payment of the amount then due and the costs, and a writ of execution may issue thereon in like manner as upon a judgment of the said Court for such amount. R. S. O. 1887, c. 245, s. 45.

Judge may make an order for maintenance or direct an issue.

46. The Judge, after hearing the parties and their witnesses under oath, either orally or in writing by affidavit, may make the order herein referred to, or if he thinks fit, may direct an issue to be made up and tried before a jury previous to making such order. R. S. O. 1887, c. 245, s. 46.

Maintenance, liability for.

47. Any person who is confined in any asylum for the insane, and who has at the time that he is placed in confinement, or who subsequently thereto, comes into the possession of property, shall be liable for his maintenance while in such asylum; and any person whose wife is confined in any asylum for the insane shall be liable for her maintenance while confined therein; and the Inspector of Prisons and Public Charities may, by his name of office, recover the amounts owing in respect of such maintenance; but it shall not be the duty of the Inspector to enforce payment in accordance with such liability, unless upon inquiry, regard being had to the claims of persons having a moral or legal right to maintenance out of the estate of such insane person, the Inspector considers that the claim for maintenance ought to be collected. R. S. O. 1887, c. 245, s. 47.

Maintenance of married woman, liability of husband.

When property of a lunatic may be taken possession of to pay for maintenance.

48. If a lunatic, upon or at any time after his admission into any asylum, possesses or becomes possessed of or entitled to any real or personal property whereby the expenses of his maintenance in the asylum or any part thereof can be paid, and has no guardian or committee lawfully appointed to take the care or management of the same for the benefit of the lunatic, then if any sum due for the maintenance of the lunatic in the asylum is not paid on demand, or there is no one of whom it can be demanded, and such property, in the opinion of the Inspector of Prisons and Public Charities, is more than sufficient or is not required to maintain the family (if any) of the lunatic, the Inspector may take possession of such property,

or so much thereof as he thinks necessary to pay or to secure the payment of the sum due or to become due for the support and maintenance of the lunatic in the asylum, and he shall have full power over and be competent to manage and appropriate, take or recover possession of, lease, mortgage, sell and convey all or any part of such property in the name of the lunatic, or as his committee under this Act, as fully and effectually to all intents and purposes as the lunatic could or might if of full age and of sound and disposing mind; and notwithstanding the lunatic may have ceased to be an inmate of the asylum, or may have recovered or died, the Inspector may complete any lease, mortgage, sale or conveyance in respect of which proceedings have been commenced while the lunatic was confined in the asylum; but no such lease, mortgage, sale or conveyance, shall take place without the concurrence of the Attorney-General of Ontario. R. S. O. 1887, c. 245, s. 48.

Inspector may exercise powers conferred by s. 48, where he deems expedient.

49. The Inspector may exercise the powers by the next preceding section conferred upon him if he thinks it expedient so to do, notwithstanding the property of the insane person is not more than sufficient to maintain the family of the lunatic and notwithstanding by reason thereof it is not the intention of the Government to require payment for the maintenance of the lunatic. R. S. O. 1887, c. 245, s. 49.

Payment by Inspector to family of insane person may be authorized.

50. Where any moneys or other property belonging to the estate of an insane person [illegible] received by the Inspector of Prisons and Public Charities, as the statutory committee of such insane person, and the Lieutenant-Governor in Council does not think it fitting on account of the necessities of the family of such insane person to require from the estate of such insane person payment of the amount payable for maintenance, or which, except for the abatement made by such order, would afterwards become payable, the Lieutenant-Governor in Council may by order authorize the Inspector to pay over to any member or members of the family of such insane person, or other person or persons dependent upon him, such amount or amounts as it may not be considered proper to claim in respect of his maintenance, and the Inspector, as such committee, in respect of every amount so paid, shall be as fully discharged as if he had paid the same for the maintenance of the said insane person in the asylum in which he is or has been confined. R. S. O. 1887, c. 245, s. 50.

Conveyances by insane persons void as against Inspector, unless for value and without notice.

51. Any gift, grant, alienation, conveyance or transfer of any real or personal property made by any person after having been insane shall be held to be fraudulent and void, as against the Inspector of Prisons and Public Charities, unless the same is made for full and valuable consideration actually paid, or sufficiently secured to such person, or unless the purchaser had no notice of the insanity. R. S. O. 1887, c. 245, s. 51.

Inspector may deal with property, though nothing due for maintenance.

52. If the Inspector considers it necessary, in order to secure the payment of the maintenance of the lunatic, or for the interest of the estate of the said lunatic so to do, he may exercise his powers in section 48 given, or any of them, although no sum is overdue for such maintenance. R. S. O. 1887, c. 245, s. 52.

Lunatics of whom the Inspector is the committee.

53.—(1) The Inspector of Prisons and Public Charities shall *ex officio*, and by his name of office, be the committee of every lunatic who has no other committee, and who is detained in any public asylum referred to in sections 2 and 3 of this Act, and whether the lunatic is detained under an order from the Lieutenant-Governor or otherwise.

High Court may appoint another committee.

(2) The High Court may at any time appoint a committee of any such lunatic if such Court considers it expedient so to do, and upon such committee being appointed the Inspector shall, while such other committee exercises such office, cease to be the committee of the lunatic, but the Inspector upon delivering up the lunatic's estate shall retain so much thereof as may be required to pay any sums then due for maintenance. R. S. O. 1887, c. 245, s. 53.

When acts of the Inspector valid as against the committee appointed by the Court.

54. Notwithstanding another committee may have been appointed by the High Court, every act of the Inspector of Prisons and Public Charities, as the committee of a lunatic or other insane person, shall be valid and binding upon the estate of such lunatic or other insane person, if done previously to a copy of the order appointing another committee, together with a notice of the persons who have been approved by the Court, as the sureties of such committee, being served upon the Inspector. R. S. O. 1887, c. 245, s. 54.

Proceedings against persons confined in public asylums.

55. In case any action or other proceeding is brought against a person confined as insane in a public asylum for the insane, it shall not be sufficient in order to bind the estate of such insane person, or to make the proceedings otherwise valid, to serve any writ, process, paper or other document upon the Inspector of Prisons and Public Charities, although the Inspector is named therein as committee, but the same proceedings shall and may be taken for the appointment of some person or persons to protect the interest of the insane person aforesaid in the action or other proceeding as would be requisite or might be taken if the said Inspector was not the committee of the lunatic under this Act. R. S. O. 1887, c. 245, s. 55.

Proceedings by Inspector.

56. Nothing contained in this Act shall be construed to make it the duty of the Inspector to institute proceedings on behalf of an insane person confined in any public asylum, or to intervene in respect of his estate, but the Inspector may institute such proceedings and otherwise intervene in respect

of the estate of an insane person confined as aforesaid, who has no other committee of his estate, wherever the Inspector considers it expedient in the interest of the estate of the insane person, or necessary in order to secure in the manner least burdensome to the estate of the insane person, moneys due or to become due for his maintenance in an asylum. R. S. O. 1887, c. 245, s. 56.

Powers of Inspector as to estate of deceased in case he is the committee at time of death.

57. In case at the time of the death of an insane person the Inspector of Prisons and Public Charities is the committee of such insane person, the said Inspector shall, until probate of the will or letters of administration of the estate of the insane person is granted to some other person or persons, and the grant notified to the Inspector in writing, continue to have, and may, if he considers it requisite so to do, exercise by his name of office aforesaid the same powers in respect of the real and personal estate of the deceased as an executor and devisee would have in respect of the estate of his testator, in case the same were bequeathed and devised to him in trust for the payment of debts and the distribution of the residue. R. S. O. 1887, c. 245, s. 57.

Inspector to render accounts.

58. The Inspector shall be liable to render an account as to the manner in which he has managed the property and effects of the lunatic, in the same way and subject to the same responsibilities as any trustee, guardian or committee duly appointed for a similar purpose may be called upon to account, but he shall only be liable for wilful misconduct. R. S. O. 1887, c. 245, s. 58.

Disputes as to property, how settled.

59. In all cases mentioned in the preceding eleven sections if doubt or opposition arises as to the right of property, it shall be lawful for the Inspector or the person claiming the property to apply to the County Judge of the county in which the property is, to cause an inquisition to be held before such County Judge, and to try and determine, either by himself, or by a jury when required by either party but not otherwise, the right of property, which such Judge shall accordingly do. R. S. O. 1887, c. 245, s. 59.

Costs of Inspector a first charge on estate.

60. The costs, charges and expenses which the Inspector may incur in respect of the estate of an insane person shall be the first charge upon any moneys coming into the hands of the Inspector and belonging to such estate. R. S. O. 1887, c. 245, s. 60.

Moneys in Court may be paid to Inspector for maintenance.

61. The High Court shall, upon any application made therefor by the Inspector, direct to be paid to the Inspector from time to time, out of any funds or moneys in Court belonging to the lunatic, the amount payable in respect to charges for maintenance of the lunatic. R. S. O. 1887, c. 245, s. 61.

Inspector may make special order as to comfort of lunatic.

62. In case the insanity of any lunatic confined in any of the asylums is of such a nature, and he is possessed of such property, real or personal, as would in the opinion of the medical superintendent justify the supply to the lunatic of greater comfort and attention than are supplied under the ordinary regulations of the asylum, it shall be lawful for the Inspector to make any specific regulation in respect thereto as he may deem fitting. R. S. O. 1887, c. 245, s. 62.

PROVISIONS RESPECTING THE PROPERTY OF INSANE PERSONS IN GAOLS.

When Inspector to be committee of person certified as insane under s. 33.

63. The Inspector of Prisons and Public Charities shall, *ex officio*, and by his name of office, be the committee of the estate of every person certified in the manner required by section 33 to be insane, who is detained in any gaol or other prison which is under the authority of the Government of this Province, if such person has no other committee lawfully appointed, whether such person has been committed to gaol under this Act, or has been committed for safe custody, or in default of sureties to keep the peace, or is imprisoned upon conviction for any offence, or otherwise howsoever. R. S. O. 1887, c 245, s. 63.

Authority of Inspector over property.

64. (1) The Inspector shall have the same authority and power to take or recover possession of, lease, mortgage, sell and convey any property of any insane person of whom he is committee under the preceding section as he has with respect to the property of lunatics of whom he is committee under the other provisions of this Act, and he may, notwithstanding such insane person may have been discharged from gaol, or may have recovered or died, complete any lease, mortgage, sale or conveyance in respect of which proceedings have been commenced while such insane person was confined in gaol.

(2) No such lease, mortgage, sale or conveyance shall take place without the concurrence of the Attorney-General of Ontario. R. S. O. 1887, c. 245, s. 64.

Application of ss. 54 to 61.

65. Sections 54 to 61, inclusive, shall apply to the Inspector in his dealings with any such estate referred to in the next preceding two sections and as committee thereof. R. S. O. 1887, c. 245, s. 65.

SCHEDULE No. 1.

FORM A.

(*Section 7.*)

CERTIFICATE OF MEDICAL PRACTITIONER IN ORDINARY CASES.

I, the undersigned *C. D.* (*here set forth the qualification or degree of the person certifying : for example, Licentiate of the Medical Board; M.D. of the University of Toronto, etc.*), a legally qualified medical practitioner, residing and practising at , in the County of , hereby certify that I, on the day of , A. D. 18 , at , in the County of , separately from any other medical practitioner, personally examined *A. B.*, of (*insert residence and profession or occupation, if any*), and after making due inquiry into all facts in connection with the case of the said *A. B.*, necessary to be inquired into in order to enable me to form a satisfactory opinion, I certify that the said *A. B.* is insane, and is a proper person to be confined in an asylum for the insane [*if the insane person is an idiot add* and that the said *A. B.* is an idiot,] and that I have formed this opinion upon the following grounds, namely :

1. Facts indicating insanity observed by myself (*here state the facts*).

2. Other facts (*if any*) indicating insanity, communicated to me by others (*here state the information, and from whom received*).

Signed this day of , A. D. 18 , at , in the County of

Signed in presence of
F. G.
H. K.

R. S. O. 1887, c. 245, Sched. No. 1, Form A.

FORM B.

(*Section* 13.)

WARRANT FOR APPREHENSION OF DANGEROUS LUNATIC.

Province of Ontario. }
County of }

To all or any of the Constables or other Peace Officers in the said County of

Whereas information upon oath has this day been laid before the undersigned, one (*or as the case may be*) of Her Majesty's Justices of the Peace in and for the said County of , that *A. B.* is insane, and dangerous to be at large :

These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said *A. B.* and bring him before me (*or us*), or some other or more of Her Majesty's Justices of the Peace in and for the said County, in order that inquiry may be made respecting the sanity of the said *A. B.*, and that he may be further dealt with according to law.

Given under my (*or* our) hand and seal this day of , in the year of our Lord , at , in the County of

[L. S.]

R. S. O. 1887, c. 245, Sched. No. 1, Form B.

FORM C.

(*Section* 14.)

WARRANT OF COMMITTAL FOR SAFE CUSTODY PENDING INQUIRY.

Province of Ontario, }
County of }

To all or any of the Constables or Peace Officers in the County of , and to the keeper of the Common Gaol (or Lock-up House) at .

Whereas on the day of last past, information upon oath was laid before me (*or* us) , one (*or as the case may be*) of Her Majesty's Justices of the Peace in and for the said County of , that *A. B.* is insane, and dangerous to be at large; and whereas the hearing of the same is adjourned to the day of , at o'clock in the (*fore*) noon, at , and it is necessary that the said *A. B.* should in the meantime be kept in safe custody:

These are therefore to command you or any of you, the said Constables or Peace Officers, in Her Majesty's name, forthwith to convey the said *A. B.* to the Common Gaol (*or* Lock-up House) at , and there deliver him to the custody of the keeper thereof, together with this precept: And I hereby require you the said keeper to receive the said *A. B.* into your custody in the said Common Gaol (*or* Lock-up House), and there safely keep him until the day of (instant), when you are hereby required to convey and have him the said *A. B.* at the time and place to which the said hearing is so adjourned as aforesaid, before such Justice or Justices of the Peace for the said County as may then be there to make further inquiry respecting his sanity, and to be further dealt with according to law.

Given under my (*or* our) hand and seal this day of in the year of our Lord, , at , in the County aforesaid.

[L. S.]

R. S. O. 1887, c. 245, Sched. No. 1, Form C.

FORM D.

(*Section* 17).

FINAL WARRANT OF COMMITTAL.

Province of Ontario, }
County of }

To all or any of the Constables or other Peace Officers in the County of , and to the keeper of the Common Gaol of the County of , at , in the county aforesaid.

Whereas information was laid before me (*or* us), one (*or as the case may be*) of Her Majesty's Justices of the Peace for the said County of , on the oath of , that *A. B.* was insane and dangerous to be at large: and whereas inquiry has been made by me (*or* us) respecting the sanity of the said *A. B.*: and whereas I (*or* we) have found and adjudged the said *A. B.* to be insane and dangerous to be at large:

These are therefore to command you, the said Constables or other Peace Officers, or any of you, to take the said *A. B.* and him safely convey to the Common Gaol at aforesaid, and there deliver him to the keeper thereof, together with this precept; and I do hereby command you, the keeper of the said Common Gaol, to receive the said *A. B.* into your custody in the said Common Gaol, and there safely keep him until the pleasure of the Lieutenant-Governor be known, or until he be discharged by law.

Given under my or our hand and seal this day of in the year of our Lord 18 , at , in the county aforesaid.

[L. S].

R. S. O. 1887, c. 245, Sched. No. 1, Form D.

FORM E.

(*Section* 30.)

CERTIFICATE OF JUDGE OR JUSTICE WHEN PRISONER IS NOT FIT FOR AN ASYLUM.

Province of Ontario, }
County of }

I, the undersigned *C. D.*, Judge of the County Court of the County of (*or*, we *E. F.* and *G. H.*, Esquires, two of Her Majesty's Justices of the Peace for the County of , who have been requested by *C. D.*, Esquire, Judge of the County Court of the said County, to act in his stead in this matter) do hereby certify that I (*or* we) have on this day of , A.D. 18 , personally examined *A. B.*, an inmate of the Gaol of the said County of , and I (*or* we) do hereby further certify that I am (*or* we are) satisfied that the said *A. B.* is not insane (*or* that the said *A. B.*, though insane is not dangerous to be at large); and is not in my (*or* our) opinion a fit person to be confined in an Asylum for the Insane.

Signed this day of , A. D. 18 , at , in the County of .

R. S. O. 1887, c. 245, Sched. No. 1, Form E.

FORM F.

(*Section* 30.)

CERTIFICATE OF MEDICAL PRACTITIONER WHERE PRISONER IS NOT FIT FOR AN ASYLUM.

I, the undersigned *C. D.* (*here set forth the qualification or degree of the person certifying: for example, Licentiate of the Medical Board; M. D. of the University of Toronto, etc.*), a legally qualified medical practitioner, residing and practising at , in the County of , do hereby certify that I, on the day of , A.D. 18 , at , in the County of , separately from any other medical practitioner, personally examined *A. B.*, an inmate of the Common Gaol of the County of , and I further certify that I am satisfied that the

said *A. B.* is not insane (*or* that the said *A. B.*, though insane, is not dangerous to be at large), and is not in my opinion a fit person to be confined in an Asylum for the Insane.

Signed this day of , A.D. 18 , at in the County of .

R. S. O. 1887, c. 245, Sched. No. 1, Form F.

FORM G.

(*Section* 33.)

CERTIFICATE OF MEDICAL PRACTITIONER WHERE PRISONER IS INSANE.

I, the undersigned *C. D.* (*here set forth the qualification or degree of the person certifying: for example, Licentiate of the Medical Board; M. D. of the University of Toronto, etc.*), a legally qualified medical practitioner, residing and practising at , in the County of , do hereby certify that I, on the day of , A.D. 18 , at , in the County of , separately from any other medical practitioner, personally examined *A.B.*, an inmate of the Common Gaol of the County of , and I further certify that the said *A. B.* is insane, and is a proper person to be confined in an Asylum for the Insane; and that I have formed this opinion upon the following grounds, namely: (*here state the facts upon which the certificate is based.*)

Signed this day of , A.D. 18 , at , in the County of .

R. S. O. 1887, c. 245, Sched. No. 1, Form G.

FORM H.

(*Section* 33.)

CERTIFICATE OF JUDGE OR JUSTICE WHEN PRISONER IS INSANE.

Province of Ontario, }
County of }

I, the undersigned *C. D.*, Judge of the County Court of the County of (*or* we *E. F.* and *G. H.*, Esquires, two of Her Majesty's Justices of the Peace for the County of , who have been requested by *C. D.*, Esquire, Judge of the County Court of the said County, to act in his stead in this matter), do hereby certify that I (*or* we) have on this day of , A.D. 18 , personally examined *A.B.*, an inmate of the Gaol for the said County of , and I (*or* we) do hereby further certify that from such personal examination, and from the evidence adduced thereon, I (*or* we) am (*or* are) of opinion that the said *A. B.* is insane, and that the said *A. B.* is a proper person to be confined in an Asylum for the Insane.

Signed this day of , A.D. 18 , at , in the County of .

R. S. O. 1887, c. 245, Sched. No. 1, Form H.

FORM I.

(*Section* 38.)

WARRANT TO RETAKE ESCAPED PATIENT.

Asylum for the Insane at

To , and all or any of the Constables or Peace Officers in the County of

Whereas on the day of last past, being within one month from this date, *A. B.*, an insane person confined in the Asylum for the Insane at , of which I (*name*) am Medical Superintendent, did escape from the said Asylum:

These are therefore to command you or any of you the said Constables or Peace Officers, in Her Majesty's name, to retake the said *A. B.*, and safely convey him to this Asylum and deliver him into my charge.

Given under my hand and seal this day of , in the year of our Lord , at in the County aforesaid.

[L. S.]

R. S. O. 1887, c. 245, Sched. No. 1, Form I.

FORM K.

(*Section* 41).

WARRANT TO RETAKE PROBATIONARY PATIENTS.

Asylum for the Insane at ,

To , and all or any of the Constables or Peace Officers in the County of

Whereas on the day of last past, being within six months of this date, *A. B.*, an insane person confined in the Asylum for the Insane at , was allowed by me, *C. D.*, the Medical Superintendent of the said Asylum, to return on trial to the care of his friends; and whereas it appears to me from information received by me, that the said *A. B.* has again become dangerous:

These are therefore to command you or any of you the said Constables or Peace Officers, in Her Majesty's name, to retake the said *A. B.*, and safely convey him to this Asylum and deliver him into my charge.

Given under my hand and seal this day of , in the year of our Lord , at , in the County aforesaid.

[L. S.]

R. S. O. 1887, c. 245, Sched. No. 1, Form K.

SCHEDULE No. 2.

INFORMATION TO BE ELICITED UPON INQUIRY.

(*Sections* 19 *and* 20.)

1. The names in full and age of prisoner.
2. Occupation, religion and country.
3. Whether married or single ; and if single, whether ever married.
4. How many children, if any.
5. Address of parents or nearest relatives ; and in case of such relatives how connected.
6. How long prisoner has been insane.
7. Duration of the present attack, and whether the first.
8. How the insanity first shewed itself, and the supposed causes.
9. Whether any delusions, and if so, what they are.
10. Whether the prisoner is suicidal or dangerous to others.
11. Whether any offence has ever been committed by the prisoner, and whether the prisoner has been convicted of the same, with all particulars.
12. Whether the prisoner is subject to epilepsy or paralysis.
13. Whether any of the other members of the prisoner's family have suffered in a similar way, and whether the prisoner has ever been in an asylum, and if so when and where.
14. What have been the habits of the prisoner as to temperance, industry and general conduct, and in what manner they have changed—whether the change has been recent, gradual or sudden.
15. Whether the prisoner has been subject to any bodily ailments, and if so, their nature.
16. Degree of education of prisoner, and any other information that will in the opinion of the Justice or Justices aid the Medical Superintendent in the treatment of the case.
17. Whether the prisoner is idiotic, imbecile or incurable.
18. Whether the friends of the prisoner, or any of them, if such there be, are able to contribute to the maintenance of the prisoner while in an asylum, and which, if any, of such friends, and how much they, or any of them, can contribute.
19. The information required by section 19 of this Act.

R. S. O. 1887, c. 245, Sched. No. 2.

CHAPTER 318.

An Act respecting Private Lunatic Asylums.

INTERPRETATION, s. 1.
LICENSE HOW OBTAINED, ss. 2-7.
BOARD OF VISITORS, ss. 8-15.
REMOVAL OF SUPERINTENDENT, s. 16.
FEES FOR LICENSES, ss. 17-19.
ALTERATION OF LICENSED PREMISES, ss. 20, 21.
TRANSFER OF LICENSE, ss. 22, 23.
REMOVAL TO OTHER PREMISES, ss. 24, 25.
REVOCATION OF LICENSE, ss. 26-28.
ADMISSION OF PATIENTS, ss. 29-41.
PROCEDURE IN CASE OF ESCAPE, s. 42.
PROCEDURE IN CASE OF REMOVAL OR DISCHARGE, ss. 43-44.
REMEDY IN CASE OF ILLEGAL CONFINEMENT, s. 45.
MEDICAL ATTENDANCE, ss. 46-49.
INSPECTION BY BOARD OF VISITORS, ss. 50-58.
DISCHARGE OF PATIENTS, ss. 59-67.
INFORMATION TO BE GIVEN ON INQUIRY, s. 68.
ORDER FOR ADMISSION, ss. 69-71.
MISCELLANEOUS PROVISIONS, ss. 72-78.
PROSECUTION AND PENALTIES, ss. 79-86.
APPEALS, ss. 87, 88.
LIMITATION OF ACTIONS, s. 89.
DEFENCE IN ACTIONS, ss. 90, 91.
PROSECUTIONS BY BOARD OF VISITORS, ss. 92-96.
ADMISSION OF INEBRIATES, ss. 97-108.
PENALTIES.
Supplying liquor, s. 109.
Assisting to escape, s. 110.
INSPECTION, s. 111.
APPLICATION OF ACT, s. 112.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation.

1. Where the words following occur in this Act or in the Schedules thereto they shall be construed in the manner hereinafter mentioned unless a contrary intention appears:

"Inspector." Rev. Stat. c. 321.

1. "Inspector" shall mean the Inspector appointed under *The Prison and Asylum Inspection Act*.

"Private Asylum."

2. "Private Asylum" shall mean a house licensed under the provisions of this Act, and "house" and "licensed house" shall include a private asylum.

"County."

3. "County" shall mean a county or union of counties, or a city or town having a separate Commission of the Peace;

"Lunatic."

4. "Lunatic" shall mean every insane person, and every person being an idiot or lunatic or of unsound mind;

"Patient."

5. "Patient" shall mean every person received or detained as a lunatic, or taken care or charge of as a lunatic;

"Proprietor." 6. "Proprietor" shall mean every person to whom any license is granted under the provisions of this Act, and every person keeping, owning or having any interest or exercising any duties or powers of a proprietor in any licensed house;

"Clerk of the Peace." 7. "Clerk of the Peace" shall mean every clerk of the Peace and person acting as such, and every deputy duly appointed;

"Justice." 8. "Justice" shall mean a Justice of the Peace;

"Medical Attendant." 9. "Medical Attendant" shall mean every physician who keeps any licensed house, or in his medical capacity attends any licensed house;

"Physician." 10. "Physician" shall mean every person of the male sex authorized to practise medicine, surgery or midwifery in this Province;

"Licensed House." 11. "Licensed house" shall mean a house licensed under the provisions of this Act. R. S. O. 1877, c. 246, s. 1.

LICENSE, HOW OBTAINED, ETC.

Proprietors of asylum desiring license to notify Inspector. **2.** When the proprietor of a private asylum desires to obtain a license for such private asylum under the provisions of this Act, he shall give notice thereof to the Inspector. R. S. O. 1887, c. 246, s. 2.

Contents of notice. **3.** The notice shall contain the true Christian name and surname, place of abode, and occupation of the person to whom the license is desired to be granted, and a true and full description of his estate or interest in such house; and in case the person to whom the license is desired to be granted, does not propose to reside himself in the licensed house, the notice shall contain the true Christian name and surname, place of abode and occupation of the superintendent who is to reside therein. R. S. O. 1887, c. 246, s. 3.

Plan of the house, etc. **4.** The notice shall be accompanied by a plan of the house, drawn upon a scale of not less than one-eighth of an inch to a foot, with a description of—

Its situation. 1. The situation thereof;

Size of room. 2. The length, breadth and height of, and a reference by a figure or letter, to every room and apartment therein;

Extent of grounds. 3. A statement of the quantity of land, not covered by any building, annexed to such house, and appropriated to the exclusive use, exercise and recreation of the patients proposed to be received therein; and

Number of patients provided for. 4. Also a statement of the number of patients proposed to be received into such house, and whether the license so applied

for is for the reception of male or female patients, or of both, and if for the reception of both, of the number of each sex proposed to be received in such house, and of the means by which the one sex may be kept distinct and apart from the other. R. S. O. 1887, c. 246, s. 4.

Time notice to be sent to Inspector.

5.—(1) The notice, with the plan and statement required by the next preceding section shall be sent to the Inspector at least two weeks before the private asylum is ready for the reception of patients.

Inspector to report to Lieutenant-Governor.

(2) The Inspector shall thereupon visit the proposed private asylum and minutely inspect the same and report thereon to the Lieutenant-Governor in Council. R. S. O. 1887, c. 246, s. 5.

License to proprietors.

6. If the Inspector reports that the buildings and premises referred to in the said notice are ready and fit for occupation as a private asylum for the insane, the Lieutenant-Governor in Council may issue a license to the proprietors to keep and maintain the same for the purposes of a private asylum; and such license shall continue in force until revoked by the Lieutenant-Governor in Council. R. S. O. 1887, c. 246, s. 6.

Securities by licensee.

7. No such license shall be granted unless the person to whom the license is granted enters into a bond to Her Majesty in the sum of $400, with two sufficient sureties, each in the sum of $200, or one sufficient surety in the sum of $400, under the usual conditions for the good behaviour of such person during the time for which the license continues in force. R. S. O. 1887, c. 246, s. 7.

BOARD OF VISITORS.

Board of Visitors.

8. (1) Every private asylum or house licensed under the provisions of this Act shall be under the supervision and inspection of a board of visitors, composed of the Judge (or in the case of his absence or disqualification the Junior or Deputy Judge) of the County Court of the county wherein the private asylum is located, the Warden of the county for the time being, the Clerk of the Peace for the county, together with a local physician, who shall be appointed by the Lieutenant-Governor in Council, and shall hold office for three years unless sooner removed by the Lieutenant-Governor.

Chairman.

(2) The Judge shall be the chairman of the board, and the Clerk of the Peace shall be its secretary.

Allowance to secretary.

(3) The secretary shall be paid out of the license fees or by the proprietors of the asylum, such allowance for his services as the Lieutenant-Governor in Council may direct. R. S. O. 1887, c. 246, s. 8.

Visitors not to have a pecuniary interest in any asylum.

9.—(1) No member of the board of visitors shall be pecuniarily interested in any private asylum, either directly or indirectly and any visitor who, after his appointment, becomes interested in any private asylum, either by profits as proprietor, or by the sale of merchandise to such an asylum, or in any other way, shall thereupon become disqualified from acting, and shall not thereafter act in such capacity.

Appointment in case of disqualification of official visitor.

(2) In case a Judge or Clerk of the Peace is or becomes so disqualified, the Lieutenant-Governor may appoint some one to act in his stead; and in case a Warden is or becomes so disqualified, the county council may appoint some one to act in his stead.

Assistant-secretary becoming interested to be disqualified.

(3) If an assistant secretary to any board after his appointment becomes so interested, he shall be disqualified from acting, and shall cease to act in such capacity. R. S. O. 1887, c. 246, s. 9.

Oath of visitors.

10.—(1). The visitors shall, before acting, take an oath to the following effect:

"I *A.B.* do swear that I will discreetly, impartially and faithfully execute all the trusts and powers committed to me by virtue of the Act entitled *An Act respecting Private Lunatic Asylums*, and that I will keep secret all such matters as come to my knowledge in the execution of my office, except when required to divulge the same by legal authority, or so far as I feel myself called upon to do so for the better execution of the duty imposed upon me by the said Act."

By whom administered.

(2) The oath may be administered by any Justice of the Peace to the Clerk of the Peace, who may then administer the same to the other members of the board. R. S. O. 1887, c. 246, s. 10.

Meeting of Visitors to be called.

11. The secretary shall summon the board of visitors to meet for the purpose of executing the duties of this Act. R. S. O. 1887, c. 246, s. 11.

Visitors' meetings to be private.

12. Every such appointment, summons and meeting shall be made and held as privately as may be, and in such manner that no proprietor, superintendent or person interested in or employed about or connected with any house to be visited, has notice of such intended visitation. R. S. O. 1887, c. 246, s. 12.

Assistant Clerk.

13.—(1) If the secretary at any time, desires to employ an assistant in the execution of the duties of his office, he shall certify such desire, and the name of the proposed assistant to one of the other members of the board of visitors, being a Justice of the Peace, and if such member approves thereof, he shall administer the following oath to such assistant:

Oath of.

"I, *A. B.*, do solemnly swear that I will faithfully keep secret all such matters and things as come to my knowledge in consequence of my employment as assistant to the Secretary of the Board of Visitors, appointed

for the County of by virtue of the Act entitled *An Act respecting Private Lunatic Asylums*, unless required to divulge the same by legal authority: So help me God."

(2) The secretary may thereafter, at his own cost, employ such assistant. R. S. O. 1887, c. 246, s. 13. At whose cost.

14. No physician being a member of the board of visitors shall sign any certificate for the admission of any patient into any licensed house or hospital or shall professionally attend upon any patient in any licensed house or hospital unless he is directed to visit such patient by the person upon whose order such patient has been received into such licensed house or hospital, or by the Provincial Secretary, or one of the Judges of the High Court or by a committee appointed by one of the said Judges. R. S. O. 1887, c. 246, s. 14. Restrictions on physicians being visitors.

15. If a physician, being a member of the board of visitors, signs a certificate for the admission of a patient into any licensed house or hospital, or professionally attends a patient in such house or hospital (except as aforesaid), such physician shall for each offence forfeit the sum of $200. R. S. O. 1887, c. 246, s. 15. Penalty on physicians.

REMOVAL OF SUPERINTENDENT.

16. Any person to whom a license is granted may remove the superintendent named in the notice, and may at any time appoint another superintendent, upon giving to the board of visitors a notice containing the true Christian name and surname, place of abode and occupation of the new superintendent. R. S. O. 1887, c. 246, s. 16. Removal of Superintendent.

FEES FOR LICENSES.

17. For every license there shall be paid to the Clerk of the Peace, for every patient proposed to be received into such house, the sum of $2; and if the total amount of such sums of $2 does not amount to $60, then so much more as together therewith will make up the sum of $60, and no such license shall be delivered until the sum payable for the same has been paid. R. S. O. 1887, c. 246, s. 17. Fees thereon.

18. All moneys to be received for licenses granted under this Act shall be applied towards the payment of the allowance to the secretary for his services and the discharge of the costs, charges and expenses incurred by or under the authority of the board of visitors, in the execution of or by virtue of this Act. R. S. O. 1887, c. 246, s. 18. Application of fees.

19. The Clerk of the Peace shall keep an account of all moneys received and paid by him under or by virtue of or in the execution of this Act, and such account shall be made up Clerk of the Peace to keep accounts of moneys re-

ceived or expended.

to the last day of December in each year inclusively, and shall be signed by two at least of the members of the board of visitors. R. S. O. 1887, c. 246, s. 19.

ADDITIONS AND ALTERATIONS TO LICENSED PREMISES.

One license for each house.

20. No one license shall include or extend to more than one house; but if there is any place or building detached from a house to be licensed, but not separated therefrom by ground belonging to any other person, and if such place or building is specified, delineated and described in the notice, plan and statement hereinbefore required to be given, in the same manner in all particulars as if the same had formed part of such house, then such detached place or building may, if the Lieutenant-Governor in Council thinks fit, be included in the license for the house, and if so included, shall be considered part of such house for the purposes of this Act. R. S. O. 1887, c. 246, s. 20.

Alterations in asylums.

21. No addition or alteration shall be made to, in or about any licensed house, or the appurtenances, unless previous notice in writing of such proposed addition or alteration, accompanied with a plan thereof, to be drawn upon the scale aforesaid, and accompanied by such description as aforesaid, has been given to the Inspector, by the person to whom the license has been granted, nor unless the approval of the Lieutenant-Governor in Council has been previously obtained. R. S. O. 1887, c. 246, s. 21.

TRANSFERS AND REMOVALS.

When license assignable.

22. If a person to whom a license has been granted under this Act, by sickness, or other sufficient reason, becomes incapable of keeping the licensed house, or dies before the expiration of the license, the Lieutenant-Governor in Council may authorize the transfer of the license, with all the privileges and obligations annexed thereto for the term then unexpired, to the person who at the time of such incapacity or death was the superintendent of such house, or had the care of the patients therein, or to such other person as the Lieutenant-Governor in Council may approve, and in the meantime the license shall remain in force, and have the same effect as if granted to the superintendent of the house. R. S. O. 1887, c. 246, s. 22.

Survivorship.

23. In case a license has been granted to two or more persons, and one or more of such persons die, leaving the other or others surviving, the license shall remain in force and have the same effect as if granted to the survivor or survivors. R. S. O. 1887, c. 246, s. 23.

Removal to other premises.

24.—(1) If a licensed house is pulled down or occupied under the provisions of any statute, or is by any *vis major*, or by fire, tempest or other accident, rendered unfit for the accommodation of lunatics or if the person keeping such house desires to transfer the patients to another house, the Lieutenant-Governor in Council, may grant to the person whose house has been so pulled down, occupied or rendered unfit as aforesaid, or who desires to transfer his patients as aforesaid, license to keep such other house for the reception of lunatics, for such time as the Lieutenant-Governor in Council thinks fit; but the same notice of such intended change of house, and the same plans and statements and descriptions of and as to such intended new house, shall be given as are required when application is first made for license for any house, and shall be accompanied by a statement in writing of the cause of such change of house.

(2) A fee of $4 shall be payable by the licensee to the Clerk of the Peace upon the issue of the license. R. S. O. 1887, c. 246, s. 24.

Notice of intended removal.

25. Except in cases in which the change of house is occasioned by fire or tempest, seven clear days' previous notice of the intended removal, shall be sent by the person to whom the license for keeping the original house was granted to the person who signed the order for the reception of each patient, or the person by whom the last payment on account of each patient had been made. R. S. O. 1887, c. 246, s. 25.

REVOCATION OF LICENSES.

Revocation of license.

26. In case a majority of the Justices of any county, in General Sessions assembled, resolve to recommend to the Lieutenant-Governor the revocation of any license granted under this Act, such Justices shall cause to be given to the person licensed, or to the resident superintendent of the licensed house, or to be left at the licensed house, seven clear days' previous notice in writing of the intended recommendation. R. S. O. 1887, c. 246, s. 26.

When the Lieutenant Governor may revoke.

27. Upon the receipt of such recommendation the Lieutenant Governor in Council may revoke such license; and in the case of a revocation, the same shall take effect at a period to be named in the Order in Council not exceeding two months from the time a copy or notice thereof has been published in the *Ontario Gazette*. R. S. O. 1887, c. 246, s. 27.

How revocation to be notified and promulgated.

28. A copy or notice of the Order in Council shall be transmitted to the person licensed or to the resident superintendent of, or be left at the licensed house, after which the same shall be published in the *Ontario Gazette*. R. S. O. 1887, c. 246, s. 28. *As to revocation on report of Inspector of Prisons and Public Charities, see Cap. 321, Sec. 18.*

ADMISSION OF PATIENTS.

Orders for admission of patient.

29. No person, whether being or represented to be a lunatic, or only a boarder or lodger, in respect of whom any money is received or agreed to be received for board, lodging or any other accommodation, shall be received into or detained in any licensed house without an order under the hand of some person according to the form, and stating the particulars mentioned in Schedule A, nor without the medical certificates, according to the Form of Schedule B, of two physicians not being partners or brothers, or father and son, and each of whom separately from the other has personally examined the person to whom it relates not more than fifteen clear days previous to the reception of such person into such house, and each of whom has signed and dated the certificate on the day on which such person was so examined. R. S. O. 1887, c. 246, s. 29.

Medical certificates.

Facts to be certified.

30. Every physician who signs such certificate shall specify therein that he has personally examined the person to whom the certificate relates, and that from such examination, and from the evidence adduced before him, he is of opinion that such person is a lunatic (or an insane person, or an idiot, or a person of unsound mind) and a proper person to be confined in an asylum, and shall also specify in the certificate the fact or facts and the evidence adduced before him which led to such opinion, and he shall therein distinguish the facts observed by himself from facts communicated to him by others. R. S. O. 1887, c. 246, s. 30.

Admission of patients from other Provinces.

31. A medical superintendent of a private asylum may admit to and detain therein any patient from any Province of the Dominion of Canada, who is certified to be insane by two physicians duly authorized to practise as such in the Province where such patient has his domicile, provided such certificates of insanity are made in accordance with the requirements of section 29 and Schedule B therein mentioned, but any patient so admitted and detained in a private asylum from any other Province must, within fifteen days of such admission, be examined by one duly qualified physician of the Province of Ontario. R. S. O. 1887, c. 246, s. 31.

Lunatics not to be received into unlicensed houses without medical certificates.

32. No person shall receive to board and lodge in any house not licensed under this Act, or take the charge or care of any insane person without having first obtained the medical certificates required by this Act for the admission of an insane person into a licensed house. R. S. O. 1887, c. 246, s. 32.

Notice thereof to be sent to the Secretary of the Visitors.

33. Every person who receives to board or lodge in a house not licensed under this Act, or takes the care or charge of an insane person, shall within three months next after receiving such insane person into his house, or under his care,

transmit to the secretary of the board of visitors of the county a copy of such medical certificates, sealed and indorsed *Private Return*, and every such person shall also (if the insane person continues in his house or under his care) on the 1st day of January, of every year, or within seven clear days thereafter, transmit to such secretary a certificate, signed by two physicians describing the then actual state of mind of such insane person, and indorsed *Private Return*, and all such private returns shall be preserved by the said secretary and shall be open to the inspection of the members of the board of visitors only. R. S. O. 1887, c. 246, s. 33.

When certificate of one physician sufficient.

34. Any person may, under special circumstances, be received into such house, upon such order with the certificate of one physician alone, provided the order states the special circumstances which prevented the person from being examined by two physicians; but in every such case another certificate shall be signed by some other physician, not connected with any house licensed as aforesaid, and who has specially examined such person within three days after his reception into such house. R. S. O. 1887, c. 246, s. 34.

When physician not allowed to certify.

35. No physician who, or whose father, brother, son or partner, is wholly or partly the proprietor of or a regular professional attendant in a licensed house, shall sign any certificate for the reception of a patient into such house; and no physician who, or whose father, brother, son or partner, signs the order hereinbefore required for the reception of a patient, shall sign any certificate for the reception of the same patient. R. S. O. 1887, c. 246, s. 35.

Penalty on physician giving false certificate maliciously.

36. Any physician who with express malice, or corruptly signs any false certificate of insanity for the purpose of aiding to procure the confinement of any sane person in a private asylum shall, upon judgment being given against him in the High Court in an action for damages on account of such malicious or corrupt act, *ipso facto* be incapacitated from practising as a physician in Ontario for the period of five years thereafter, unless the Court sees fit to remove such incapacity or shorten the limit thereof. The name of such physician shall, upon production of a certified copy of the judgment to the registrar of the College of Physicians and Surgeons of Ontario, be removed from the register, and shall not be restored thereto during such incapacity. R. S. O. 1887, c. 246, s. 36.

Admission of person requiring treatment.

37. The medical superintendent of a private asylum may upon the written application of the person desiring admission, receive and detain therein as a patient, any person who though not insane, is desirous of submitting himself for the treatment of epilepsy, hysteria, chorea-amentia, or any nervine or physical ailment, provided that one physician certifies in writing that such patient is afflicted with epilepsy, hysteria,

chorea-amentia, or some other nervine or physical ailment, and that there is a danger such ailment will develop into mental derangement unless it is properly treated; but no patient thus voluntarily admitted shall be detained more than three days after he has given notice in writing to the medical superintendent of his or her intention or desire to leave such asylum. R. S. O. 1887, c. 246, s. 37.

Notice of admission to be given to Board of Visitors.

38. When a patient is received into a private asylum upon his own application, the medical superintendent shall give immediate notice of such reception to the secretary of the board of visitors stating all the particulars of the case; and one or more members of the board or the secretary thereof shall forthwith visit such patient in order to verify the fact of such patient's having been admitted voluntarily: and all the facts in connection with such case shall be forthwith recorded in the visitors' book by the person making the inquiry. R. S. O. 1887, c. 246, s. 38.

Books to be kept, and entries made therein.

39. Every proprietor or superintendent who receives a patient into a licensed house, shall, within two days after the reception of such patient, make an entry with respect to such patient in a book to be kept for that purpose, to be called "The Book of Admissions," according to the form and containing the particulars required in Schedule C, so far as he can ascertain the same, except as to the form of the mental disorder, and except also as to the discharge or death of the patient, which shall be made when the same happens; and every person who so receives such patient and does not, within two days thereafter, make such entry (except as aforesaid), shall forfeit a sum not exceeding $10. R. S. O. 1887, c. 246, s. 39.

The form of mental disorder to be entered.

Under penalty.

40. The form of the mental disorder of every patient received into any licensed house, shall, within seven days after the reception, be entered in the said "Book of Admissions" by the medical attendant of the house; and every medical attendant who omits to make any such entry within the time aforesaid, shall, for every such omission, forfeit a sum not exceeding $10. R. S. O. 1887, c. 246, s. 40.

Copy of order to be sent by proprietor to Secretary of Visitors.

41. The proprietor or resident superintendent of every licensed house shall, after two clear days, and before the expiration of seven clear days from the day on which any patient has been received into the house, transmit to the secretary of the board of visitors within whose jurisdiction the house is situate, a copy of the order and medical certificates or certificate on which the patient has been received, and also a notice and statement according to the form given in Schedule D. R. S. O. 1887, c. 246, s. 41.

42. When a patient has escaped from a licensed house, the proprietor or superintendent of the house shall, within two clear days next after the escape, transmit a written notice thereof to the secretary of the board of visitors within whose jurisdiction the house is situate; and the notice shall state the Christian name and surname of the patient who so escaped, and his or her then state of mind, and also the circumstances connected with the escape; and if the patient is brought back to such house, the proprietor or resident superintendent shall within two clear days after the patient has been brought back, transmit a written notice thereof to the secretary; and the notice shall state when the patient was so brought back, and the circumstances connected therewith, and whether with or without a fresh order and certificates or certificate, and every proprietor or resident superintendent omitting to transmit such notice whether of escape or of return, shall for every such omission forfeit a sum of $40. R. S. O. 1887, c. 246, s. 42.

In cases of escapes what steps to be taken.

Under penalty.

REMOVAL, DISCHARGE, DEATH, ETC.

43. When a patient is removed or discharged from a licensed house, or dies therein, the proprietor or superintendent of the house shall, within two clear days next after such removal, discharge or death, make an entry thereof in a book to be kept for that purpose, according to the form and stating the particulars in Schedule E to this Act, and shall also within the same two days transmit a written notice thereof, and also of the cause of the death, removal or discharge of the patient, if known to the secretary of the board of visitors in whose jurisdiction the house is situate, according to the form, and containing the particulars in Schedule F to this Act. R. S. O. 1887, c. 246, s. 43.

Removal, discharge, etc., to be entered.

And notice given.

44. In case of the death of a patient in a licensed house, a statement of the cause of the death of the patient, with the name of any person present at the death, shall be forthwith drawn up and signed by the medical attendant of the house, and a copy thereof, duly certified by the proprietor or superintendent of such house, shall, within forty-eight hours after the death of the patient, be by such proprietor or superintendent transmitted to the nearest coroner, and also to the secretary of the board of visitors in whose jurisdiction the house is situate, and also to the person who signed the order for the patient's confinement, or if such person is dead or absent from the Province, then to the person who made the last payment on account of the patient, and every medical attendant, proprietor or superintendent who neglects or omits to draw up, sign, certify, or transmit such statement as aforesaid, shall, for every such neglect or omission, forfeit and pay a sum of not exceeding $200. R. S. O. 1887, c. 246, s. 44.

Certificate required in case of death.

Under penalty.

Penalty for illegal confinement.

45. In case any person released from confinement in any licensed house considers himself to have been unjustly confined, the secretary of the board of visitors within whose jurisdiction the house is situate shall at his request, furnish to him, or to his solicitor, without fee or reward, a copy of the certificates and order upon which he has been confined; and the Lieutenant-Governor may cause to be prosecuted on the part of the Crown, any person who has been concerned in the unlawful taking of any of Her Majesty's subjects as an insane patient, and likewise any person who has been concerned in the neglect or ill-treatment of any patient or persons so confined. R. S. O. 1887, c. 246, s. 45.

MEDICAL ATTENDANCE.

Every house to have a resident or attendant physician.

46. In every house licensed for one hundred patients or more, there shall be a resident physician as the superintendent or medical attendant thereof; and every house licensed for less than one hundred, and more than fifty patients (in case such house is not kept by, or has not a resident physician), shall be visited daily by a physician, and every house licensed for less than fifty patients (in case such house is not kept by, or has not a resident physician) shall be visited twice in every week by a physician; but the board of visitors of any house may direct that such house shall be visited by a physician at any other time or times, not being oftener than once in every day. R. S. O. 1887, c. 246, s. 46.

When a physician to visit, if less than eleven lunatics.

47. Where a house is licensed to receive less than eleven lunatics, any two members of the board of visitors of such house if they respectively think fit, may, by writing under their hands, permit the house to be visited by a physician at such intervals more distant than twice every week, as such visitors appoint, but not at a greater interval than once in every two weeks. R. S. O. 1887, c. 246, s. 47.

Entries to be made in "The Medical Visitation Book."

48. Every physician, in case there is only one, keeping or residing in or visiting any licensed house, and in case there are two or more physicians keeping or residing in or visiting any licensed house, then one at least of such physicians, shall once in every week (or, in the case of any house at which visits at more distant intervals than once a week are permitted then shall on every visit), enter and sign in a book to be kept at such house for that purpose, to be called "The Medical Visitation Book," a report shewing:

1. The date thereof;

2. The number, sex, and state of health of all the patients then in the house;

3. The Christian name and surname of every patient who has been under restraint, or in seclusion, or under medical treatment, since the date of the last preceding report;

4. The condition of the house, and every death, injury and act of violence which has happened to or affected any patient since the then last preceding report, according to the form in Schedule H; and every such physician who omits to enter or sign such report, shall for every such omission forfeit and pay the sum of $80. R. S. O. 1887, c. 246, s. 48.

A book to be kept called "The Case Book."

Entries.

Penalty.

49. There shall be kept in every licensed house a book to be called "The Case Book," in which the physician keeping or residing in or visiting such house shall from time to time make entries of the mental state and bodily condition of each patient, together with a correct description of the medicine and other remedies prescribed for the treatment of his disorder, and the board of visitors within whose jurisdiction any licensed house is situate may, whenever they see fit, by an order in writing, require the physician keeping or residing in or visiting such house, to transmit to them a correct copy of the entries or entry in the case book kept under the provisions of this Act relative to the case of any lunatic who is or has been confined in such house, and every physician who neglects to keep the said case book, or to enter therein the particulars of each patient's case, or to transmit a copy of any entry therein pursuant to any such order, shall for every such neglect forfeit a sum not exceeding $40. R. S. O. 1887, c. 246, s. 49.

INSPECTION BY BOARD OF VISITORS.

Visitors to visit licensed houses.

50. Every licensed house within the jurisdiction of any board of visitors shall be visited by two at least of the members of the board (one of whom shall be a physician), four times at the least in every year. R. S. O. 1887, c. 246, s. 50.

Duties of, in making visits.

51. The visitors, when visiting any such house, shall inspect every part of the house, and every house, out-house, place and building communicating therewith, or detached therefrom but not separated by ground belonging to any other person, and every part of the ground and appurtenances held, used or occupied therewith, and shall see every patient then confined therein, and shall inquire whether any patient is under restraint, and why, and shall inspect the order and certificates or certificate for the reception of every patient who has been received into the house since the last visit of the visitors, and shall enter in the visitors' book a minute:

1. Of the then condition of the house, and of the patients therein;

2. The number of patients under restraint, with the reasons thereof as stated;

3. Such irregularity (if any) as exists in such order or certificate;

4. Whether the previous suggestions (if any) of the visitors, have or have not been attended to; and

5. Any observations which they deem proper as to any of the matters aforesaid, or otherwise. R. S. O. 1887, c. 246, s. 51.

Duties of proprietor or superintendent towards the Visitors.

52. The proprietor or superintendent of every licensed house shall shew to the visitors so visiting the same, every part thereof and every person detained therein as a lunatic. R. S. O. 1887, c. 246, s. 52.

Inquiries to be made by the Visitors.

53. The visitors upon their several visitations to a licensed house shall inquire:

1. Where divine service is performed therein, to what number of the patients, and the effect thereof;

2. What occupations or amusements are provided for the patients, and the result thereof;

3. Whether there has been adopted any system of non-coercion, and if so, the result thereof;

4. As to the classification of patients;

5. And such other inquiries as to such visitors seem expedient. R. S. O. 1887, c. 246, s. 53.

What information to be laid before the Visitors.

54. Upon every visit of the visitors to a licensed house, there shall be laid before them by the proprietor or superintendent of the house:

1. A list of all the patients then in the house (distinguishing males from females, and specifying such as are deemed curable);

2. The several books by this Act required to be kept by the proprietor or superintendent, and by the medical attendant of a licensed house;

3. All orders and certificates relating to patients admitted since the visitation of the visitors;

4. The license then in force for such house;

5. All such other orders, certificates, documents and papers relating to any of the patients at any time received into such house, as the visitors from time to time require to be produced to them; and the visitors shall sign the said books as having been so produced. R. S. O. 1887, c. 246, s. 54.

Information to be hung up in every licensed house.

"The Visitors' Book."

55. There shall be hung up in some conspicuous part of every licensed house a copy of the plan sent to the Inspector on applying for the license for such house; and there shall be kept in every such house a Queen's Printer's copy of this Act, bound in a book, to be called "The Visitors' Book," and the said visitors shall at the time of their visitations enter in such book the result of the inspections and inquiries hereinbefore directed or authorized to be made by them, with such

observations (if any) as they think proper; and there shall also be kept in every such house a book, to be called "The Patients' Book," and the said visitors shall, at the times of their visitations, enter therein such observations as they think fit respecting the state of mind or body of any patient in such house. R. S. O. 1887, c. 246, s. 55. "The Patients' Book."

56.—(1) The proprietor or resident superintendent of every licensed house shall, within three days after every visit by the said visitors, transmit to the secretary of the visitors a true and perfect copy of the entries made by them in "The Visitors' Book," "The Patients' Book" and "The Medical Visitation Book" respectively, distinguishing the entries in the several books. Copies of Visitors' entries to be sent to the Secretary.

(2) The proprietor or resident superintendent of every licensed house shall, within five days after the admission of any lunatic, or of an insane or idiotic patient, or of a person of unsound mind, to such licensed house, report to the Inspector of Prisons and Public Charities for Ontario, the fact of such admission, together with copies of the certificates and papers upon which the patient was admitted, and shall at any and all times furnish to the Inspector such other reports and information relative to any such patient or patients as may be required by him. R. S. O. 1887, c. 246, s. 56. Report to be made to Inspector.

57. Every proprietor or superintendent who omits to transmit to the secretary of the board of visitors a true and perfect copy of every such entry, shall, for every omission, forfeit a sum not exceeding $40. R. S. O. 1887, c. 246, s. 57. Penalty on proprietor omitting.

58. Any two members of the board of visitors may visit and inspect a licensed house within their jurisdiction at such hour of the night as they think fit. R. S. O. 1887, c. 246, s. 58. Nocturnal visits.

DISCHARGE OF PATIENTS.

59. In case the person who signed the order on which a patient has been received into a licensed house, by writing, under his hand, directs the patient to be removed or discharged, such patient shall forthwith be removed or discharged accordingly. R. S. O. 1887, c. 246, s. 59. Order for discharge.

60. If the person who signed the order upon which a patient has been received into a licensed house is incapable by reason of insanity or absence from the Province, or otherwise, of giving an order for the discharge or removal of the patient, or if such person is dead, then, the husband or wife of the patient, or if there is no such husband or wife, the father of the patient, or if there is no father, the mother of the patient, or if there is no mother, then any one of the nearest of kin for If person who signed the order for admission becomes incapable, what to be done.

the time being of the patient, or the person who made the last payment on account of the patient, may, by writing under his or her hand, give such direction for the discharge or removal of the patient, and thereupon the patient shall be forthwith discharged or removed accordingly. R. S. O. 1887, c. 246, s. 60.

What to be done if the physician in charge objects.

61. No patient shall be discharged or removed from a licensed house under any of the powers hereinbefore contained, if the physician by whom the same is kept, or who is the regular medical attendant thereof, by writing under his hand, certifies that in his opinion the patient is dangerous and unfit to be at large, together with the grounds on which such opinion is founded, unless the board of visitors of the house after such certificate has been produced to them, give their consent, in writing, to the discharge or removal of the patient. R. S. O. 1887, c. 246, s. 61.

Transfer from one house to another or to an asylum for the insane.

62. Nothing herein contained shall prevent any patient from being transferred from one licensed house to another licensed house, or to an asylum for the insane, but in such case every patient shall, for the purpose of such removal, be placed under the control of an attendant belonging to the licensed house to or from which he is about to be removed, and shall remain under such control until the removal has been duly effected. R. S. O. 1887, c. 246, s. 62.

Special visits by visitors and when they may order discharge of patients.

63. Any two or more members of the board of visitors of any licensed house, of whom one shall be a physician, may make special visits to any patient detained in such house, on such days and at such hours as they think fit; and if after two distinct and separate visits made by the same visitors it appears to them that the patient is detained without sufficient cause, they may order his discharge and the patient shall be discharged accordingly. R. S. O. 1887, c. 246, s. 63.

To sign the orders, etc.

And examine medical attendant if required.

64. Every order by the visitors for the discharge of a patient from a licensed house shall be signed by them, and they shall not order the discharge of a patient from such house without having previously examined the medical attendant of the house, if he tenders himself for that purpose, as to his opinion respecting the fitness of the patient to be discharged. R. S. O. 1887, c. 246, s. 64.

If physician in charge objects, what to be done.

65. If the visitors, after examining the medical attendant, discharge a patient, and the medical attendant furnishes them with a statement in writing, containing his reasons against the discharge of the patient, they shall forthwith transmit such statement to the secretary of the board of visitors, to be kept and registered in a book for that purpose. R. S. O. 1887, c. 246, s. 65.

Time to intervene between special visits, etc.

66. Not less than seven days shall intervene between the first and second of such special visits, and the board of visitors shall, seven days previously to the second of such special visits, give notice thereof, either by post, or by an entry in "The Patients' Book," to the proprietor or superintendent of the licensed house in which the patient intended to be visited is detained, and the proprietor or superintendent shall, forthwith, if possible, transmit by post a copy of the notice to the person by whose authority the patient has been received into such house, or by whom the last payment on account of such patient was made, and also to the secretary of the board of visitors. R. S. O. 1887, c. 246, s. 66.

What lunatics the visitors cannot discharge.

67. None of the powers of discharge hereinbefore contained, shall extend to a lunatic confined under an order or authority of the Lieutenant-Governor, or under the order of any Court of criminal jurisdiction. R. S. O. 1887, c. 246, s. 67.

ORDER FOR INFORMATION.

Information to be given to persons who apply respecting individuals detained as lunatics.

68. If a person applies to a member of the board of visitors to be informed whether any particular person is confined in a licensed house within the jurisdiction of the board, the member, if he thinks it reasonable to permit the inquiry to be made, shall sign an order to the secretary of the board of visitors, and the secretary shall, on receipt of such order, and on payment to him of a sum not exceeding twenty cents for his trouble, make search amongst the returns made to him in pursuance of this Act, whether the person inquired after is, or, within the then last twelve months, has been confined in any licensed house within the jurisdiction of the board; and if it appears that such person is or has been so confined, the secretary shall deliver to the person applying a statement in writing, specifying:

1. The situation of the house in which the person so inquired after appears to be or to have been confined;

2. The name of the proprietor or resident superintendent thereof:

3. The date of the admission of such person into such licensed house; and

4. (In case of his having been removed or discharged) the date of his removal or discharge therefrom. R. S. O. 1887, c. 246, s. 68.

ORDERS FOR ADMISSION.

Admission of relatives, order for.

69. Any member of the board of visitors of a licensed house may, at any time, give an order in writing under his hand for the admission to any patient confined in such house, of any relation or friend of such patient or of any medical

or other person whom any relation or friend of the patient desires to be admitted to him. R. S. O. 1887, c. 246, s. 69.

Extent of such order.

70. The order of admission may be either for a single admission, or for an admission for any limited number of times or for admission generally at all reasonable times, and either with or without restriction as to the admission or admissions being in the presence of a keeper or not, or otherwise. R. S. O. 1887, c. 246, s. 70.

Penalty for refusing admission.

71. If the proprietor or superintendent of such house refuses admission to, or prevents or obstructs the admission to any patient, of any relation, friend or other person who produces such order of admission, he shall for every such refusal, prevention or obstruction, forfeit a sum not exceeding $80. R. S. O. 1887, c. 246, s. 71.

MISCELLANEOUS PROVISIONS.

Medical Superintendent may give patient into custody of his friends.

72. In case the medical superintendent of a private asylum considers it conducive to the recovery of any of the persons confined in the asylum that such person should be entrusted for a time to the care of his friends, the medical superintendent may allow such person to return on trial to his friends, upon receiving a written undertaking by one or more of the friends of such person, that he or they will keep an oversight over such person. R. S. O. 1887, c. 246, s. 72.

Recommittal to asylum.

73. In case, within six months from such probational leave, the patient again becomes dangerous or unfit to be at large, it shall be lawful for the medical superintendent by whom the patient was so enlarged, with the consent of the Inspector of Prisons and Public Charities, or one of the visitors, to be indorsed on the warrant, by his warrant directed to any person or persons, or to any constable or peace officer, or to all constables or peace officers, to authorize and direct that such patient be apprehended and brought back to the asylum from which he was probationally enlarged, and the warrant so indorsed shall be an authority to any one acting thereunder to apprehend the person named therein and to bring him back to the said asylum. R. S. O. 1887, c. 246, s. 73.

On what authority patients may be taken on excursions for benefit of health.

74. The proprietor or superintendent of a licensed house, with the consent in writing of any two of the visitors of the house, may send or take, under proper control, any patient to any specified place for any definite time for the benefit of his health; but before such consent is given by any visitors, the approval in writing of the person who signed the order for the reception of the patient, or by whom the last payment on account of the patient has been made, shall be produced to such visitors, unless they, on cause shewn, dispense with the same. R. S. O. 1887, c. 246, s. 74.

What temporary circumstances not to affect original certificates and order.

75. In every case in which a patient under any of the powers or provisions of this Act, is removed temporarily from the licensed house the order for his reception into which has been given, or is transferred from such house into any new house, and also in every case in which any patient has escaped from any such house and has been retaken within fourteen days next after such escape, the certificate or certificates relating to and the original order for the reception of the patient shall respectively remain in force, in the same manner as the same would have done if the patient had not been so removed or transferred, or had not so escaped and been retaken. R. S. O. 1887, c. 246, s. 75.

Persons licensed authorized to receive and detain patients, etc.

76. Every proprietor or superintendent of a licensed house who receives a proper order in pursuance of this Act, accompanied with the required medical certificates or certificate for the reception or taking care of any person as a lunatic, and the assistants and servants of such proprietor or superintendent, may take charge of, receive and detain such patient until he dies or is removed or discharged by due authority; and in case of the escape of the patient, may retake him at any time within fourteen days after his escape, and again detain him as aforesaid. R. S. O. 1887, c. 246, s. 76.

Visitors may compel the attendance of witnesses.

77. The board of visitors of any licensed house, or any two members of the board may, from time to time, by summons under their hands and seals (according to the form given in Schedule G, or as near thereto as the case permits), require any person to appear before them to testify, on oath, the truth touching any matters respecting which such visitors are by this Act authorized to inquire (which oath they are hereby empowered to administer); and every person who does not appear before such visitors pursuant to such summons, or does not assign some reasonable excuse for not appearing, or appears and refuses to be sworn or examined, shall, on being convicted thereof before one of Her Majesty's Justices for the county, forfeit a sum not exceeding $200 for every such neglect or refusal. R. S. O. 1887, c. 246, s. 77.

Penalty for non-attendance, etc.

Expenses of witnesses.

78. Any visitors who summon a person to appear and give evidence as aforesaid, may direct the secretary of the board to pay to such person all reasonable expenses of his appearance and attendance, in pursuance of the summons; the same to be considered as expenses incurred by the board of visitors in the execution of this Act, and to be taken into account and paid accordingly. R. S. O. 1887, c. 247, s. 78.

PROSECUTIONS AND PENALTIES.

One Justice may receive complaints.

79. Every complaint or information of or for any offence against this Act, where any pecuniary penalty is imposed may be made before one Justice. R. S. O. 1887, c. 246, s. 79.

Procedure on non-appearance.

80. When any person is charged upon oath, before a Justice, for any offence against this Act, the Justice may summon the person charged to appear at a time and place to be named in the summons, and if he does not appear then upon proof of due service of the summons (either personally or by leaving the same at his last or usual place of abode), any two Justices may either proceed to hear and determine the case, or may issue their warrant for apprehending such person and bringing him before any two Justices. R. S. O. 1887, c. 246, s. 80.

Adjudication by Justices.

81. Any two Justices upon the appearing of such person, pursuant to the summons, or upon such person being apprehended under a warrant, or upon the non-appearance of such person, shall hear the matter of every such complaint or information, and make such determination thereon as the Justices think proper. R. S. O. 1887, c. 246, s. 81.

Penalties may be reduced, and how levied.

82. Upon conviction of any person, the Justices may, if they think fit, reduce the amount of the penalty by this Act imposed for the offence, to any sum not less than one-fourth of the amount thereof, and shall issue a warrant under their hands and seals for levying such penalty, or reduced penalty, and all costs and charges of the summons, warrant and hearing, and all incidental costs and charges, by distress and sale of the goods and chattels of the person convicted. R. S. O. 1887, c. 246, s. 82.

Detention of defendant.

83. Such two Justices may order any person so convicted to be detained and kept in the custody of any constable or other peace officer until return can be conveniently made to such warrant of distress, unless the offender gives security by way of recognizance or otherwise to the satisfaction of the Justices, for his appearance before them on such day as they appoint for the return of the warrant of distress; such day not being more than seven days from the time of taking such security. R. S. O. 1887, c. 246, s. 83.

If no sufficient distress.

84. If, upon the return of the warrant of distress, it appears that no sufficient distress can be had whereupon to levy the penalty or reduced penalty, and the costs and charges, and if the same are not forthwith paid, or in case it appears to the satisfaction of the Justices, either by the confession of the offender or otherwise, that the offender has not sufficient goods and chattels whereupon the penalty or reduced penalty, costs and charges can be levied, the Justices shall, by warrant under their hands and seals, commit the offender to the common gaol or house of correction of the county, as the case may be, for any term not exceeding three months, unless the penalty or reduced penalty, costs and charges, are sooner paid, R. S. O. 1887, c. 246, s. 84.

How penalties to be disposed of.

85. All penalties and reduced penalties, when recovered shall be paid to the Clerk of the Peace for the county in which

the offence was committed, to be by him applied and accounted for as hereinbefore directed with respect to moneys received for licenses; and the overplus (if any) arising from such distress and sale, after payment of the penalty or reduced penalty, and all costs and charges as aforesaid, shall be paid upon demand, to the owner of the goods and chattels so distrained. R. S. O. 1887, c. 246, s. 85.

Form of convictions.

86. The Justices before whom any person is convicted of any offence against this Act for which a pecuniary penalty is imposed, may cause the conviction to be drawn up in the following form, or in any other form to the same effect, as the case may require; and no conviction under this Act shall be void through want of form:

"Be it remembered, that on the day of , in the year of our Lord at , in the County of , *A. B.* was convicted before us, of Her Majesty's Justices of the Peace for the said county, for that he the said did and we the said adjudge the said for his said offence to pay the sum of .

R. S. O. 1887, c. 246, s. 86.

Appeals.

87. Any person who thinks himself aggrieved by the order or determination of any Justices under this Act, may, within four months after such order made or given, appeal to the Justices at General Sessions; the person appealing having first given at least fourteen clear days' notice in writing of the appeal and the nature and matter thereof, to the person appealed against, and forthwith after such notice entering into a recognizance before some Justice, with two sufficient sureties, conditioned to try such appeal and to abide the order and award of the said Court thereupon. R. S. O. 1887, c. 246, s. 87.

Justices in General Sessions to hear.

88. The Justices at General Sessions, upon the proof of such notice and recognizance having been given and entered into, shall, in a summary way, hear and determine the appeal, or if they think proper, may adjourn the hearing thereof until the next General Sessions, and if they see cause, may mitigate any penalty to not less than one-fourth of the amount imposed by this Act, and may order any money to be returned which has been levied in pursuance of the order or determination appealed against, and may also award such further satisfaction to the party injured, or such costs to either of the parties, as they judge reasonable and proper; and all such determinations of the said Justices at General Sessions shall be final and conclusive upon all parties to all intents and purposes whatsoever. R. S. O. 1887, c. 246, s. 88.

Limitation of actions.

89. If an action is brought against any person for anything done in pursuance of this Act, the same shall be commenced within twelve months next after the release of the

party bringing the action, and shall be laid or brought in the county where the cause of action arose, and not elsewhere. R. S. O. 1887, c. 246, s. 89.

Defendant may plead not guilty, etc.

90. The defendant in every such action may, at his election, plead specially or may plead not guilty by statute, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if the same appears to have been so done, or if it appears that the action has been brought in any other county than where the cause of action arose, or was not commenced within the time hereinbefore limited for bringing the same, then judgment shall be given for the defendant; and upon judgment being so given, or if the plaintiff is non-suited or discontinues his action after the defendant has appeared, the defendant shall recover double costs, and shall have such remedy for recovering the same as any defendant has in other cases by law. R. S. O. 1887, c. 246, s. 90.

Defence in case of prosecution.

91. In every writ, action and other proceeding preferred or brought against any proprietor or superintendent, or against the assistant or servant of any proprietor or superintendent, for taking, confining, detaining or retaking any person as a lunatic, the party complained of may plead in defence the order and certificates or certificate hereinbefore mentioned, and such order and certificates or certificate shall, as respects such party, be a justification for taking, confining, detaining or retaking the lunatic or alleged lunatic. R. S. O. 1887, c. 246, s. 91.

When secretary of board of visitors to prosecute.

92. The secretary of any board of visitors may, on the order of the board, prosecute any person for any offence against the provisions of this Act committed within the jurisdiction of such board, and may sue for and recover any penalty to which any person within the jurisdiction of the board is made liable by this Act. R. S. O. 1887, c. 246, s. 92.

How penalties recovered by him to be disposed of.

93. All penalties sued for and recovered by such secretary shall be paid to him, and shall be by him applied and accounted for in the same manner as is hereinbefore enacted with respect to moneys received for licenses. R. S. O. 1887, c. 246, s. 93.

Order of visitors necessary to authorize suits for penalties or prosecutions for offences. Except, etc.

94. No one shall prosecute any person for any offence against the provisions of this Act, or sue for any penalty to which any person is made liable by this Act, except by order of the board of visitors having jurisdiction in the place where the cause of prosecution has arisen or the penalty has been incurred, or with the consent of Her Majesty's Attorney-General for Ontario. R. S. O. 1887, c. 246, s. 94.

95. In case any person is proceeded against for omitting to transmit or send any copy, list, notice, statement or other document hereinbefore required to be transmitted by such person, and such person proves by the testimony of one person upon oath, that the copy, list, notice, statement or other document in respect of which the proceeding has been taken, was put into the proper post-office in due time or (in case of documents required to be transmitted to a Clerk of the Peace), left at the office of such Clerk of the Peace, and was properly addressed, such proof shall be a bar to all further proceedings in respect of such omission. R. S. O. 1887, c. 246, s. 95. What to be sufficient proof of compliance with certain regulations in case of prosecution.

96. The costs, charges and expenses incurred by or under the order of any board of visitors, shall be paid by the Clerk of the Peace for the county, and be included by him in the account of receipts and payments hereinbefore directed to be kept by him. R. S. O. 1887, c. 246, s. 96. Costs under orders, etc., of Visitors provided for.

ADMISSION OF INEBRIATES.

97. If the license so directs, admission to a private asylum shall be awarded to inebriates, upon the voluntary application in writing of the person desiring to be admitted: provided it is certified to the satisfaction of the superintendant that the person so applying is an inebriate, and further, that he is a reasonably hopeful subject for treatment with a view to the cure of his inebriety. R. S. O. 1887, c. 246, s. 97; 53 V. c. 77, s. 1. Inebriates may be admitted.

98. Such inebriate may be detained in the asylum for a period of one year, and no longer; and it shall be a condition of his admission to the asylum that he shall remain therein such length of time, not exceeding one year, as, in the opinion of the superintendent, is required to effect a permanent cure of his inebriety; and before admission is awarded he shall sign a pledge agreeing and consenting to such specified condition, and to faithfully conform himself to all the rules and regulations of the asylum while an inmate of the same. R. S. O. 1887, c. 246, s. 98. Time of detention in hospital. Terms of admission.

99. The medical superintendent shall have full authority to discharge from the asylum when, in his opinion, it may be advisable, any person who has been admitted to it by his own voluntary application. 53 V. c. 77, s. 2. Discharge of voluntary patients.

100. On petition under oath, presented to the Judge of the County Court of the county in which the alleged habitual drunkard resides, by any relations, whether by blood or affinity, or, in default of such relations, by any friend of the alleged habitual drunkard, setting forth that the alleged habitual drunkard, being a *bona fide* resident of the Province, is so given over to drunkenness as to render him unable to control Commitment of habitual drunkards.

himself, and is incapable of managing his affairs, or that by reason of such drunkenness he either squanders or mismanages his property, or places his family in danger or distress, or transacts his business prejudicially to the interest of his family or his creditors, or that he uses intoxicating liquors to such an extent as to render him dangerous to himself or others, or incurs the danger of ruining his health and shortening his life thereby, and praying that a hearing and examination of the matters and allegations set forth in the said petition may be had, the Judge shall cause and direct that a copy of the petition shall forthwith be served upon the alleged habitual drunkard, and with such copy there shall be served an appointment signed by the Judge, appointing a time and place for the hearing of the matters and allegations contained in the petition, and such service shall be at least eight clear days before the time fixed for the hearing. R. S. O. 1887. c. 246, s. 100.

Hearing the petition.

101. The Judge shall attend at the time and place named in the appointment, and then and there proceed to inquire into the matters and allegations set forth in the petition: provided always that he may in his discretion adjourn the said inquiry from time to time. R. S. O. 1887, c. 246, s. 101.

Summoning of witnesses.

102. The Judge shall have power to summon such relations, or such other persons as are acquainted with the alleged habitual drunkard, before him, by order under his hand, and examine such persons under oath touching the truth or falsity of the matters and allegations set forth in the petition respecting the alleged habitual drunkard; and any person who neglects or refuses to appear before the Judge at the time and place named in the order, having been duly served with a copy thereof, or refuses to give evidence before the Judge, may be taken into custody by virtue of a warrant under the hand of the Judge, and imprisoned in the common gaol of the county in which the inquiry is held, as for contempt of Court, for a period not exceeding fourteen days. R. S. O. 1887, c. 246, s. 102.

Examination of the habitual drunkard discretionary.

103. In proceeding to the examination of the matters and charges contained in the petition, it shall not be necessary that the person charged with such habitual drunkenness be interrogated before the Judge, nevertheless the Judge shall have power so to do, but it shall be sufficient that he be satisfied with the evidence given before him by the relations or such other persons as are acquainted with the alleged habitual drunkard. R. S. O. 1887, c. 246, s. 103.

Habitual drunkard may produce and examine witnesses.

104. The alleged habitual drunkard may produce before the Judge witnesses to contradict the matters and allegations of the petition, and the witnesses in support of the same, and each party may retain counsel to conduct the proceedings before the

Judge and to examine the witnesses. R. S. O. 1887, c. 246, s. 104.

If Judge find party petitioned against to be an habitual drunkard, to report to Provincial Secretary.

105. If the Judge, upon such examination, finds the person petitioned against to be an habitual drunkard, and so given over to drunkenness as to render him unable to control himself and incapable of managing his affairs; or for the like reasons squanders or mismanages his property; or places his family in danger or distress; or transacts his business prejudicially to the interest of his family or his creditors; or that he uses intoxicating liquors to such an extent as to render him dangerous to himself or others; or incurs the danger of ruining his health or shortening his life, the Judge shall forthwith report the fact to the Provincial Secretary, and with the report shall transmit the evidence taken. R. S. O. 1887, c. 246, s. 105.

Provincial Secretary may direct removal to asylum.

106. Upon the receipt of the report and evidence, the Provincial Secretary may, by order directed to the sheriff of the county where the habitual drunkard resides, direct the said sheriff to forthwith remove the habitual drunkard to the asylum, to be placed under treatment and detained therein for a period not exceeding one year; but before such order is made the Provincial Secretary shall ascertain that there is a vacancy in such asylum, and that satisfactory arrangements have been made with the medical superintendent thereof for the payment of the maintenance of such habitual drunkard; nevertheless, the Provincial Secretary may, upon the report of the superintendent, at any time, order the discharge of the person so committed. R. S. O. 1887, c. 246, s. 106; 53 V. c. 77, s. 3.

Provision in case any party detained escapes.

107. In case an inmate of the asylum, whether admitted or committed as hereinbefore provided, escapes therefrom, it shall be lawful for any of the officers or servants of the asylum, or for any other person or persons, at the request of the superintendent within forty-eight hours after such escape, or within one month thereafter, when a warrant has been issued by the superintendent in that behalf, to retake such escaped person, and to return him to the asylum where he shall remain under the authority by virtue of which he was detained prior to such escape. R. S. O. 1887, c. 246, s. 107.

Application of Act to persons addicted to the use of opiates and narcotics.

108. All the provisions of this Act shall extend to every person, whether male or female, who is an habitual consumer of stimulating or narcotic drugs to such an excess as to cause mental or physical derangement or disease and all petitions, proceedings, and other matters, made, taken or had, under or in pursuance of this Act in respect of any such person shall (*mutatis mutandis*) be the same as in the case of an habitual drunkard. 56 V. c. 55, s. 1.

Penalty for supplying liquor to inmates.

109. If any person knowingly gives, conveys, or supplies to any patient or inebriate confined in any private asylum, any rum, brandy, whiskey or other spirituous liquor, or morphia, cocoaine or other drug without sanction of the medical superintendent first obtained in writing, such offender being duly convicted thereof before two Justices of the Peace shall be fined a sum not exceeding $20. 53 V. c. 77, s. 4, (111).

Penalty for assisting inmates to escape.

110. Every one who knowingly assists directly or indirectly any patient or inebriate detained in a private asylum to escape from such asylum, shall be liable on summary conviction before two Justices of the Peace to a penalty not exceeding $100. 53 V. c. 77, s. 4, (112).

Rev. Stat. c. 321, ss. 10, 11, to apply to private asylums.

111. Sections 10 and 11 of *The Prison and Asylum Inspection Act* shall hereafter apply to private as well as to public asylums for the insane. R. S. O. 1887, c. 246, s. 109.

Application of Act.

Rev. Stat. c. 317.

112. Nothing in this Act contained shall extend to the Asylum for the Insane at Toronto, or to the asylums referred to in sections 2 and 3 of *The Act respecting Lunatic Asylums and the Custody of Insane Persons*. R. S. O. 1887, c. 246, s. 110.

SCHEDULE A.

(*Section 29.*)

ORDER FOR THE RECEPTION OF A PATIENT.

I, the undersigned, hereby request you to receive *A. B.*, a lunatic (*or*, an insane person, *or*, an idiot, *or*, a person of unsound mind) as a patient into your house.

(Signed) *Name.*

Occupation (if any), place of abode, degree of relationship, (if any), or other circumstances of connection with the patient.

1. Name of Patient, with Christian name at length.
2. Sex and age.
3. Married, single, or widowed.
4. Condition of life and previous occupation (if any).
5. Previous place of abode.
6. Religious persuasion, so far as known.
7. Duration of existing attack.
8. Whether first attack.
9. Age (if known) on first attack.

10. Whether subject to epilepsy.

11. Whether suicidal or dangerous to others.

12. Previous place of confinement (if any).

13. Whether found lunatic by Commission, and date of Commission.

14. Special circumstances (if any) preventing the patient being examined, before admission, separately by two physicians.

15. Special circumstances (if any) preventing the insertion of any of the above particulars.

Dated this day of , 18

(Signed,) *Name.*

To

Proprietor (*or*, Superintendent) of
(*describing house by situation and name, if any.*)

R. S. O. 1887, c. 246, Sched A.

SCHEDULE B.

(*Section 29.*)

FORM OF MEDICAL CERTIFICATE.

I, being a physician duly authorized to practise as such, hereby certify that I have this day, separately from any other medical practitioner, visited and personally examined *A. B.*, the person named in the accompanying statement and order, and that the said *A. B.* is a lunatic, (*or* an insane person, *or* an idiot, *or* a person of unsound mind,) and a proper person to be confined, and that I have formed this opinion from the following fact (*or* facts,) viz. :

(Signed,) *Name.*

Place of abode.

Dated this day of , 18

R. S. O. 1887, c. 246, Sched. B.

SCHEDULE C.

(*Section 39.*)

REGISTRY OF ADMISSIONS—REGISTER OF PATIENTS.

Date of last previous Admission (if any).	No. in order of Admission.	Date of Admission.	Christian and Surname at length.	Sex.		Age.	Condition as to Marriage.			Condition of life and previous occupation (if any).	Previous place of abode.	By whose authority sent.	Dates of Medical Certificates, and by whom signed.	Bodily condition.	Name of Disorder (if any).	Form of mental Disorder.	Supposed cause of Insanity.	Epileptics.	Congenital Idiots.	Duration of existing attacks.			Number of previous attacks.	Age on first attack.	Date of Discharge, or Death or Removal.	Discharged.			Removed.	Died.	Observations.
				M.	F.		Married.	Single.	Widowed.											Years.	Months.	Weeks.				Recovered.	Relieved.	Not Improved.			

R. S. O. 1887, c. 246. Sched. C.

SCHEDULE D.

(*Section 41.*)

NOTICE OF ADMISSION.

I hereby give you notice, that *A. B.* was received into this house as a patient, on the day of , and I hereby transmit a copy of the Order and Medical Certificates (*or* Certificate) on which he was received.

Subjoined is a statement with respect to the mental and bodily condition of the above named patient.

(Signed), *Name.*

Superintendent (*or* Proprietor) of

Dated this day of , 18 .

STATEMENT.

I have this day seen and personally examined *A. B.*, the patient named in the above notice, and hereby certify that, with respect to mental state, he (*or* she), , and that, with respect to bodily health and condition, he (*or* she)

(Signed), *Name.*

Medical Proprietor (*or* Superintendent, *or* Attendant of

Dated this day of , 18 .

R. S. O. 1887, c. 246, Sched. D.

SCHEDULE E.

(Section 43.)

REGISTER OF DISCHARGES AND DEATHS.

Date of Death or Discharge.	Date of last Admission.	No. in Register of Patients.	Name and Surname at length.	Sex.		Discharged.										Assigned cause of Death.	Age at Death.		Observations.
						Recovered.		Relieved.		Not Improved.		Died.		Removed.					
				M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.		M.	F.	

R.S.O. 1887, c. 246. Sched. E.

SCHEDULE F.

(*Section 43.*)

FORM OF NOTICE OF DISCHARGE OR DEATH.

I hereby give you notice that a patient received into this house on the day of was discharged therefrom, recovered (*or* relieved, *or* not improved) *or* was removed therefrom) by the authority of (*or* died therein) on the day of

(Signed) *Name.*

Superintendent (*or* Proprietor) of house, at

Dated this day of , 18 .

In case of death, add—and I further certify that *A. B.* was present at the death of the said , and that the apparent cause of the death of the said (ascertained by *post mortem* examination, *if so*) was

R. S. O. 1887, c. 246, Sched. F.

SCHEDULE G.

(*Section 77.*)

FORM OF SUMMONS.

We, whose names are hereunto set and seals affixed, being two of the visitors appointed under or by virtue of chapter 318 of The Revised Statutes of Ontario, respecting Private Lunatic Asylums, do hereby summon and require you personally to appear before us at in on the day of , at the hour of in the noon of the same day, and then and there to be examined, and to testify the truth touching certain matters relating to the execution of the said Act.

Given under our hands and seals, this day of in the year of our Lord, 18 .

R. S. O. 1887, c. 246, Sched. G.

SCHEDULE H.

(*Section 48.*)

FORM OF MEDICAL JOURNAL, AND WEEKLY REPORT.

Date of Report.	Nunber of Patients.		Names of Patients under restraint (and by what means), or in seclusion.		Names of Patients under Medical Treatment.		Report on state of health of Patients, and condition of House.	Deaths, injuries, and violences to Patients.
	Males.	Females.	Males.	Females.	Males.	Females.		

R. S. O. 1887, c. 246. Sched. H.

CHAPTER 319.

An Act respecting Institutions for the Education and Instruction of the Deaf and Dumb and the Blind.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

The Institution at Belleville to be for the public use of the Province, etc.

Name.

1. The institution founded and established at Belleville, for the education and instruction of the deaf and dumb, with all the lands, buildings, real estate and appurtenances thereunto attached, and whatever lands or real estate may hereafter be purchased or acquired for the same, and whatever buildings may hereafter be erected thereupon, shall be for the public use of the Province, and shall be known and designated as "The Ontario Institution for the Education and Instruction of the Deaf and Dumb." R. S. O. 1887, c. 247, s. 1.

The Institution at Brantford to be for the public use of the Province, etc.

Name.

2. The institution founded and established at Brantford, for the education and instruction of the blind, with all the lands, buildings, real estate and appurtenances thereunto attached, and whatever lands or real estate may hereafter be purchased or acquired for the same, and whatever buildings may hereafter be erected thereupon, shall be for the public use of the Province, and shall be known and designated as "The Ontario Institution for the Education and Instruction of the Blind." R. S. O. 1887, c. 247, s. 2.

Objects of the institutions.

3. Such institutions respectively shall be for the purpose of educating and imparting instruction in some manual art to such deaf and dumb persons and to such blind persons as are born of parents, or are wards of a person *bona fide* resident of and domiciled in the Province of Ontario. R. S. O. 1887, c. 247, s. 3.

Appointment of officers.

Salaries.

4. The Lieutenant Governor may appoint to the said institutions respectively, to hold office during pleasure, a principal who shall be the chief executive officer of the same, a bursar, a physician, a matron, and such other officers, instructors and servants as he deems necessary, and may also fix and determine the salary of every such officer and servant. R. S. O. 1887, c. 247, s. 4.

Inspector and his powers.

5. The Inspector of Prisons and Public Charities shall be the inspector of the said institutions, and shall have and per-

form the same powers and duties in respect to the said institutions as are conferred on him in respect of asylums for the insane by *The Prison and Asylum Inspection Act* R. S. O. 1887, c. 247, s. 5.

Rev. Stat. c. 321.

Inspector to make rules for management, etc.

6.—(1) The Inspector shall have power, and it shall be his duty, to make such rules and by-laws as he deems expedient for the government, discipline and management of the said institutions; for prescribing and regulating the duties of the principals, bursars, physicians, matrons, and every other officer, instructor and servant employed in or about such institutions; for the education and instruction of the pupils admitted to the same; and, subject to the provisions hereinbefore contained, for fixing the terms and conditions upon which pupils shall be admitted to, and remain in, the said institutions respectively, and the period they shall be allowed to remain therein, and their discharge therefrom.

(2) No such rules or by-laws shall have any effect until and unless they are first approved by the Lieutenant-Governor in Council. R. S. O. 1887, c. 247, s. 6.

Admittance.

7. No person shall be admitted to either of such institutions except for the purposes of education and instruction, nor if over the age of twenty-one years, except upon the assent in writing of the Inspector of Prisons and Public Charities, and upon his report to the Provincial Secretary of the particulars and special circumstances which in the opinion of the Inspector justify such admission; and the maintenance and support of any person admitted shall be in the discretion of the Inspector, who, on exercise thereof in favour of such person, shall report every six months to the Provincial Secretary the particulars and special circumstances which justify such maintenance and support; and the Provincial Secretary in either case may annul the right of admission or of continuance in such institutions, and annul or vary the terms of continuance, support or maintenance. R. S. O. 1887, c. 247, s. 7.

Maintenance.

Annulling admission.

CHAPTER 320.

An Act to regulate Public Aid to Charitable Institutions.

SHORT TITLE, s. 1.
INSTITUTIONS TO BE AIDED, s. 2.
Restriction as to paying patients, s. 5.
Proviso as to hospitals admitting small-pox patients, s. 6.
AMOUNT OF AID, ss. 3-10.
RETURNS, s. 11.
Penalty for false return, s. 12.
POWERS AND DUTIES OF INSPECTOR, ss. 13, 14.
INSTITUTIONS MAY BE ADDED TO SCHEDULES OR REMOVED THEREFROM, ss. 15, 16.
APPROVAL OF BY-LAWS FOR INSTITUTIONS NAMED IN SCHEDULES A. AND B., s. 17.

HER MAJESTY, by and with the advice and consent of Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Act may be cited as "*The Charity Aid Act.*" R. S. O. 1887, c. 248, s. 1.

Aid to be given to certain charitable institutions.

2. Aid from the public funds or moneys of this Province shall be given to charitable institutions hitherto receiving public aid, and named in Schedules A, B and C, upon the terms and under the provisions of this Act. R. S. O. 1887, c. 248, s. 2.

Amount of aid.

3. In case of public moneys being appropriated for the purposes of this Act by the Legislative Assembly, every institution named in said Schedules complying with the requirements of this Act, and of all Orders made hereunder by the Lieutenant-Governor in Council, shall, subject to the provisions of section 5 of this Act, receive in each year aid from such moneys not exceeding the amount following, that is to say:

1. Every institution named in Schedule A shall so have and receive 20 cents for each day's actual treatment and stay of every patient admitted to, or being within such institution during the calendar year next preceding the year for which such aid is given;

2. Every institution named in Schedule B shall so have and receive 5 cents for each day's actual lodgment and

maintenance therein of any indigent person during the calendar year next preceding that for which such aid is given;

3. Every institution named in Schedule C shall so have and receive $1\frac{1}{2}$ cents for each day's actual lodgment and maintenance therein of any orphan or neglected and abandoned child, during the calendar year next preceding that for which such aid is given. R. S. O. 1887, c. 248, s. 3; 58 V. c. 60, s. 2.

Further aid.

4.—(1) In every year, every such institution shall also, subject to section 5 of this Act, be entitled to have and receive from such public funds further aid to the extent and amount following, that is to say:

1. Every institution named in Schedule A, 10 cents,

2. Every institution named in Schedule B, 2 cents, and

3. Every institution named in Schedule C, one-half cent,

for every such day's actual stay and treatment, or lodgment and maintenance of any patient or person therein, as aforesaid;

Limit of amount of aid.

(2) But the aggregate amount of such further aid, at the rate aforesaid, shall not, in any one year, exceed one-fourth of the entire moneys received by such institution in said preceding year from all sources other than the Province, towards the ordinary yearly maintenance thereof, and in every such case, where said further aid in the aggregate would exceed said one-fourth of the last-mentioned moneys, there shall be substituted and given in lieu thereof, from the public moneys so appropriated, a sum equal to the said one-fourth of the last mentioned moneys. R. S. O. 1887, c. 248, s. 4.

Aid not to be granted in respect of paying patients.

5.—(1) No institution named, or which heretofore has been, or hereafter shall be taken as named in said Schedule A, shall be entitled to receive aid from the public funds or moneys of the Province in respect of paying patients admitted to or being within such institution.

Who may be deemed paying patients.

(2) Every person admitted to, or being within, such institution for treatment shall, for the purposes of this Act, be taken as a paying patient who pays, or for whom there is paid, to such institution from any source other than the public funds or moneys of the Province, a weekly sum of not less than three dollars.

Aid not to be given to hospital established in same municipality with one already aided.

(3) No aid shall be paid to any hospital which is hereafter established in any municipality in which a hospital already exists and is in operation, unless such additional hospital is established with the approval of the Lieutenant-Governor in Council.

(4) Sub-sections 1 and 2 of this section shall only apply to institutions which have already received, or which receive aid under the provisions of this Act for a period of ten years. 58 V. c. 60, s. 1.

6. In calculating the amount of aid so to be given under this Act to any institution as aforesaid, the day of departure of any patient or person from such institution shall not be counted or reckoned. R. S. O. 1887, c. 248, s. 5. How amount to be calculated.

7.—(1) The Lieutenant-Governor may, by Order in Council, regulate the limitation of the number of days' stay of different classes of patients or inmates of the several institutions receiving aid under the provisions of this Act. 58 V. c. 60, s. 4 (1). Limiting number of days' stay in institutions.

(2) All Orders in Council made under the authority of this section shall, as soon as conveniently may be after the making thereof, be laid before the Legislative Assembly. 58 V. c. 60, s. 4 (2).

8. No warrant shall issue for the payment of any sum of money granted by the Legislature to any hospital to which small-pox patients are admitted unless a certificate has been filed with the Clerk of the Executive Council signed by a medical officer of such hospital, to the effect that there is in such hospital a distinct and separate ward set apart for the exclusive accommodation of patients afflicted with small-pox. R. S. O. 1887, c. 248, s. 6. No money to be paid to any Hospital admitting small-pox patients unless it has a special ward.

9.—(1) The Treasurer of the Province, with the authority of the Lieutenant-Governor in Council, may, from any moneys appropriated for that purpose by the Legislature, advance and pay, by such periodical payments in every year as the Lieutenant-Governor in Council deems fit, to any institution entitled to receive aid under this Act, all sums to which such institution may be so entitled; but if in any year the aggregate maximum aid payable under this Act exceeds the amount of the moneys so appropriated, then every such institution shall in such year receive by way of aid, as aforesaid, such sum only as will bear the same proportion to the amount of aid, which, but for this section it would receive, as the amount of moneys so appropriated, bears to such aggregate aid as aforesaid. R. S. O. 1887, c. 248, s. 7; 58 V. c. 60, s. 3 (1). Treasurer of Province to pay over amounts. Proviso in case aid is in excess of sum granted.

(2) The Lieutenant-Governor in Council may exempt from the provisions of this section the institutions named, or by Order in Council directed to be taken as named, in Schedules B and C of this Act, or either of such Schedules, so that such institutions may receive the maximum aid payable under this Act and so that the provisions of this section may apply only to the institutions named, or by Order in Council directed to be taken as named, in the other Schedule or Schedules of this Act, as the case may be. 58 V. c. 60, s. 3 (2). Exemption of certain institutions from provisions of section.

(3) All Orders in Council made under the authority of this section shall as soon as conveniently may be after the making thereof, be laid before the Legislative Assembly. 58 V. c. 60, s. 4, *part*.

Case of a residue of appropriation.

10. If there is a residue of the moneys so appropriated, because of the same being more than sufficient to pay the sums payable to the said institution as aforesaid, then every of the institutions named in the Schedules, which may not be entitled to receive under the foregoing provisions the sum set opposite to its name in the Schedules, that being the sum heretofore granted thereto, shall receive out of the residue such an amount by way of supplementary aid as will make the total aid under this Act received by the institution equal to the sum so set opposite its name, if the residue is sufficient for that purpose, or if insufficient, then such proportion thereof as the residue will permit of. R. S. O. 1887, c. 248, s. 8.

Returns.

11. The Lieutenant-Governor in Council shall from time to time, by Order in Council, fix and direct the particulars to be contained in, and the form, manner and time of making such return or returns as to the Lieutenant-Governor in Council may, for the due carrying out of the provisions of this Act, seem proper with regard to such institution, and, by like Order in Council shall fix and direct the form and manner of oath (if any) required for the verification of any such return, and the person by whom such oath shall be made; and any such oath may be taken before and administered by a Justice of the Peace or commissioner for taking affidavits. R. S. O. 1887, c. 248, s. 9.

Penalty in case of false return.

12. Any person who knowingly and wilfully makes, or is a party to the making, or procuring to be made, directly or indirectly, of any false return, either under this Act or any Order in Council, shall thereby incur a penalty of $1,000, which penalty may be recovered, with costs, by civil action or proceeding, at the suit of the Crown only, in any form allowed by law, and before any Court of the Province having jurisdiction to the amount of such penalty in cases of simple contract. R. S. O. 1887, c. 248, s. 10.

Inspector.

13. The Inspector of Prisons and Public Charities shall, by virtue of his office, be the Inspector of every institution receiving aid under this Act. R. S. O. 1887, c. 248, s. 11.

Duties of Inspector.

14. The Inspector shall, from time to time, visit and inspect every such institution, and make all proper inquiries as to the maintenance, management and affairs thereof; and by examination of the registers and such other means as he may deem necessary, particularly satisfy himself as to the correctness of any returns made under this Act, or under any Order in Council in that behalf, as aforesaid; upon all which matters he shall make report to the Lieutenant-Governor in Council. R. S. O. 1887, c. 248, s. 12.

Lieutenant-Governor in Council may

15.—(1) The Lieutenant-Governor in Council may, by Order in Council, direct that any institution (naming it) similar to those

named in either of said Schedules, shall be thereafter taken as named in such one of the Schedules as in that behalf is specially designated in such Order; and thereupon and thereafter said last mentioned institution shall receive aid under this Act after the manner and to the same extent as the other institutions now named in said last mentioned Schedule.

name similar institutions to those mentioned to receive aid,

(2) No Order in Council shall be made except upon report of the Inspector of Prisons and Public Charities to and for the information of the Lieutenant-Governor in Council, shewing that the institution named in the Order has all the usual and proper requirements for one of its nature and objects and that, for reasons therein stated, the same ought to be aided under this Act.

upon report of the Inspector.

(3) Every Order in Council shall, as soon as conveniently may be after the making thereof, be laid before the Legislative Assembly for its ratification or rejection, and no Order shall be operative unless and until the same has been ratified by a resolution of the Legislative Assembly. R. S. O. 1887, c. 248, s. 13.

Order in Council to be submitted to Legislative Assembly.

16. The Lieutenant-Governor in Council may, by Order in Council, direct that any institution receiving aid under this Act shall not, after the date of the Order, receive any aid; and thereupon, and whilst the Order remains unrevoked, such last mentioned institution shall not be entitled to or receive any further aid from the public moneys of the Province; but upon report of the Inspector, disclosing good and sufficient grounds in that behalf, it shall always be competent for the Lieutenant-Governor in Council to revoke such last mentioned Order by a subsequent Order in Council, and thereafter such institution shall again receive aid under this Act, and shall be subject to all its provisions, as if the Order in Council firstly in this section mentioned had not been made; and if at any time, upon report of the Inspector, it is found that any institution of the character named in Schedule A is insufficient, or without the necessary and proper accommodation or requirements for one of its nature and objects, the Lieutenant-Governor in Council shall thereupon make such Order as is firstly in this section mentioned. R. S. O. 1887, c. 248, s. 14.

Lieut.-Governor in Council may order aid to be discontinued,

but upon report of Inspector, order may be revoked.

17. No by-laws or regulations adopted by the directors or managers, or other body or persons having the control or management of any institution named in Schedules A and B, for the government and management of such institution, or for prescribing the method and terms of admission thereto, or defining and regulating the duties and powers of the officers and servants thereof, and the salaries (if any) of such officers and servants, shall have force or effect unless and until the same have been approved of by the Lieutenant-Governor in Council, upon the report of the Inspector of Prisons and Public Charities. R. S. O. 1887, c. 248, s. 15.

Managers of institutions to make by-laws, &c., and submit same to Lieut.-Governor in Council.

SCHEDULE A.

(*Sections* 2, 3, 4, 10 *and* 15.)

Toronto General Hospital	$11,200 00
The City Hospital, Hamilton	4,800 00
Kingston Hospital, Kingston	4,800 00
Hotel Dieu Hospital, Kingston	1,000 00
County of Carleton General Protestant Hospital, Ottawa	1,200 00
The General Roman Catholic Hospital, Ottawa	1,200 00
The General Hospital, London	2,400 00
The General and Marine Hospital, St. Catharines	1,000 00
The Burnside Lying-in Hospital, Toronto	480 00
The Toronto Eye and Ear Infirmary	1,000 00
Belleville Hospital, Belleville.	
John H. Stafford Hospital, Brantford.	
General Hospital, Guelph.	
St. Joseph's Hospital, Guelph.	
General Hospital, Mattawa.	
House of Mercy Lying-in Hospital, Ottawa.	
General Hospital, Pembroke.	
St. Joseph's Hospital, Port Arthur.	

R. S. O. 1887, c. 248, Sched. A.

SCHEDULE B.

(*Sections* 2, 3, 4, 10 *and* 15.)

The House of Industry, Toronto	$2,900 00
The House of Providence, Toronto	1,000 00
The House of Industry and Refuge for Indigent Sick, Kingston.	2,400 00
The House of Refuge, Hamilton	720 00
Home for Incurables, Toronto.	
Aged Women's Home, Toronto.	
Home for Aged Women, Hamilton.	
House of Providence, Kingston.	
Home for Aged and Friendless, London.	
Home for Aged Women, London.	
Roman Catholic House of Refuge, London.	
St. Patrick's House of Refuge, Ottawa.	
St. Charles' Hospice, Ottawa.	
House of Providence, Guelph.	
Protestant Home (Refuge Branch), St. Catharines.	
The Home, St. Thomas.	
House of Providence, Dundas.	
Home for the Friendless, Chatham.	
Widow's Home, Brantford.	
Home for the Friendless, Belleville.	
Protestant Home, Peterborough.	

R. S. O. 1887, c. 248, Sched. B.

SCHEDULE C.

(*Sections* 2, 3, 4, 10 *and* 15.)

The Orphans' Home and Female Aid Society, Toronto	$640 00
Roman Catholic Orphan Asylum, Toronto	640 00
The Toronto Magdalen Asylum	480 00
The Girls' Home and Public Nursery, Toronto	320 00
The Boys' Home, Toronto	320 00
The Orphans' Home, Kingston	640 00
The Roman Catholic Orphan Asylum, London	640 00
The St. Mary's Orphan Asylum, Hamilton	640 00
The Hamilton Orphan Asylum	640 00
The St. Patrick's Orphan Asylum, Ottawa	480 00
The Orphans' Home, Ottawa	480 00
The St. Joseph's Orphan Asylum, Ottawa	480 00
The Magdalen Asylum, Ottawa	480 00
Industrial Refuge, Toronto.	
Newsboys' Lodgings, Toronto.	
Infants' Home, Toronto.	
St. Nicholas' Home, Toronto.	
Hospital for Sick Children, Toronto.	
Boys' Home, Hamilton.	
Girls' Home, Hamilton.	
Home of the Friendless and Infants' Home, Hamilton.	
House of Providence Orphan Asylum, Kingston.	
Hotel Dieu Orphan Asylum, Kingston.	
Protestant Orphans' Home, London.	
Women's Refuge and Infants' Home, London.	
Protestant Home (Orphanage Branch), St. Catharines.	
Orphan Asylum, St. Agatha.	
The Home (Orphanage Branch), St. Thomas.	
Orphans' Home, Fort William.	

R. S. O. 1887, c. 248, Sched. C.

CHAPTER 321.

An Act to provide for the Inspection of Asylums, Hospitals, Prisons and Court Houses.

SHORT TITLE, s. 1.
INTERPRETATION, s. 2.
AMENDMENT OF RULES, s. 3.
APPOINTMENT OF INSPECTORS, ss. 4-8.
Senior Inspector, ss. 6, 7.
Reference to Inspector in Statutes, s. 8.
Salaries, s. 9.
DUTIES AND POWERS OF INSPECTORS:
As to gaols, etc., ss. 10-12.
As to asylums, ss. 13-15.
As to hospitals, ss. 16, 17.
As to private asylums, s. 18.
As to other institutions, s. 19.
Report, ss. 20, 21.
GAOLS, CONSTRUCTION AND ALTERATION, ss. 22-25.
INSPECTION OF COURT HOUSES, s. 26.
DEPUTIES OF INSPECTOR, s. 27.
ACTIONS UNDER THIS ACT, s. 28.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Prison and Asylum Inspection Act.*" R. S. O. 1887, c. 250, s. 1.

Meaning of "County."

2. In the construction of this Act the word "county" shall be held to mean county or union of counties. R. S. O. 1887, c. 250, s. 2.

Amendment of rules.

3. The rules and regulations in force for the government of all public asylums, hospitals, common gaols, and reformatory and other prisons in this Province, other than the Provincial Penitentiary, may, from time to time, be amended, altered, changed, rescinded, or suspended, by order of the Lieutenant-Governor in Council. R. S. O. 1887, c. 250, s. 3.

Appointment of Inspectors.

4. The Lieutenant-Governor may appoint two fit and proper persons to be each an inspector of the public asylums, hospitals, common gaols and reformatories in this Province, other than the Provincial Penitentiary. R. S. O. 1887, c. 250, s. 4.

Lieutenant-Governor may define duties of Inspector.

5. The Lieutenant-Governor may, from time to time, by Order in Council, designate what public and other institutions requiring inspection are to be inspected by each Inspector, or

by either Inspector, or by both Inspectors, and may otherwise define the duties of the Inspectors, and each of them. R. S. O. 1887, c. 250, s. 5.

Senior Inspector to be a corporation sole.

6. For the purposes of chapters 308 to 320 of these Revised Statutes, the Inspector for the time being whose commission bears the earlier date, shall be a corporation sole, by the name of "The Inspector of Prisons and Public Charities," and by that name he and his successors in office shall have perpetual succession, and may sue and be sued, and may plead and be impleaded in any of Her Majesty's Courts in this Province; and he may hereafter be referred to in any Statute or otherwise as the senior Inspector of Prisons and Public Charities. R. S. O. 1887, c. 250, s. 6.

Rev. Stat. c. 317, ss. 47-49, 51-54, 57-59, to apply to the Senior Inspector

7.—(1) Sections 47, 48, 49, 51, 52, 53, 54, 57, 58, and 59 of *The Act respecting Lunatic Asylums, and the Custody of Insane Persons*, shall apply to the senior Inspector.

(2) In case of the death, removal or resignation of such senior Inspector, all the rights, powers, duties, obligations, moneys or estates under the said sections, or under anything done in pursuance thereof, which are vested in him, or belong to him, either by his name of office or in his corporate capacity, at the time of his death, removal or resignation, shall thereupon become vested in, and shall belong to, the surviving Inspector, as the successor of the senior Inspector; or if there is then no other Inspector, the same shall immediately upon the first appointment of an Inspector, vest in, and belong to, the Inspector so appointed.

(3) The Lieutenant-Governor in Council may by order direct that the rights, powers, duties, obligations, moneys or estates vested in or belonging to the senior Inspector, shall become vested in and shall belong to the other Inspector; and thereupon the rights, powers, duties, obligations, moneys or estates, vested in or belonging to the senior Inspector as aforesaid, shall upon and by virtue of such order become vested in and belong to the other inspector as fully as if the senior Inspector had died. R. S. O. 1887, c. 250, s. 7.

Reference in Statutes to Inspector to apply to either Inspector.

8. Except as in the next preceding two sections provided, where the Inspector of Prisons and Public Charities is referred to in any Statute, by this or any other name, the reference shall be held to apply to either of such Inspectors, or to that one of them to whom, under an order of the Lieutenant-Governor in Council, the duty or power to which the reference relates belongs. R. S. O. 1887, c. 250, s. 8.

Inspectors' salaries.

9. The salaries of the Inspectors shall be such amount as may be appropriated by the Legislature therefor. R. S. O. 1887, c. 250, s. 9

Inspectors' duties.

10. It shall be the duty of one of the Inspectors to visit and inspect every gaol, house of correction, reformatory and prison or place kept or used for the confinement of persons, in any part of this Province, other than the Provincial Penitentiary, at least twice in each year, and he may examine any person holding any office or receiving any salary or emolument in such place of confinement, as aforesaid, and call for and inspect all books and papers relating to such place of confinement; and may inquire into all matters concerning the said place of confinement; and each Inspector shall make a separate and distinct report in writing to the Lieutenant-Governor of the state of every place of confinement visited by him. R. S. O. 1887, c. 250, s. 10.

Report to Lieutenant-Governor.

Power of Inspector in instituting inquiries into institutions subject to his inspection.

11. Where the Inspector considers it expedient to institute an inquiry into the management of any of the said institutions, or of any other institution subject to be inspected by him, or into any matter in connection therewith, or into the truth of any return made by the officers of any of the said institutions, and considers it expedient that any of the officers of such institution or any other person should be required to give evidence before him on oath, the Inspector shall have the same power to summon such officers or other persons to attend as witnesses, to enforce their attendance, and to compel them to produce documents and to give evidence, as any Court has in civil cases. R. S. O. 1887, c. 250 s. 11.

Power to rescind existing regulations, and to frame others.

12.—(1) The Inspectors shall have power from time to time, subject to the approval of the Lieutenant-Governor in Council, to alter, amend, cancel or rescind any existing rules or regulations for the government of the common gaols of this Province, and to frame and adopt other rules and regulations in that behalf, touching or extending to—

(*a*) The maintenance of prisoners in regard to diet, clothing, bedding, and other necessaries;

(*b*) Their employment;

(*c*) Medical attendance;

(*d*) Religious instruction;

(*e*) The conduct of the prisoners, and the restraint and punishment to which they may be subjected;

Regulations to be submitted to Lieut.-Governor.

(*f*) The treatment and custody of the prisoners generally, the whole internal economy and management of the gaol, and all such matters connected therewith as may be considered by them expedient,

which rules and regulations shall be submitted to the Lieutenant-Governor for his approval and confirmation.

Special regulations by County Councils.

(2) Nothing herein contained shall be held to prevent the county councils in this Province from making such special regu-

lations as the peculiar circumstances of their respective gaols and localities may, in their opinion, require, such special regulations not being inconsistent with this Act, or with the general rules and regulations to be made by the Inspectors and approved by the Lieutenant-Governor, as aforesaid. R. S. O. 1887, c. 250, s. 12.

Examination of lunatic asylums.

13. With respect to the Asylums for the Insane, at Toronto, London, Hamilton, Kingston and Orillia, an Inspector shall at least three times a year, thoroughly examine the manner in which the said institutions are conducted, respectively, and examine the reports respectively made to him by the medical superintendents and bursars. R. S. O. 1887, c. 250, s. 13.

By-laws.

14. The Inspectors shall from time to time frame such by-laws as seem to them most conducive to the peace, welfare and good government of the said asylums, which said by-laws shall have effect when the Lieutenant-Governor has signified his assent thereto. R. S. O. 1887, c. 250, s. 14.

Inspector's annual report.

15. Each Inspector shall, with his annual report to the Lieutenant-Governor, transmit the reports made to him by the medical superintendents and bursars, with his observations thereon. R. S. O. 1887, c. 250, s. 15.

Inspection of hospitals.

16. An Inspector shall, at least twice a year, and oftener if ordered by the Lieutenant-Governor, visit, examine and report upon the state and management of every hospital or other benevolent institution supported wholly by grant of public money, or by money levied under the authority of law. R. S. O. 1887, c. 250, s. 16.

Report of the management, etc.

17. An Inspector, whenever required by the Lieutenant-Governor so to do, shall visit, examine, and report to him upon the state, management and condition of every hospital or other benevolent institution supported, in part, by grant of public money, and, in case of refusal of admission into the same for the purpose of inspection, shall forthwith report such refusal to the Lieutenant-Governor, with the circumstances attending the same. R. S. O. 1877, c. 250, s. 17. *See Cap. 320, Sec. 13.*

Report on private lunatic asylums.

Rev. Stat. c. 318.

Revocation license.

18. An Inspector, whenever required to do so by the Lieutenant-Governor and at least once in the year, shall visit, examine and report to him upon the state and management of every private lunatic asylum established under the provisions of *The Act respecting Private Lunatic Asylums*, and upon the condition of its inmates, and the Lieutenant-Governor in Council, after the receipt of any such report of the Inspector may, suspend or revoke the license granted under the said Act. R. S. O. 1887, c. 250, s. 18.

Asylum for idiots, deaf, dumb, and blind.

19. Each Inspector shall have and perform the same powers and duties with respect to any other lunatic asylum or any asylum for idiots, or for the deaf, dumb or blind, that may have been, or may be, erected at the public expense, as are vested in him by this Act with respect to the asylums for the insane hereinbefore mentioned. R. S. O. 1887, c. 250, s. 19. *See Cap. 319, Sec. 5.*

Copy of proceedings to be sent to Lieut.-Governor.

20. Each inspector shall keep an exact record of his proceedings, and transmit a copy thereof to the Lieutenant-Governor, under the hand of the said Inspector. R. S. O. 1887, c. 250, s. 20.

General Annual Report.

21. Each Inspector shall make an annual report to the Lieutenant-Governor as soon as may be after the 1st day of October in each year, which report shall contain a full and accurate report on the state, condition and management of the several asylums, hospitals, gaols and other institutions under his inspection, and inspected by him during the preceding year, together with such suggestions for the improvement of the same as he may deem necessary and expedient; and such report, as far as respects the reformatories under his inspection, shall comprise and embrace the following particulars, viz.:

Suggestions for improvements.

Particulars.

1. A copy of the warden's report to the Inspector;

2. Copies of the chaplain's report to the Inspector;

3. Copy of the physician's annual report;

4. A return of the names, ages, country, calling and crimes of the offenders received into the reformatory during the year, and the township, county, town and city from which each came;

5. A return of the names, ages, callings and crimes of the offenders who died in the reformatory during the year, and the township, county, town and city from which each came;

6. A similar return of the offenders liberated during the year, by the expiration of the term for which they were sentenced;

7. A similar return of the offenders who had the Royal pardon extended to them during the year;

8. A tabular statement shewing the number of prisoners in the reformatory at the date to which the last previous annual report was made up, the number received during the year, the number discharged, the number then in confinement, and the average number in the reformatory during the year, shewing the particulars separately as to the male and female prisoners;

9. A balance sheet of the affairs of the institution, at the 1st day of October of the year reported upon, shewing the amount of cash received from the public exchequer since the commencement of the institution and the existing assets thereof;

10. A cash balance for the past year, shewing the sum on hand on the 1st day of October, the cash received through the year from Government towards the support and expenses of the prison, the amount received for convict labour, and the amounts received on all other accounts during the year; the said balance sheet shall also shew separately the sums paid for food, bedding, clothing and hospital stores for the offenders, the salaries of the officers, fuel and light, for the erection of new buildings and repairs, for the support of the stable, and for all other items of expenditure, also the cash on hand at the close of the year;

11. A statement of all debts due by the institution, shewing the names of the parties to whom each sum is due, also shewing the debts, if any, due to the institution, with the amounts and ground of each debt;

12. An inventory and valuation of all the property, estate and effects of the institution, distinguishing the estimated value of the several descriptions of property;

13. An estimate of the receipts and expenditures for the current year, and of the amount of aid likely to be required from the Provincial Exchequer;

14. A statement shewing in what manner the offenders were employed as at the 1st day of October of the year reported on, and the average number at each trade or occupation during the year. R. S. O. 1887, c. 250, s. 21.

Construction of gaols.

22. Every gaol erected in this Province shall be constructed and built according to a plan to be approved of by the Inspector, and sanctioned by the Lieutenant-Governor; and no gaol built after the 4th day of March, 1868, in any county in Ontario, otherwise than according to a plan approved and sanctioned as aforesaid, or that does not, after its completion, receive the approval of the Inspector, shall be deemed to be in law the gaol of such county. R. S. O. 1887, c. 250, s. 22.

Gaol plans, consideration of.

23. An Inspector, before deciding in any case upon the plan of a gaol most proper to be adopted, shall take into consideration—

Particulars.

1. The nature and extent of the ground upon which such gaol or court house has been or is to be built;

2. Its relative situation to any streets and buildings, and to any river or other water;

3. Its comparative elevation and capability of being drained;

4. The material of which it has been or is to be composed;

5. The necessity of guarding against cold and dampness, and of providing properly for ventilation;

6. The proper classification of prisoners, having regard to their age, sex, and cause of their confinement;

7. The best means of ensuring their safe custody without the necessity of resorting to severe treatment;

8. The due accommodation of the keeper of the gaol, so that he may have ready access to the prisoners and conveniently oversee them;

9. The exclusion of any intercourse with persons without the walls of the building;

10. The prevention of nuisances, from whatever cause;

11. The combining provision, as well for the reformation of convicts, as far as may be practicable, as for their employment, in order that the common gaols may really serve for places of correction;

12. The admission of prisoners to air and exercise without the walls of the building; and

13. The enclosure of the yard and premises with a secure wall. R. S. O. 1887, c. 250, s. 23.

Gaol repairs.

24. In case an Inspector at any time finds that the common gaol in any county or city in this Province is out of repair—or is or has become unsafe or unfit for the confinement of prisoners, or is not constructed or maintained in conformity with the provisions of the next preceding section, or that the same does not afford sufficient space or room for the number of prisoners usually confined therein—he shall forthwith report the fact to the Lieutenant-Governor, and shall at the same time furnish a copy of such report to the council of the county or city to which such common gaol belongs, and the council shall thereupon appoint a special committee to confer with the Inspector, and to arrange with him as to the repairs, alterations or additions that may be deemed necessary to remedy the defect so reported upon by the Inspector, and to report the same to the council, and in case the Inspector and the committee do not agree upon the repairs, alterations and additions, the matter shall then be referred to the Lieutenant-Governor in Council to decide between them, which decision shall be reported to the council; and it shall be the duty of the council in either case, by by-law, to order and provide for the making of the repairs, alterations or additions, and for the appropriation of any money that may be required for that purpose, and in default thereof the council may be proceeded against by *mandamus* issued out of the High Court at the instance and prosecution either of the Attorney-General for Ontario or any private prosecutor, to compel the making by the council of such repairs, alterations or additions, and the council and the members and officers thereof shall be subject to all the process

Report to the Lieut.-Governor.

Copy furnished to the County Council.

By-law for repairs.

In default of repairs—proceeding by *mandamus*.

of the Courts for contempt of the orders or process thereof. R. S. O. 1887, c. 250, s. 24.

Repairs to be made with due regard to the ability of the Council to meet the expense.

25. The Inspector and the special committee of the county or city council shall, in arranging the particulars of the necessary repairs, alterations or additions, as aforesaid, have due regard to the plan of the gaol, and to the ability of the council to meet the expense thereof, and in the case of alterations or additions, shall make the same as few and inexpensive as, in their opinion, the requirements of this Act and of the public service will admit. R. S. O. 1887, c. 250, s. 25.

Inspection of court houses.

26. The provisions of this Act as to the inspection, construction, and repairing of gaols shall, so far as may be, apply to court houses. R. S. O. 1887, c. 250, s. 26.

Lt.-Governor may authorize persons to assist the Inspector of Prisons and Public Charities.

27. The Lieutenant-Governor may authorize such person or persons as he thinks fit, to perform, under the supervision of an Inspector, or otherwise as the Lieutenant-Governor may direct, any of the duties belonging to the office of the Inspector, and in the performance of the duties such person or persons may exercise the like powers and authorities as are possessed by the Inspector. R. S. O. 1887, c. 250, s. 27.

Action for anything done under this Act.

28. All actions and prosecutions against any person or persons for anything done in pursuance of this Act, shall be laid and tried in the county where the fact was committed, and shall be commenced within six months after the fact committed, and not otherwise or afterwards. R. S. O. 1887, c. 250, s. 28.

SCHEDULE A.

SCHEDULE of Acts and parts of Acts repealed from the day upon which the Revised Statutes of Ontario, 1897, take effect.

[NOTE.—*Sections 6 and 7 of 60 V. c. 3, provide as follows:—*

"6. *Such repeal shall not be construed as intended to extend to such of the provisions of the said Acts and parts of Acts as relate to subjects in regard to which the Parliament of Canada has exclusive powers of legislation; but the said Acts and parts of Acts (in so far only as is necessary to give effect to every such provision) shall remain in full force and effect, subject, however, to section 8 of this Act.*"

"7. *The repeal of the said Acts and parts of Acts shall not revive any Act or provision of law repealed by them; nor shall the said repeal prevent the effect of any saving clause in the said Acts and parts of Acts, or the application of any of the said Acts or parts of Acts or of any Act or provision of law formerly in force, to any transaction, matter or thing anterior to the said repeal, to which they would otherwise apply.*"

Several Acts and many parts of Acts mentioned in this Schedule have been superseded by their consolidation and re-enactment in later Acts, and parts of various other Acts also mentioned in the Schedule have been already either expressly repealed, or repealed by the enactment of inconsistent provisions. For convenience and greater certainty, these Acts and parts of Acts are included in this Schedule. A reference to Schedule B will show what enactments have been thus dealt with.]

Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
	CONSOLIDATED STATUTES OF CANADA.	
39	An Act respecting Inoculation and Vaccination.	Section 1.
	29-30 VICT.—1866, (Province of Canada).	
51	An Act respecting the Municipal Institutions of Upper Canada.	Sections 214 and 217.

Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
	48 VICT.—1885, (Ontario).	
21	An Act for the Preservation of the Natural Scenery about Niagara Falls.	The whole.
	50 VICT.—1887, (Ontario).	
13	An Act respecting the Niagara Falls Park.	The whole, except sub-s. 3 of s. 4.
	REVISED STATUTES OF ONTARIO.—1887.	
1	An Act respecting the Form and Interpretation of the Statutes.	The whole.
2	An Act respecting the Printing and Distribution of the Statutes.	The whole.
3	An Act respecting the Boundary between the Provinces of Ontario and Quebec.	The whole. (Superseded by Imp. Act 52-53 V. c. 28).
4	An Act respecting the Northerly and Westerly Boundaries of Ontario.	The whole. (Superseded by Imp. Act 52-53 V. c. 28).
5	An Act respecting the Territorial Division of Ontario for Municipal and Judicial purposes.	The whole.
6	An Act respecting the Provisional County of Haliburton.	The whole.
7	An Act respecting the Representation of the People in the Legislative Assembly.	The whole.
9	An Act respecting Elections of Members of the Legislative Assembly.	The whole.
10	An Act respecting Controverted Elections of Members of the Legislative Assembly.	The whole.
11	An Act respecting the Legislative Assembly.	The whole.
12	An Act respecting the Lieutenant-Governor and his Deputies.	The whole.
13	An Act respecting the Executive Council.	The whole.
14	An Act respecting the Public Service of Ontario.	The whole.
15	An Act respecting Public Officers.	The whole.
16	An Act respecting the Office of Sheriff.	The whole.
17	An Act respecting inquiries concerning Public Matters.	The whole.
18	An Act respecting the Publication of Official Notices.	The whole.
19	An Act respecting the Consolidated Revenue Fund of Ontario.	The whole.
20	An Act respecting the Public Revenue and Public Accountants.	The whole.
21	An Act to provide for the better Auditing of the Public Accounts of the Province.	The whole.
22	An Act respecting Law Stamps.	The whole.
23	An Act respecting the Taxation of Patented Lands in Algoma and Thunder Bay.	The whole.
24	An Act respecting the Sale and Management of Public Lands.	The whole.

R.S.O. 1887, Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
25	An Act respecting Free Grants and Homesteads to Actual Settlers on Public Lands.	The whole.
26	An Act respecting Free Grants and Homesteads to Actual Settlers on Public Lands in the District of Rainy River.	The whole.
27	An Act respecting the Heir, Devisee and Assignee Commission.	The whole.
28	An Act respecting Timber on Public Lands.	The whole.
29	An Act to prevent Trespasses to Public Lands.	The whole.
30	An Act respecting the Clergy Reserves.	The whole.
33	An Act respecting the Public Works of Ontario.	The whole.
34	An Act respecting Riots near Public Works.	The whole.
35	An Act respecting the Sale of Intoxicating Liquors near Public Works.	The whole.
37	An Act respecting Municipal Debentures issued for Drainage Works.	The whole.
38	An Act respecting Tile, Stone and Timber Drainage Debentures.	The whole.
41	An Act respecting Appeals to Her Majesty in Her Privy Council.	The whole.
42	An Act respecting the Supreme Court of Canada and the Exchequer Court of Canada.	The whole.
43	An Act respecting the Maritime Court of Ontario.	The whole.
45	An Act respecting Courts of Assize and Nisi Prius and of Oyer and Terminer and General Gaol Delivery.	The whole.
46	An Act respecting County Judges and the Local Courts.	The whole.
47	An Act respecting the County Courts.	The whole.
48	An Act respecting the Courts of General Sessions of the Peace.	The whole.
49	An Act respecting the County Judges' Criminal Courts.	The whole.
50	An Act respecting the Surrogate Courts.	The whole.
51	An Act respecting the Division Courts.	The whole.
52	An Act respecting Jurors and Juries.	The whole.
54	An Act respecting Lunatics.	The whole.
55	An Act respecting Actions of Replevin.	The whole.
56	An Act respecting Actions of Dower.	The whole.
57	An Act respecting Actions of Libel and Slander.	The whole.
58	An Act respecting the Action of Seduction.	The whole.
59	An Act respecting the Adminstration by the Crown of Estates of Intestates.	The whole.
60	An Act respecting the Limitation of Certain Actions.	The whole.
61	An Act respecting Witnesses and Evidence.	The whole.
62	An Act respecting Commissioners for taking Affidavits and Recognizances.	The whole.
63	An Act respecting the Costs of Distress.	The whole.
64	An Act respecting Execution.	The whole.
65	An Act to Abolish Priority among Execution Creditors.	The whole.
66	An Act respecting Absconding Debtors.	The whole.
67	An Act respecting Arrest and Imprisonment for Debt.	The whole.
68	An Act respecting the Relief of Indigent Debtors.	The whole.
69	An Act respecting the Restitution of Stolen Goods.	The whole.
70	An Act for more effectually securing the Liberty of the Subject.	The whole.
71	An Act respecting the Qualification and Appointment of Justices of the Peace.	The whole.
72	An Act respecting Police Magistrates.	The whole.
73	An Act to Protect Justices of the Peace and others from Vexatious Actions.	The whole.
74	An Act respecting Summary Convictions before Justices of the Peace and Appeals to General Sessions.	The whole.

R.S.O. 1887, Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
75	An Act respecting the Procedure on Appeals to the Judge of a County Court from Summary Convictions.	The whole.
76	An Act respecting Returns of Convictions and Fines by Justices of the Peace.	The whole.
77	An Act respecting Returns of Convictions by Stipendiary and Police Magistrates.	The whole.
78	An Act respecting the Fees of Justices of the Peace.	The whole.
79	An Act respecting County Crown Attorneys.	The whole.
80	An Act respecting Coroners.	The whole.
81	An Act respecting Commissioners of Police appointed by the Government of Canada.	The whole.
82	An Act respecting Constables.	The whole.
83	An Act respecting the Fees of Counsel and other Officers in the Adminstration of Justice.	The whole.
84	An Act regulating the Payment by Counties of Certain Expenses of Criminal Justice.	The whole.
85	An Act respecting Criminal Justice Accounts Payable by the Province.	The whole.
86	An Act respecting the Expenses of the Adminstration of Justice in Criminal Matters.	The whole.
87	An Act to Provide for the Payment of Witnesses for the Crown.	The whole.
88	An Act respecting Estreats.	The whole.
89	An Act respecting the Appropriations of Certain Fines and Forfeitures.	The whole.
90	An Act respecting the Remission of Certain Penalties.	The whole.
92	An Act to provide for the better Government of that part of Ontario situated in the vicinity of the Falls of Niagara.	The whole.
93	An Act adopting the Law of England in certain matters.	The whole.
94	An Act respecting Crown Debtors.	The whole.
95	An Act respecting Escheats and Forfeitures.	The whole.
96	An Act respecting Voluntary and Fraudulent Conveyances.	The whole.
97	An Act respecting Powers of Attorney.	The whole.
98	An Act respecting the right of Property in Swarms of Bees.	The whole.
99	An Act respecting the rights of Aliens in relation to Real Property.	The whole.
100	An Act respecting the Law of Transfer of Property.	The whole.
101	An Act respecting Petty Trespasses.	The whole.
102	An Act respecting Mortgages of Real Estate.	The whole.
103	An Act respecting the Assurance of Estates Tail.	The whole.
104	An Act respecting the Partition and Sale of Real Estate.	The whole.
105	An Act respecting Short Forms of Conveyances.	The whole.
106	An Act respecting Short Forms of Leases.	The whole, except as to instruments executed before the 31st day of December, 1897.
107	An Act respecting Short Forms of Mortgages.	The whole.
108	An Act respecting the Devolution of Real Estate.	The whole.
109	An Act respecting Wills.	The whole.
110	An Act respecting Trustees and Executors and the Administration of Estates.	The whole.
111	An Act respecting the Limitation of Actions relating to Real Property and the time of Prescription in certain cases.	The whole.

R. S. O., 1887 Chapter.	TITLE OF ACT.	Extent of Repeal.
112	An Act to Amend the Law of Vendor and Purchaser, and to Simplify Titles.	The whole.
113	An Act for Quieting Titles to Real Estate.	The whole.
115	An Act respecting the Custody of Documents relating to Land Titles.	The whole.
116	An Act to Simplify Titles and to facilitate the Transfer of Land.	The whole.
117	An Act respecting Ferries.	The whole.
118	An Act respecting Mills and Mill Dams.	The whole.
119	An Act respecting Water Privileges.	The whole.
120	An Act for protecting the Public interest in Rivers, Streams and Creeks.	The whole.
121	An Act respecting the Driving of Saw Logs and other Timber on Lakes, Rivers, Creeks and Streams.	The whole.
122	An Act to amend the Mercantile Law.	The whole.
123	An Act respecting Written Promises and Acknowledgments of Liability.	The whole.
124	An Act respecting Assignments and Preferences by Insolvent Persons.	The whole.
127	An Act respecting Wages.	The whole.
128	An Act respecting Contracts in relation to Goods entrusted to Agents.	The whole.
129	An Act respecting Limited Partnership.	The whole.
130	An Act respecting the Registration of Co-Partnerships and Business Firms.	The whole.
132	An Act respecting the Property of Married Women.	The whole.
133	An Act respecting Dower.	The whole.
134	An Act to facilitate the Conveyance of Real Estate by Married Women.	The whole.
135	An Act respecting Compensation to the Families of Persons Killed by Accident and in Duels.	The whole.
137	An Act respecting Infants.	The whole.
138	An Act respecting the Support of Illegitimate Children.	The whole.
139	An Act respecting Master and Servant.	The whole.
140	An Act to facilitate the Adjustment of Disputes between Master and Workmen.	The whole.
142	An Act respecting Apprentices and Minors.	The whole.
143	An Act respecting the Law of Landlord and Tenant.	The whole.
144	An Act respecting Overholding Tenants.	The whole.
145	An Act respecting the Law Society of Upper Canada.	The whole.
146	An Act respecting Barristers-at-Law.	The whole.
147	An Act respecting Solicitors.	The whole.
148	An Act respecting the Profession of Medicine and Surgery.	The whole.
149	An Act respecting the Study of Anatomy.	The whole.
150	An Act respecting Dentistry.	The whole.
151	An Act respecting Pharmacy.	The whole.
152	An Act respecting Land Surveyors and the Survey of Land.	The whole.
153	An Act respecting Notaries Public.	The whole.
154	An Act respecting Innkeepers.	The whole.
155	An Act respecting Pawnbrokers.	The whole.
158	An Act respecting Telegraph Companies.	The whole.
159	An Act respecting Joint Stock Companies for the Construction or Purchase of Roads and other Works.	The whole.
160	An Act respecting Joint Stock Companies for the Construction of Works to facilitate the transmission of Timber down Rivers and Streams.	The whole.

R.S.O., 1887, Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
161	An Act respecting Joint Stock Companies for the construction of Piers, Wharves, Dry Docks and Harbours.	The whole.
162	An Act respecting Joint Stock Companies for the erection of Exhibition Buildings.	The whole.
163	An Act respecting the construction of Roads by Mining Companies.	The whole.
164	An Act respecting Joint Stock Companies for Supplying Cities, Towns and Villages with Gas and Water.	The whole.
165	An Act respecting Companies for Steam and Heating, or for supplying Electricity for Light, Heat or Power.	The whole.
166	An Act respecting Co-operative Associations.	The whole.
170	An Act respecting Railways.	The whole.
171	An Act to Authorize the construction of Street Railways.	The whole.
172	An Act respecting Benevolent, Provident and other Societies.	The whole.
174	An Act respecting Immigration Aid Societies.	The whole.
175	An Act respecting Cemetery Companies.	The whole.
176	An Act respecting the Incorporation of Cemetery Companies by Letters Patent.	The whole.
177	An Act respecting Conveyance to Trustees for Burial Grounds.	The whole.
179	An Act respecting Fees payable by Incorporated Companies and other Bodies.	The whole.
180	An Act respecting Returns required from Incorporated Companies.	The whole.
181	An Act respecting the Acceptance of certain Incorporated Companies as Sureties.	The whole.
182	An Act respecting Investments by Corporations.	The whole.
183	An Act respecting the Winding-up of Joint Stock Companies.	The whole.
184	An Act respecting Municipal Institutions.	The whole.
185	An Act respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing, Thunder Bay and Rainy River.	The whole.
187	An Act respecting Public Meetings.	The whole.
188	An Act to exempt Firemen from certain Local Services.	The whole.
190	An Act to provide for the establishment and maintenance of Public Parks in Cities and Towns.	The whole.
191	An Act to authorize Cities, Towns and Villages to provide Gas and other means of Lighting and Heating.	The whole.
192	An Act to provide for the construction of Municipal Water Works.	The whole.
193	An Act respecting the Assessment of Property.	The whole.
194	An Act respecting the Sale of Fermented or Spirituous Liquors.	The whole.
195	An Act to regulate Travelling on Public Highways and Bridges.	The whole.
196	An Act exempting certain Vehicles, Horses and Cattle from Tolls on Turnpike Roads.	The whole.
197	An Act respecting double Tracks in Snow Roads.	The whole.
198	An Act respecting Snow Fences.	The whole.
199	An Act to provide for the crossing of Railways by Streets, Drains and Water Mains.	The whole.
200	An Act to authorize and regulate the use of Traction Engines on Highways.	The whole.
202	An Act to prevent the spread of Noxious Weeds and of Diseases affecting Fruit Trees.	The whole.
203	An Act to prevent the Profanation of the Lord's Day	The whole.
204	An Act to prevent Minors frequenting Billiard Rooms and other places.	The whole.
205	An Act respecting the Public Health.	The whole.

R.S.O., 1887, Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
206	An Act respecting Vaccination and Inoculation.	The whole.
207	An Act to prevent Fraud in the Manufacture of Cheese and Butter.	The whole.
208	An Act for the Protection of Persons Employed in Factories.	The whole.
209	An Act for the Protection of Infant Children.	The whole.
210	An Act to regulate the Means of Egress from Public Buildings.	The whole.
211	An Act to require the Owners of Threshing and other Machines to guard against Accidents.	The whole.
212	An Act to make provisions for the safety of Railway Employees and the Public.	The whole.
213	An Act to preserve the Forests from Destruction by Fire.	The whole.
214	An Act to impose a Tax on Dogs and for the Protection of Sheep.	The whole.
215	An Act respecting Pounds.	The whole.
216	An Act to prevent the spread of Contagious Diseases among Horses and other Domestic Animals.	The whole.
217	An Act respecting the Investigation of Accidents by Fire.	The whole.
218	An Act respecting Abandoned Oil Wells.	The whole.
219	An Act respecting Line Fences.	The whole.
220	An Act respecting Ditches and Watercourses.	The whole.
223	An Act to encourage the Destroying of Wolves.	The whole.
227	An Act respecting Separate Schools.	The whole.
228	An Act respecting Conveyances to Trustees for School Purposes.	The whole.
230	An Act respecting the Federation of the University of Toronto and University College with other Universities and Colleges.	The whole.
231	An Act respecting the Income and Property of the University of Toronto, University College and Upper Canada College.	The whole.
232	An Act respecting the School of Practical Science.	The whole.
233	An Act respecting the Agricultural College.	The whole.
234	An Act respecting Industrial Schools.	The whole.
235	An Act respecting Tithes.	The whole.
236	An Act respecting Rectories.	The whole.
237	An Act respecting the Property of Religious Institutions.	The whole.
238	An Act respecting the Central Prison.	The whole.
239	An Act respecting the Andrew Mercer Ontario Reformatory for Females.	The whole.
240	An Act to establish an Industrial School for Girls.	The whole.
241	An Act respecting the Ontario Reformatory for Boys.	The whole.
242	An Act respecting the Removal of Persons from County Gaols to Provincial Institutions.	The whole.
243	An Act respecting the use of Spirituous Liquors in Gaols and Prisons.	The whole.
244	An Act to provide for Employing Prisoners without the Walls of Common Gaols.	The whole.
245	An Act respecting Lunatic Asylums and the Custody of Insane persons.	The whole.
246	An Act respecting Private Lunatic Asylums.	The whole.
247	An Act respecting Institutions for the Education and Instruction of the Deaf and Dumb and the Blind.	The whole.
248	An Act to regulate Public Aid to Charitable Institutions.	The whole.
249	An Act for the Protection of Women in Certain Cases.	The whole.
250	An Act to provide for the Inspection of Asylums, Hospitals, Prisons and Court Houses.	The whole.

Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
	51 VICT., 1888.	
2	An Act respecting the Revised Statutes of Ontario, 1887.	The whole.
4	An Act to establish Manhood Suffrage for the Legislative Assembly.	The whole.
5	An Act respecting the Executive Administration of the Laws of this Province.	The whole.
6	An Act to amend the Act respecting the Office of Sheriff.	The whole.
7	An Act to give certain powers to the Commissioners of the Queen Victoria Niagara Falls Park.	The whole.
9	An Act respecting Aucillary Probates and Letters of Administration.	The whole.
10	An Act to amend the Division Courts Act.	The whole.
11	An Act to amend the Law as to Executions.	The whole.
12	An Act to amend the Law respecting the Salaries and Expenses of Police Magistrates	The whole.
13	An Act respecting Muskoka and Parry Sound.	Sections 22 to 28.
14	An Act respecting Manitoulin.	The whole.
15	An Act to amend the Law respecting Mortgages.	The whole.
16	An Act to amend the Partition Act.	The whole.
19	An Act respecting Conditional Sales of Chattels.	The whole.
21	An Act to amend the Married Woman's Real Estate Act.	The whole.
23	An Act respecting the maintenance of wives deserted by their husbands.	The whole.
24	An Act to provide for the Incorporation of Cheese and Butter Manufacturing Associations.	The whole.
26	An Act to amend the Act respecting Benevolent, Provident and other Societies.	The whole.
27	An Act to amend the Act respecting Cemetery Companies.	The whole.
28	The Municipal Amendment Act, 1888.	The whole.
29	The Assessment Amendment Act, 1888.	The whole.
30	The Liquor License Act, 1888.	The whole.
31	An Act respecting Creameries.	The whole.
32	An Act to provide against Frauds in the supplying of milk to Cheese or Butter Manufactories.	The whole.
33	An Act to regulate the Closing of Shops, and the Hours of Labour therein for Children and Young Persons.	The whole.
34	An Act for the prevention of Accidents by Fire in Hotels and other Public Buildings.	The whole.
35	An Act to amend the Ditches and Watercourses Act.	The whole.
38	An Act to amend the Act respecting the Income and Property of University of Toronto, University College, and Upper Canada College.	The whole.
39	An Act to amend the Industrial Schools Act.	The whole.
40	An Act for the Protection and Reformation of Neglected Children.	The whole.
	52 VICT, 1889.	
2	An Act to give Representation in the Legislative Assembly to the District of Nipissing.	The whole.
3	An Act respecting Voters' Lists.	The whole.
4	An Act to amend the Ontario Election Act.	The whole.
5	An Act respecting Oaths made under The Manhood Suffrage Act.	The whole.
6	An Act to Amend the Act respecting the Office of Sheriff.	The whole.
7	An Act as to Conveyances of Land granted under the Free Grants and Homesteads Act.	The whole.
8	An Act to protect the Beaches and Shores of the Province against Depredation.	The whole.
10	An Act respecting the Administration of Justice in certain Cases.	The whole

52 Vict. Chapter.	TITLE OF ACT.	Extent of Repeal.
11	An Act to amend the Law in certain matters of Legal Procedure.	The whole.
12	An Act to amend the Division Courts Act.	The whole.
14	An Act to amend the Law of Slander.	The whole.
15	An Act respecting Appeals on Prosecutions to enforce Penalties and Punish Offences under Provincial Acts.	The whole except section 2.
16	An Act respecting Damage to Lands by Flooding in the new Districts.	The whole.
17	An Act to make further provision respecting the Districts of Parry Sound and Muskoka	The whole.
18	An Act to amend chapter 110 of the Revised Statutes as respects Investments by Trustees.	The whole.
20	An Act regulating certain matters under the Land Titles Act.	
21	An Act to amend the Act respecting Assignments and Preferences by Insolvent Persons.	The whole. The whole.
22	An Act for the Enforcement of Orders under the Act respecting Master and Servant.	The whole.
23	An Act to amend the Workmen's Compensation for Injuries Act.	
24	An Act to amend the Act respecting the Study of Anatomy.	The whole.
25	An Act to amend the Pharmacy Act.	The whole.
27	An Act to amend the General Road Companies' Act.	The whole.
28	An Act to facilitate the purchase of Toll Roads by Municipalities.	The whole.
29	An Act respecting the powers of Electric Light Companies.	The whole.
33	An Act respecting the Insurance of Live Stock.	The whole.
36	The Municipal Amendment Act.	The whole.
37	An Act to amend the Acts respecting Municipal Institutions in the outlying Districts.	The whole. The whole.
39	The Assessment Amendment Act, 1889.	
40	The Franchise Assessment Act, 1889.	The whole.
41	An Act to amend the Liquor License Act.	The whole.
42	An Act to amend the Public Health Act.	The whole.
43	An Act to amend the Ontario Factories' Act.	The whole.
44	An Act to amend the Ontario Shops' Regulation Act, 1888.	The whole.
45	An Act respecting Steam Threshing Machines.	The whole.
46	An Act to authorize the appointment of Fire Guardians, and for the better prevention of Fires.	The whole. The whole.
47	An Act to amend the Act to prevent the spread of Contagious Diseases among Horses and other Domestic Animals.	The whole. The whole.
48	An Act to amend the Line Fences Act.	
49	The Ditches and Watercourses Amendment Act, 1889.	The whole.
50	An Act for the Protection of Insectivorous and other Birds.	The whole.
52	An Act to amend the Act respecting the Federation of the University of Toronto and University College with other Universities and Colleges.	The whole. The whole.
54	An Act to make further provision respecting the property of Religious Institutions.	The whole.

53 VICT.—1890.

2	An Act relating to Manhood Suffrage.	The whole.
3	An Act to amend the Election Act as to Secrecy of Voting.	The whole.
4	An Act respecting polling places in the District of Algoma.	The whole.
6	An Act to amend the Free Grants and Homesteads Act.	The whole, except section 7.

53 Vict. Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
7	An Act respecting the Culling and Measurement of Saw-Logs cut upon Crown Lands.	The whole.
8	An Act respecting Timber Licenses affecting Registered Land.	The whole.
11	An Act to provide for the purchase of Debentures issued by Counties for drainage purposes.	The whole.
12	An Act respecting certain Statistical Returns.	The whole.
13	An Act for expediting the decision of Constitutional and other Provincial Questions.	The whole.
17	An Act to amend the Surrogate Courts Act.	The whole.
18	An Act relating to the Jurisdiction of Courts of General Sessions of the Peace.	The whole.
20	An Act to amend the Jurors' Act.	The whole.
21	An Act respecting Official Documents when required in Evidence.	The whole.
22	An Act with respect to the powers of Commissioners for taking Affidavits.	The whole.
23	An Act to provide for Security for costs in certain actions against Justices of the Peace.	The whole.
24	An Act with respect to Fines and Costs on Summary Convictions.	The whole.
27	An Act to amend the Law respecting Powers of Sale in Mortgages.	The whole.
28	An Act to amend the Partition Act.	The whole.
29	An Act to protect persons acting as Executors or Administrators.	The whole.
31	An Act to amend The Custody of Title Deeds Act.	The whole.
32	An Act to further facilitate proceedings under the Lands Titles Act.	The whole.
33	An Act to provide for the vacating of Certificates of Lis Pendens.	The whole.
34	An Act to amend the Act respecting Assignments and Preferences by Insolvent Persons.	The whole.
36	An Act to amend the Act respecting Conditional Sales of Chattels.	The whole.
40	An Act to amend The Trades Arbitration Act.	The whole.
41	An Act respecting the Profession of Architects.	The whole.
42	An Act to amend the General Road Companies' Act.	The whole.
43	An Act to amend The Timber Slide Companies' Act.	The whole.
45	An Act to amend The Railway Act of Ontario.	The whole.
47	An Act to amend The Street Railway Act.	The whole.
48	An Act to amend the Act respecting Conveyances to Trustees for Burial Grounds.	The whole
49	An Act to amend The Joint Stock Companies Winding-up Act.	The whole.
50	The Municipal Amendment Act, 1890.	The whole.
51	An Act to amend the Act respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing, Thunder Bay and Rainy River.	The whole.
52	An Act respecting Sales for Taxes in Muskoka and Parry Sound.	The whole.
53	An Act to amend the Municipal Waterworks Act.	The whole.
54	The Assessment Amendment Act, 1890.	The whole.
55	An Act respecting Exemptions from Municipal Assessments.	The whole.
56	An Act to improve the Liquor License Laws.	The whole.
57	An Act to amend the Act to Regulate Travelling on Public Highways and Bridges.	The whole.
58	An Act to amend the Act respecting Wire Fences.	The whole.
59	An Act to amend the Act to Prevent the Spread of Noxious Weeds and of Diseases Affecting Fruit Trees.	The whole.
61	An Act to amend the Public Health Act in respect to the Sale of Milk and Meat from Animals affected with Tuberculosis.	The whole.
62	An Act to amend the Act to impose a Tax on Dogs and for the Protection of Sheep.	The whole.
63	An Act to amend the Act to authorize the appointment of Fire Guardians and for the Better Prevention of Bush Fires.	The whole.

53 Vict. Chapter.	TITLE OF ACT.	Extent of Repeal.
64	An Act to provide means of Extinguishing Forest Fires.	The whole.
65	An Act to make further provision for Preventing the Spread of Contagious Diseases Among Horses.	The whole.
66	An Act for the Suppression of Foul Brood among Bees.	The whole.
67	An Act respecting the Expenses of County Court Judges under The Ditches and Watercourses Act and The Line Fences Act.	The whole.
68	An Act to amend The Ditches and Watercourses Act.	The whole.
69	An Act to amend The Ditches and Watercourses Act as applied to Railways.	The whole.
71	An Act to amend the Public and Separate Schools Acts.	The whole.
74	An Act for the relief of persons professing the Jewish Religion.	The whole.
75	An Act respecting the custody of Juvenile Offenders.	The whole.
76	An Act respecting the Commitment of Persons of Tender Years.	The whole.
77	An Act to amend the Act respecting Private Lunatic Asylums.	The whole.
78	An Act respecting the Establishment of Houses of Refuge.	The whole.

54 VICT.—1891.

5	An Act to amend the Election Laws.	The whole.
6	An Act to amend The Ontario Controverted Elections Act.	The whole.
7	An Act to amend The Public Lands Act.	The whole.
14	An Act for the removal of certain cases from a County Court to the High Court.	The whole.
15	An Act to increase the efficiency of the Local Courts of the County of York.	The whole.
16	An Act respecting the Disqualification of Justices of the Peace.	The whole except section 1.
17	An Act to amend the Act respecting County Crown Attorneys.	The whole.
18	An Act respecting the Sale of Real Estate by Executors and Administrators.	The whole.
19	An Act respecting certain Duties, Powers and Liabilities of Trustees.	The whole.
20	An Act to amend the Act respecting Assignments and Preferences by Insolvent Persons.	The whole except section 3.
22	The Woodman's Lien for Wages Act.	The whole.
24	An Act to amend the Act respecting Master and Servant.	The whole.
25	An Act to amend the law as to Barristers and Solicitors in certain cases.	The whole.
26	An Act to amend the Ontario Medical Act.	The whole.
27	An Act for the relief of Medical Practitioners in the Rainy River District.	The whole.
28	An Act to amend the Act respecting Dentistry.	The whole.
29	An Act to amend the Pharmacy Act.	The whole.
30	An Act respecting the Chartered Stenographic Reporters' Association of Ontario.	The whole.
31	An Act respecting Stationary Engineers.	The whole.
33	An Act respecting Trust Companies.	The whole.
34	An Act respecting the Liability of Directors.	The whole.
36	An Act to amend the Act respecting Companies for Steam and Heating, or for supplying Electricity for Light, Heat or Power.	The whole.
40	An Act to amend the Street Railway Act.	The whole.
41	An Act to amend the Act respecting Cemetery Companies.	The whole.
42	The Municipal Amendment Act, 1891.	The whole.
44	An Act to amend the Public Parks Act.	The whole.
45	The Assessment Amendment Act, 1891.	The whole.

54 Vict. Chapter.	TITLE OF ACT.	Extent of Repeal.
46	An Act respecting Local Option in the matter of Liquor Selling.	The whole.
47	An Act to amend the Act to regulate Travelling on Public Highways and Bridges.	The whole.
48	An Act to amend the Act to prevent the spread of Noxious Weeds and of Diseases Affecting Fruit Trees.	The whole.
49	An Act to amend the Public Health Act.	The whole.
50	An Act to amend the Dikes and Watercourses Act as applied to Railways.	The whole.
51	An Act respecting disputes under the Drainage Laws.	The whole.
52	An Act to prevent the extermination of the plant called Ginseng.	The whole.
53	An Act to encourage the Breeding of Trotting Horses.	The whole.
56	An Act respecting Truancy and Compulsory School Attendance.	The whole.
58	An Act to amend the Act respecting the Federation of the University of Toronto and University College with other Universities and Colleges.	The whole.
59	An Act respecting Industrial Schools.	The whole.
60	An Act for the establishment of Mining Schools.	The whole.

55 VICT.—1892.

2	An Act respecting Voters' Lists in Unorganized Territories.	The whole.
3	An Act to amend and consolidate the Acts respecting Elections of Members of the Legislative Assembly.	The whole.
4	An Act respecting the appointment of a Commissioner to the Columbian Exposition.	The whole.
6	An Act to provide for the payment of Succession Duties in certain cases.	The whole.
7	An Act to amend the Act respecting the Taxation of Patented Lands in Algoma and Thunder Bay.	The whole.
9	The Mines Act, 1892.	The whole.
11	An Act to amend The Division Courts Act.	The whole.
12	An Act reducing the number of Grand Jurors.	The whole.
14	An Act to amend the Law of Evidence.	The whole.
15	An Act respecting the duty of Sheriffs on arresting persons under Civil Process.	The whole.
16	An Act respecting County Police Magistrates.	The whole.
17	An Act respecting the Fees of Certain Public Officers.	The whole.
18	An Act respecting the Courts in Algoma and Thunder Bay.	The whole.
19	An Act for the further Protection of Bees.	The whole.
20	An Act to amend the law relating to Mortmain and Charitable Uses.	The whole.
23	An Act for the further Protection of the Public Interest in Rivers, Streams and Creeks.	The whole.
24	An Act to amend The Land Titles Act.	The whole.
25	An Act to further amend the Law respecting Assignments and Preferences by Insolvent Persons.	The whole.
27	An Act to amend the Act respecting Wages.	The whole.
28	An Act to amend the Act respecting Limited Partnerships.	The whole.
29	An Act to amend the Act respecting Infants.	The whole.
30	An Act to Consolidate the Acts respecting Compensation to Workmen in certain cases.	The whole, except section 20.
31	An Act to amend the Act respecting the Law of Landlord and Tenant.	The whole.
32	An Act to provide for the Admission of Women to the Study and Practice of Law.	The whole.
33	An Act to amend The Act respecting Dentistry.	The whole.

55 Vict. Chapter.	TITLE OF ACT.	Extent of Repeal.
34	An Act to incorporate the Association of Ontario Land Surveyors and to amend the Act respecting Land Surveyors and the Survey of Land.	The whole.
35	An Act to amend the Ontario Joint Stock Companies' Letters Patent Act.	The whole.
36	An Act to amend The General Road Companies' Act.	The whole.
37	An Act to amend The Timber Slide Companies' Act.	The whole.
38	An Act to amend the Act respecting Joint Stock Companies for Supplying Cities, Towns and Villages with Gas and Water.	The whole.
42	An Act to consolidate the Acts respecting Municipal Institutions.	The whole.
43	The Municipal Amendment Act, 1892.	The whole, except sub-sec. 2 of sec. 1 and sec. 64.
45	An Act to amend the law respecting Municipal Institutions in the outlying Districts.	The whole.
48	An Act to consolidate the Acts respecting the Assessment of Property.	The whole.
49	The Assessment Amendment Act, 1892.	The whole.
50	An Act respecting the Collection of Taxes in the Districts of Muskoka and Parry Sound.	The whole.
51	An Act to amend The Liquor License Act.	The whole.
52	An Act respecting the use of Tobacco by Minors.	The whole.
53	An Act to amend the Act providing against Frauds in the supplying Milk to Cheese or Butter Manufactories.	The whole.
55	An Act to amend the Act to impose a Tax on Dogs and for the Protection of Sheep.	The whole.
56	An Act to Prevent the Wasting of Natural Gas and to provide for the Plugging of all Abandoned Wells.	The whole.
57	An Act to amend the Drainage Trials Act, 1891.	The whole.
59	An Act to amend the Act to Encourage the Destroying of Wolves.	The whole.
60	An Act to amend and explain certain portions of the School Laws.	The whole.
61	An Act to amend Chapter 230 of the Revised Statutes of Ontario, entitled "An Act respecting the Federation of the University of Toronto and University College with other Universities and Colleges."	The whole.
62	An Act to amend Chapter 231 of the Revised Statutes of Ontario, entitled "An Act respecting the Income and Property of the University of Toronto, University College and Upper Canada College."	The whole
63	An Act to empower the University of Toronto to deal with certain Upper Canada College Lands.	The whole.

56 VICTORIA. 1893.

2	An Act to amend The Ontario Voters' Lists Act, 1889.	The whole.
3	An Act to make further provision as to Voters' Lists in Cities.	The whole.
4	An Act respecting Polling Places in the Electoral Districts of Algoma West and Algoma East.	The whole.
5	An Act respecting certain duties, liabilities and fees of Sheriffs.	The whole.
8	An Act to establish the Algonquin National Park of Ontario.	The whole.
10	An Act respecting Agricultural Societies in Nipissing, Parry Sound and Manitoulin.	The whole.
12	An Act respecting the Judges of the Supreme Court of Judicature for Ontario.	The whole.
13	An Act respecting the Enforcement of Judges' Orders in matters not in Court.	The whole.

56 Vict. Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
14	An Act respecting Securities in the Surrogate Courts.	The whole.
15	An Act to amend The Division Courts Act.	The whole.
16	An Act to amend The Juror's Act.	The whole.
17	An Act to amend the Act respecting the Limitation of certain Actions.	The whole.
18	An Act as to costs in Appeals on Prosecutions.	The whole.
19	An Act respecting the office of County Crown Attorney in the County of York and City of Toronto.	The whole.
20	An Act respecting the time for the Vesting of Estates in Heirs and Devisees.	The whole.
21	An Act respecting the Registration of Instruments relating to Lands.	The whole.
22	An Act to make further provision respecting the Registration of Land under The Land Titles Act.	The whole.
23	An Act to establish an Office of Land Titles for the District of Rainy River.	The whole, except sections 5 and 6.
25	An Act to amend the Act respecting Limited Partnerships.	The whole.
26	An Act to amend the Workmen's Compensation for Injuries Act, 1892.	The whole.
27	An Act to amend the Ontario Medical Act.	The whole.
28	An Act to amend the Pharmacy Act.	The whole.
29	An Act to amend the Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.	The whole.
33	An Act for the better prevention of Fraudulent Statements by Companies and others.	The whole.
35	The Municipal Amendment Act, 1893.	The whole.
36	An Act for the better Protection of Free Libraries.	The whole.
37	An Act to amend The Municipal Waterworks Act.	The whole.
38	The Assessment Amendment Act, 1893.	The whole.
39	An Act respecting Sales for Taxes in the Free Grant Territory.	The whole.
40	An Act to amend the Liquor License Act.	The whole.
41	An Act to enable the Electors of the Province to pronounce upon the desirability of prohibiting the Importation, Manufacture and Sale as a Beverage of Intoxicating Liquors.	The whole.
42	An Act for the better prevention of certain Diseases affecting Fruit Trees.	The whole.
43	An Act to further provide against the extermination of the plant called Ginseng.	The whole.
44	An Act to amend The Public Health Act.	The whole.
45	An Act for the Prevention of Cruelty to and better Protection of Children.	The whole.
46	An Act to amend the Act to impose a Tax on Dogs and for the protection of Sheep.	The whole.
47	An Act to amend the Act respecting Pounds.	The whole.
48	An Act to prevent Fraud in the Sale of Milk.	The whole.
49	An Act to amend and Consolidate the Laws for the Protection of Game and Fur-bearing Animals.	The whole.
50	An Act to amend The Industrial Schools Act.	The whole.
53	An Act relating to the Central Prison.	The whole.
55	An Act to amend the Act respecting Private Lunatic Asylums.	The whole.
56	An Act respecting Houses of Refuge for Females.	The whole.

57 VICTORIA.—1894.

2	An Act respecting the Representation of certain Cities in the Legislative Assembly.	The whole.

57 Vict. Chapter.	TITLE OF ACT.	Extent of Repeal.
4	An Act respecting the Registration of Manhood Suffrage and other Voters in Cities.	The whole.
5	An Act to amend the Ontario Election Act, 1892.	The whole.
7	An Act to secure the prompt punishment of persons guilty of Personation at Elections for the Legislative Assembly.	The whole.
8	An Act respecting the Election of Licensees of Timber Limits to the Legislative Assembly.	The whole.
9	An Act to amend the Act respecting the Fees of certain Public Officers.	The whole.
10	An Act to correct a clerical error in the schedule to the Act 56 Victoria chapter 5, respecting Sheriffs.	The whole.
11	An Act to provide for the final settlement of the Common School Fund.	The whole.
13	An Act respecting the Queen Victoria Niagara Falls Park.	The whole.
14	An Act relating to Algonquin Park and the township of Canisbay therein.	The whole.
15	An Act to establish a Provincial Park at Rondeau.	The whole.
16	An Act relating to Mines and Mining Lands.	The whole, except section 11.
18	An Act respecting allowances to the Supreme Court Judges of the Province.	The whole.
20	An Act to facilitate the local Administration of Justice in Certain Cases.	The whole.
21	An Act to extend the power of the High Court in respect of granting Maintenance to Infants.	The whole.
22	An Act to amend The Surrogate Courts Act.	The whole.
23	An Act to amend The Division Courts Act.	The whole.
24	An Act to enable Boards of Trade in Cities to appoint General Arbitors for certain purposes.	The whole, except sections 11 and 12.
25	An Act respecting Witness Fees.	The whole.
26	An Act respecting Writs of Execution.	The whole.
27	An Act respecting the Law of Libel.	The whole.
28	An Act to amend the Act respecting Police Magistrates.	The whole.
29	An Act respecting Deputy Police Magistrates.	The whole.
31	An Act respecting certain duties of Coroners.	The whole.
33	An Act to erect Nipissing into a Provisional Judicial District.	The whole, except sub-sec. 1 of sec. 13.
34	An Act to make further provision respecting Mortgages of Real Estate.	The whole.
35	An Act to amend The Registry Act, 1893.	The whole.
36	An Act to amend the Act for protecting the public interests in Rivers, Streams and Creeks.	The whole.
37	An Act respecting Mortgages and Sales of Personal Property.	The whole.
38	An Act to extend the operation of The Woodman's Lien for Wages Act.	The whole.
39	An Act to amend the Law respecting Contracts in relation to Goods entrusted to Agents.	The whole.
41	An Act to authorize Married Women under age to bar Dower.	The whole.
42	An Act respecting Councils of Conciliation and of Arbitration for settling Industrial Disputes.	The whole.
43	An Act to amend the Law of Landlord and Tenant.	The whole.
44	An Act respecting the admission of Barristers as Solicitors and respecting the Call of Solicitors to the Bar.	The whole.

57 Vict. Chapter.	TITLE OF ACT.	Extent of Repeal.
46	An Act to amend The General Road Companies' Act.	The whole.
50	The Municipal Amendment Act, 1894.	The whole.
51	The Assessment Amendment Act, 1894.	The whole.
52	An Act to amend the Act to regulate Travelling on Public Highways and Bridges.	The whole.
53	An Act to amend the Public Health Act.	The whole.
54	An Act to amend the Act providing against frauds in the supplying of Milk to Cheese or Butter Manufacturers.	The whole.
55	An Act respecting Ditches and Watercourses.	The whole.
56	An Act to consolidate and amend the Drainage Laws.	The whole.
57	An Act to amend the Ontario Game Protection Act, 1893.	The whole.
59	An Act to amend The Separate Schools Act.	The whole.
60	An Act respecting Upper Canada College.	The whole.

58 VICTORIA.—1895.

2	An Act respecting the Legal meaning of Expressions relative to Time.	The whole.
3	An Act to amend the City Manhood Suffrage Registration Act, 1894.	The whole.
4	An Act respecting the Election Laws.	The whole.
5	An Act respecting Road Allowances in the Rainy River Surveys.	The whole.
6	An Act to make provision for Temporary Vacancies in Public Offices.	The whole.
8	An Act to Amend the Algonquin National Park Act.	The whole.
9	An Act to Amend the Tile, Stone and Timber Drainage Act.	The whole.
10	An Act respecting the Department of Agriculture.	The whole
11	An Act to consolidate and amend the Agriculture and Arts Acts.	The whole.
12	An Act to consolidate the Acts governing the Supreme Court of Judicature of Ontario.	The whole.
13	An Act for diminishing Appeals and otherwise improving the Procedure of the Courts.	The whole.
14	An Act respecting Division Court Executions.	The whole.
15	An Act affecting Jurors and Juries.	The whole.
16	An Act respecting the verdicts of Jurors in civil causes in the High Court and other Courts.	The whole.
17	An Act respecting Coroners.	The whole.
18	An Act to amend the Act respecting the Fees of Counsel and other officers in the Administration of Justice.	The whole.
19	An Act to correct a clerical error in respect to a certain Form in the Act respecting Mortgages of Real Estate.	The whole.
20	An Act relating to Leases, Sales and Mortgages of Settled Estates.	The whole.
21	An Act making better provision for the Widows of Intestates in certain cases.	The whole.
22	An Act to amend the Registry Act.	The whole.
23	An Act to make further provision respecting Assignments for the Benefit of Creditors.	The whole.
24	An Act to amend The Bills of Sale and Chattel Mortgage Act, 1894.	The whole.
25	An Act respecting Dower in Mortgaged and other Property.	The whole.
26	An Act respecting the relations of Landlord and Tenant.	The whole except as to instruments executed before 31st December, 1897.
27	An Act to amend the Act to provide for the admission of Women to the Study and Practice of Law.	The whole.
29	An Act to amend the Pharmacy Act.	The whole.

58 Vict. Chapter.	TITLE OF ACT.	Extent of Repeal.
30	An Act respecting Veterinary Surgeons.	The whole.
31	An Act to amend the General Road Companies' Act.	The whole.
32	An Act respecting the Chartering of Trust Companies.	The whole.
35	An Act to amend the Railway Act of Ontario.	The whole.
38	An Act respecting Electric Railways.	The whole.
39	An Act to amend the Act respecting Benevolent, Provident and other Societies.	The whole.
40	An Act to amend the Act respecting Cemetery Companies.	The whole.
41	An Act respecting Cheese and Butter Manufacturing Associations.	The whole.
42	The Municipal Amendment Act, 1895.	The whole.
43	An Act respecting Municipal Arbitrations.	The whole except sec. 13.
44	An Act respecting Convictions under Municipal By-laws.	The whole.
45	An Act to amend and consolidate the Acts respecting Free Libraries and Mechanics' Institutes.	The whole,
46	An Act to amend the Municipal Light and Heat Act.	The whole,
47	The Assessment Amendment Act, 1895.	The whole.
48	An Act for the Prevention of Fraud in the sale of Fruit.	The whole.
49	An Act to make further provision for the Public health.	The whole.
50	An Act to make further provision respecting Factories.	The whole.
52	An Act for the Further Protection of Children.	The whole.
53	An Act to amend the Line Fences Act.	The whole.
54	An Act to amend the Ditches and Watercourses Act, 1894.	The whole.
55	An Act respecting certain County Drainage Works.	The whole.
56	An Act to amend the Ontario Game Protection Act, 1893.	The whole.
58	An Act to Empower the University of Toronto to deal with certain Upper Canada College Claims.	The whole.
59	An Act to amend the Industrial Schools Act.	The whole.
60	An Act respecting Aid to Charitable Institutions.	The whole.

59 VICT.—1896.

2	An Act respecting Voters' Lists in certain Cities.	The whole.
3	An Act to amend the Act respecting Voters' Lists in Unorganized Territories.	The whole.
4	An Act respecting the Office Hours of Sheriffs.	The whole.
5	An Act to make Further Provision for the Payment of Succession Duties in Certain Cases.	The whole.
7	An Act to amend the Public Lands Act.	The whole.
9	An Act to amend the Algonquin National Park Act.	The whole.
10	An Act to Authorize the Commissioners of the Queen Victoria Niagara Falls Park to grant certain lands to the Clifton Suspension Bridge Company.	The whole.
12	An Act relating to Crown Timber,	The whole.
13	An Act to make further provision respecting Mines and Mining.	The whole.
14	An Act to further improve the Agriculture and Arts Act, 1895,	The whole.
15	An Act to amend The Act respecting Veterinary Surgeons.	The whole.
17	An Act revising and consolidating the Acts respecting the Registration of Births, Marriages and Deaths.	The whole.
18	An Act to amend The Judicature Act, 1895, and the Law relating to the Superior Courts.	The whole.
19	The County Courts Act, 1896.	The whole.
20	An Act respecting Surrogate Courts.	The whole.
21	An Act respecting Disputes concerning Boundary Lines.	The whole.
22	An Act respecting the Estates of Insolvent Deceased Persons.	The whole.
23	An Act respecting Fraud by Debt Collectors.	The whole.
25	An Act respecting Fees of Jurors on Coroners' Inquests.	The whole.

59 Vict. Chapter.	TITLE OF ACT.	EXTENT OF REPEAL.
26	An Act respecting High and County Constables.	The whole.
27	An Act to authorize Police Constables to take Bail.	The whole.
28	An Act respecting the Quieting of Titles.	The whole.
29	An Act to amend The Registry Act, 1893.	The whole.
30	An Act to amend the Act respecting Mills and Mill-Dams.	The whole.
31	An Act as to certain proceedings under the Act respecting Assignments and Preferences by Insolvent Persons.	The whole.
32	An Act respecting Bills of Sale and Chattel Mortgages in Unorganized Districts.	The whole.
33	An Act respecting the Cost of Seizure of Goods under Chattel Mortgages.	The whole.
34	An Act respecting Antecedent Unregistered Agreements for Bills of Sale and Chattel Mortgages.	The whole.
35	An Act respecting Liens of Mechanics, Wage-Earners and others.	The whole, except section 52.
36	An Act to extend The Woodman's Lien for Wages Act.	The whole.
37	An Act to secure Payment of Wages for labour performed in the construction of Public Works.	The whole.
38	An Act for the Better Protection of Certain Classes of Workmen.	The whole.
39	An Act to consolidate the Acts respecting the Solemnization of Marriage.	The whole.
40	An Act relating to Dower in certain cases.	The whole.
41	An Act to amend the Act to Facilitate the Conveyance of Real Estate by Married Women.	The whole.
42	The Act respecting the Law of Landlord and Tenant.	The whole.
43	An Act respecting Road Companies.	The whole.
44	An Act affecting Timber Slide Companies.	The whole.
47	An Act respecting the Expropriation of Lands of the Province by Railway Companies.	The whole.
49	An Act to amend the Electric Railway Act.	The whole.
50	An Act to make further provisions respecting Street Railways.	The whole.
51	The Municipal Amendment Act, 1896.	The whole.
52	An Act to reduce the number of County Councillors.	The whole.
53	An Act to amend the Municipal Arbitrations Act.	The whole.
54	An Act respecting Provincial Municipal Auditors.	The whole.
55	An Act respecting Tax Sales in Unorganized Districts.	The whole.
57	An Act to improve the Laws respecting Public Libraries.	The whole.
58	The Assessment Amendment Act, 1896.	The whole.
59	An Act respecting Travelling Shows, Circuses and other Exhibitions.	The whole.
60	An Act revising and consolidating the Acts to Encourage the Planting and Growing of Trees.	The whole.
61	An Act respecting the Inspection of Fruit Trees.	The whole.
62	An Act to amend the Act to Prevent the Profanation of the Lord's Day.	The whole.
63	An Act to provide for the Inspection of Meat and Milk Supplies of Cities and Towns.	The whole.
65	An Act to amend The Line Fences Act.	The whole.
66	An Act to amend The Drainage Act, 1894.	The whole.
67	An Act to amend the Ditches and Watercourses Act, 1894.	The whole.
68	An Act to make further provision for the Protection of Game.	The whole.
69	An Act consolidating and revising the Laws respecting the Education Department.	The whole.
70	An Act consolidating and revising the Public Schools Acts.	The whole.
71	An Act consolidating and revising the Laws respecting High Schools and Collegiate Institutes.	The whole.
72	An Act revising certain Matters in the Separate Schools Act.	The whole.

59 Vict. Chapter.	TITLE OF ACT.	Extent of Repeal.
73	An Act to make further provision respecting Industrial Schools.	The whole.
74	An Act respecting the Industrial Refuge for Girls.	The whole.
75	An Act respecting Houses of Refuge.	The whole.

60 VICTORIA.—1897.

2	An Act to make further provision respecting the Interpretation and Construction of Statutes.	The whole.
4	An Act relating to the Election of Members of the Legislative Assembly.	The whole, except section 1.
5	An Act respecting the Government House Property.	The whole.
6	An Act in relation to Rondeau Provincial Park.	The whole.
7	An Act for the removal from Crown Lands of persons unlawfully thereon.	The whole.
8	An Act to further improve the Mining Laws.	The whole.
9	An Act respecting the Fisheries of Ontario.	The whole.
10	An Act to further improve the Act respecting the Department of Agriculture.	The whole.
11	An Act to amend the Agriculture and Arts Act 1895.	The whole except subsecs. 4 and 5 of section 3.
12	An Act to amend the Law respecting the Registration of Vital Statistics.	The whole.
13	An Act respecting the Court of Appeal of Ontario.	The whole.
14	An Act to make certain amendments to the Statute Law.	The whole except sections 15 and 74.
15	An Act to amend various Statutes in view of the Statute Revision.	The whole.
16	An Act for amending and consolidating the Enactments respecting References and Arbitration.	The whole, except subsection 1 of section 51.
17	An Act respecting Evidence.	The whole.
18	An Act respecting the sale under Execution of interests in Church Pews.	The whole.
19	An Act to amend and consolidate the Acts respecting the Administration of Justice in those portions of the Province, outside of County Organization.	The whole, except section 93.
20	An Act to amend The Wills Act of Ontario.	The whole.
21	An Act with reference to the registration of Instruments in respect of Unpatented lands, and the valuation of Mining lands for the purpose of Assurance under The Land Titles Act.	The whole.
22	An Act to amend The Married Women's Property Act.	The whole.
23	An Act respecting Wages and the Estates of Deceased Persons.	The whole.
24	An Act to amend the Mechanics' and Wage Earners' Lien Act, 1896.	The whole.
25	An Act to improve The Trade Disputes Act, 1894.	The whole.
27	An Act respecting Land Surveyors and the survey of lands.	The whole.
28	An Act respecting the Incorporation and Regulation of Joint Stock Companies.	The whole, except section 104.
29	An Act respecting the Incorporation and Regulation of Mining Companies.	The whole.
30	An Act to amend the General Road Companies' Act.	The whole.

60 Vict. Chapter.	TITLE OF ACT.	Extent of Repeal.
31	An Act to amend the General Road Companies' Act.	The whole.
32	An Act to amend the General Road Companies' Act.	The whole.
33	An Act to amend the Act respecting Joint Stock Companies for the Construction of Piers, Wharves, Dry Docks and Harbours.	The whole.
34	An Act to amend the Act respecting Joint Stock Companies for the erection of Exhibition Buildings.	The whole.
35	An Act to amend the Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.	The whole.
36	An Act to consolidate and amend the Acts respecting Insurance.	The whole, except subsec. 4 of sec. 198.
37	An Act respecting Trust Companies.	The whole.
38	An Act to consolidate and amend the law respecting Building Societies and other Loan Corporations.	The whole.
39	An Act to amend the Act respecting Cheese and Butter Manufacturing Associations.	The whole.
41	An Act to encourage the manufacture of Railway Steel and Iron in the Province.	The whole.
42	An Act to amend the Act respecting Cemetery Companies.	The whole.
43	An Act respecting Cemetery Companies.	The whole.
44	An Act respecting the Changing of the Names of Incorporated Companies.	The whole.
45	The Municipal Amendment Act, 1897.	The whole, except subsec. 3*b* of sec. 43, and subsequent part of section.
46	An Act to amend the Municipal Arbitrations Act.	The whole.
47	An Act respecting a Short Form of certain Municipal By-laws.	The whole.
48	An Act to make better provision for keeping and auditing Municipal and School Accounts.	The whole.
49	The Assessment Amendment Act, 1897.	The whole.
50	An Act further to improve the License Laws.	The whole.
51	An Act respecting Shops and places other than factories.	The whole.
52	An Act to regulate Maternity Boarding Houses and for the Protection of Infant Children.	The whole.
53	An Act to regulate the Immigration into Ontario of certain classes of Children.	The whole.
54	An Act to amend the Ontario Game Protection Act, 1893.	The whole.
55	An Act respecting Roads laid out along side lines in certain Townships.	The whole.
56	An Act to amend the Act to regulate Travelling on Public Highways and Bridges.	The whole.
57	An Act relating to Bicycle Paths.	The whole.
58	An Act respecting Technical Schools.	The whole.

APPENDIX.

SCHEDULE B.

SHEWING ACTS AND PARTS OF ACTS CONSOLIDATED IN THE REVISED STATUTES OF ONTARIO, 1897, AND SHEWING ALSO WHAT PORTIONS OF THE REVISED STATUTES OF 1887 AND SUBSEQUENT PUBLIC GENERAL STATUTES ARE NOT CONSOLIDATED.

ABREVIATIONS.—Rule, *Rule in Consolidated Rules of Supreme Court of Judicature, 1897*; Sup., *Superseded by*; Rep., *Repealed by*; Replg. sec., *Repealing section, or clause*; Not consol., *Not consolidated.*

CON. STAT. CANADA.

Chapter.	Sec.	Consolidated. Chap.	Sec.	Page.	Remarks.
39	1	249	18	3085	

29-30 VICT. 1866, CANADA.

Chapter.	Section.	Consolidated. Chap.	Sec.	Page.	Remarks.
51	214, 217	223	429 (3)	2503	

48 VICT. 1885.

Chapter.	Section.	Consolidated. Chap.	Sec.	Page.	Remarks.
21	1	.....	.....	.....	Spent.
	2	45	10	532	
	3,4	.....	.....	.....	Sup. 50 V. c. 13, s. 2.
	5-11	.....	.....	.....	Spent.
	12-15	.....	.....	.....	Rep. 50 V. c. 21, s. 16.
	16-21	.....	.....	.....	Spent.
	22	45	10	532	
	23	.....	.....	.....	Spent.

50 VICT. 1887.

Chapter.	Section.	Consolidated. Chap.	Sec.	Page.	Remarks.
13	1	45	1	530	
	2		2	"	
	3 (1,4)		3	531	
	(2-3)	.....	.....	.....	Spent.
	4 (1-2)		6 (1)	531	Spent in part.
	(3)	.....	.....	.....	Left unconsolidated.
	(4-6)	.....	.....	.....	Spent.
	(7)		6 (2)	532	
	(8)	.....	.....	.....	Spent.
	5		4	531	
	6		9	532	
	7 (1-5)		11	533	
	(6)	.....	.....	.....	Spent.
	8		12	533	
	9		13	534	
	10		14	"	
	11		15	"	
	12		16	535	
	13		17	"	
	14,15		18	"	
	16	.....	.....	.....	Spent.

R. S. O. 1887.

Chapter.	Section.	Consolidated. Chap.	Sec.	Page.	Remarks.
1	1	1	1	2	
	2		2	"	

R. S. O. 1887.		Consolidated.			Remarks.
Chapter.	Section.	Chap.	Sec	Page.	
1	3	1	3	2	
	4		4	3	
	5		5	"	
	6		6	"	
	7		7	"	
	8		8	"	
	1-17		1-17	"	
	18	.....	.....	.....	Rep. 60 V. c. 2, s. 2.
	19-35		19-35	5	
	36		38	8	
	37		39	"	Rep. in part, 60 V. c. 17, s 9.
	38-39		40-41	"	
	40-41		45-46	9	
	42-46		49-53	10	
	47-48		58-59	11	
	9		9	"	
	10		10	"	
	11		12	"	
2	1	2	1	12	
	2		2	"	
	3		3	"	
	4		4	13	
	5		5	"	
	6		6	"	
	7		7	"	
3	.....	.....	.....	.....	Sup. Imp. Act, 52-53 V. c. 28.
4	.....	.....	.....	.....	Sup. Imp. Act, 52-53 V. c. 28.
5	1	3	1	14	
	1-44		1-44	15	
	45-49		46-50	31	
	2		2	36	
	3		3	37	
	4		4	"	
	5		5	"	
	6		6	"	
	7		7	38	
	8		8	"	
	9		9	"	
	10		10	"	
	11		11	"	
	12		12	39	
	13		13	"	
	14		15	"	
6	1	4	1	40	
	2		2	"	
	3		3	"	
	4		4	41	
	5		5	"	
	6		9	42	
	7		10	43	
	8		11	"	

R. S. O. 1887.		Consolidated.			Remarks.
Chapter.	Section.	Chap.	Sec.	Page.	
6	9	4	12	43	
	10		13	"	
	11		14	"	
	12		15	44	
	13		16	"	
	14		17	"	
	15		18	"	
	16		19	"	
	17		20	45	
	18		21	"	
	19		22	"	
	20		23	"	
	21		24	"	
	22		25	"	
	23	.....	.....	.....	Sup. 59 V. 32, s. 1 (27).
	24		26	45	
	25		27	46	
	26		28	"	
	27		29	"	
7	1	6	1	51	
	2		2	"	
	3		3	52	
	4		4	"	
	5		5	"	
	6		6	"	
	7		7	"	
	8		8	"	
	9 (1)		9	"	
	(2-4)	.....	.....	.....	Sup. 51 V. 4, s 2.
	10		10	53	
	11		11	"	
	12 (1)		12	"	
	(2)	9	98 (1c)	165	
	13	6	13	53	
	14		14 (1)	"	
	1-2		(2)	54	
	3-5		(3)	"	
	6-7		(4)	"	
	8-9		(5)	"	
	10-11		(6)	55	
	12-14		(7)	"	
	15-17		(8)	"	
	18-20		(9)	56	
	21-22		(10)	"	
	23-24		(11)	"	
	25-26		(12)	57	
	27-29		(13)	"	
	30-31		(14)	"	
	32-33		(15)	"	
	34-35		(16)	58	
	36-37		(17)	"	
	38-39		(18)	"	
	40-41		(19)	"	
	42-43		(20)	59	
	44-46		(21)	"	
	47-48		(22)	"	
	49-50		(23)	60	
	51-53		(24)	"	
	54-55		(25)	61	
	56-58		(26)	"	

R. S. O. 1887.						R. O. S. 1887.					
Chapter.	Section.	Consolidated. Chap.	Sec.	Page.	Remarks.	Chapter.	Section.	Consolidated. Chap.	Sec.	Page.	Remarks.
7	15	6	15	"		10	45	11	46	238	
	59-80		59-80	"			46		47	239	
	81-83		82-84	64			47		48	"	
	84		....	....	Sup. 57 V. c. 2, s. 4.		48		49	"	
	85	.....	....	....	Sup. 57 V. c 2, s. 3.		49		50	"	
							50		51	"	
							51		52	240	
							52		53	"	
	86	...	.....	....	Sup. 57 V. c. 2, s. 2.		53		54	"	
							54		55	"	
	87	6	15 86	64			55		56	241	
	88	.....	.....	....	Sup 57 V. c. 2, s. 1.		56		57	"	
							57		58	242	
8	.....	...	.....	....	Rep. 52 V. c. 3, s. 1 (3).		58		59	"	
							59		60	"	
9	... .	.....	....	....	Sup. 55 V. c. 3.		60		61	"	
							61		62	"	
							62		63	"	
10	1	11	1	230			63	.....	... ...	....	Rep. 54 V. c. 6, s. 2.
	2		2	"							
	3		3	231			64		65	243	
	4		4	"			65		66	"	
	5		5	"			66		67	"	
	6		6	"			67		68	"	
	7		7	"			68		69	"	
	8		8	232			69		70	244	
	9		9	"			70		71	"	
	10		10	"			71		72	"	
	11		11	"			72		73	"	
							73		74	"	
	12	.....	.....	....	Rep. 54 V. c. 6, s 1.		74		76	245	
							75		77	"	
	13		13	233			76		78	"	
	14		14	"			77		79	"	
	15		15	"			78		80	"	
	16		16	"			79		81	"	
	17		17	234			80		82	"	
	18		18	"			81		83	246	
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	21		21	235			84		86	"	
	22		22	"			85		87	"	
	23		23	"			86		88	"	
	24		24	"			87		89	247	
	25		25	"			88		90	"	
	26		26	236			89		91	"	
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	30		30	"			93		95	"	
	31		31	"			94		96	"	
	32		32	"			95		97	248	
	33		33	237			96		98	"	
	34		34	"			97		99	"	
	35		35	"			98		100	"	
	36		36	"			99		101	"	
	37		37	"			100		102	249	
	38		38	"			101		104	"	
	39		39	238			102		105	250	
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	41		42	"			104		107	"	
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	43		44	"			106		109	251	
	44		45	"							

R. S. O. 1887.		Consolidated.			Remarks.
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10	107	11	110	251	
	108		111	"	
	109		112	"	
	110		113	252	
	111		114	"	
	112	...	...	...	Rep. 58 V c. 4, s. 20.
	113		116	"	
	114		117	"	
	115		118	252	
	Sch. A		Sch. A	253	
	Sch. B		Sch. B	254	
11	1	12	1	256	
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	3		3	"	
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	31		40	266	
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	34		42	"	
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	38		47	"	
	39		48	267	
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	46		55	268	
	47		56	"	
	48		57	"	
	49		58	269	

R. S. O. 1887.		Consolidated.			Remarks.
Chapter.	Section.	Chap.	Sec.	Page.	
11	50	12	59	269	
	51		60	270	
	52		61	"	
	53		62	"	
	54		63	"	
	55		64	"	
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	67		76	"	
	68		77	273	
	69		78	"	
	70		79	"	
	71		80	"	
	Sch. A		Sch. A	"	
	Sch. B		Sch. B	274	
	Sch. C		Sch. C	"	
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	2		5	276	
13	1	14	1	277	
	2		2	"	
	3		3	"	
	4		4	"	
14	1	15	1	278	
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	4		4	279	
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	7		7	"	
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	16		16	282	
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	18		18	"	
	19		19	283	
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	22		22	"	
	23		23	284	
	24		24	"	
	25		25	"	
	26		26	"	

R. S. O. 1887.		Consolidated.			Remarks.
Chapter.	Section.	Chap.	Sec.	Page.	
14	27	15	27	284	
	28		28	"	
	29		29	"	
	30		30	285	
	31		31	"	
	32		32	"	
	33		33	"	
	34		34	286	
	35		35	"	
	36		36	"	
	37		37	"	
	Sched.		Sched.	"	
15	1	16	1	287	
	2		2	288	
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	4		4	"	
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	15		15	293	
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	18		18	294	
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	22		22	"	
	23		23	"	
	24		24	"	
	25		25	295	
	26		26	"	
	27		27	"	
	28		29	296	
	29		30	"	
	Sch. A		Sch. A	297	
	Sch. B		Sch B	"	
16	1 (1)	17	1	298	
	(2-3)		2	"	
	2		10	301	
	3		11	"	
	4		12	"	
	5		13	302	
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	7		15	"	
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	10		18	303	
	11		19	"	
	12		20	"	
	13		21	"	
	14		22	304	
	15		23	"	

R. S. O. 1887.		Consolidated.			Remarks.
Chapter.	Section.	Chap	Sec.	Page.	
16	16	17	24	304	
	17		25	"	
	18		26	"	
	19		27	"	
	20		28	305	
	21		29	"	
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	25		33	306	
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	32		40	307	
	33		41	"	
	34		42	"	
	35	.....	.....	.....	Rep. 59 V. c. 4, s. 1.
	36		44	308	
	37		45	"	
	38		46	"	
	39		47	"	
	40		48	309	
	41		50	"	
	42		51	"	
	43		52	310	
	44	223	52 (3)	2371	
	45		53	310	
	46		56	311	
	47		57	"	
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	49		59	312	
	50		60	"	
	51		61	"	
	52		62	313	
	Sch. A		Sch. A	"	
	Sch. B		Sch. B	"	
	Sch. C		Sch. C	314	
17	1	19	1	318	
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	3		3	322	
	4		5	"	
	5		6	"	
	6		7	"	

R. S. O 1887.		Consolidated.			Remarks.
Chapter.	Section.	Chap.	Sec.	Page.	
20	1	22	1	323	
	2		2	"	
	3		3	324	
	4		4	"	
	5		5	"	
	6		6	"	
	7(1-2)		7(1-2)	325	
	(3)	73	24	879	Sup. in part, 60 V. c. 17, s. 3.
	8	22	8	325	
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	25		25	"	
	26		26	339	
	27		27	"	
	28		28	"	

R. S. O. 1887.		Consolidated.			Remarks.
Chapter.	Section.	Chap.	Sec.	Page.	
22	1	25	1	350	
	2		2	"	
	3		3	"	
	4		4	"	
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	30		33	"	
	31		34	"	
	32		35	"	

R. S. O. 1887.		Consolidated.			Remarks.
Chapter.	Section.	Chap.	Sec.	Page.	
24	1	28	1	367	
	2		2	"	
	3		3	"	
	4		4	"	
	5		5	"	
	6		6	"	
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	25		27	"	
	26		28	"	
	27		29	374	
	28		30	"	
	29		31	"	
	30		32	"	
	31		33	"	
	32		34	375	
	33		35	"	
	34		36	"	
	35		37	"	
	36		38	"	
	37		39	"	
	38		40	376	
	39		41	"	
	40		42	377	
	41		43	"	
	42		44	"	
	43		45	"	
	44		46	"	
	45		47	378	
	46		48	"	
	47		49	"	
25	1	29	1	379	
	2		2	"	
	3		3	"	
	4		4	380	
	5		5	"	
	6		6	"	
	7		7	"	
	8		8	381	
	9		9	"	
	10		13	382	
	11		14	383	
	12	...	.....	....	Rep. 53 V. c. 6, s. 1.
	13		16	383	

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	15		18	"	
	16		19	"	
	17		20	"	
	18		23	385	
	19		24	"	
	20		25	"	
	21		26	386	
	22(1-2)	.....	27(1-2)	"	
	(3-4)	....	.....	....	Rep. 53 V. c. 6, s. 6.
	23		28	386	
	24		29	"	
26	1	30	1	387	
	2		2	"	
	3		3	388	
	4		4	"	
	1		5	"	
	2		6	"	
	3		7	"	
	4		8	"	
	5		9	"	
	6		10	"	
	7		11	389	
	8		12	"	
	9		13	"	
	5	.....	.....	.....	Spent.
27	1	31	1	390	
	2		2	"	
	3		3	391	
	4		4	"	
	5		5	"	
	6		6	"	
	7		7	"	
	8		8	"	
	9		9	"	
	10		10	"	
	11		11	392	
	12		12	"	
	13		13	"	
	14		14	"	
	15		15	393	
	16		16	"	
	17		17	"	
	18		18	"	
	19		19	394	
	20		20	"	
	21		21	"	
	22		22	"	
	23		23	"	
	24		24	395	
	25		25	"	
	26		26	"	
	27		28	396	
	28		27	395	
	29		29	396	
	30		30	"	
	31		31	"	

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	33		33	"	
	34		34	"	
	35		35	"	
28	1	32	2	398	
	2		3	"	
	3		7	399	
	4		8	"	
	5		9	400	
	6		10	"	
	7		11	"	
	8		12	"	
	9		13	401	
	10		15	"	
	11 (1)	.....	.....	.....	Rep. 59 V. c. 12, s. 1.
	(2)		16 (2)	402	
	12		17	"	
	13		18	"	
	14 (1)		19 (1)	"	
	(2)	.....	.....	.....	Rep. 59 V. c. 12, s. 2.
	(3-4)		19(3-4)	402	
	15		20	403	
	16		21	"	
	17		22	"	
	18		23	"	
	19		24	"	
	20	.....	.....	.....	Rep. 59 V. c. 12, s. 3.
	21		26	404	
29	1	33	1	406	
	2		2	"	
	3		3	407	
	4		4	"	
	5		5	"	
	6		6	"	
	7		7	408	
	8		8	"	
	9		9	"	
	10		10	"	
	11		11	409	
	12		12	"	
	13		13	"	
	14		14	"	
	15		15	"	
	16		16	"	
	17		17	410	
	18		18	"	
	19		19	"	
	20		20	"	
	Sch. A		Sch. A	412	
	Sch. B		Sch. B	413	
30	1	34	1	414	
	2		2	"	
	3		3	"	
	4		4	"	
	5		5	415	

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31	.....	.....	.....	.....	Rep. 55 V. c. 9, s. 76.
32	.....	.....	.....	.....	Not consolidated; to be repealed on Rev. Stat. c. 288, going into force, see sec. 62 of that Act.
33	1	37	1	450	
	2		2	451	
	3		3	"	
	4		4	"	
	5		5	"	
	6		6	"	
	7		7	"	
	8		8	452	
	9		9	"	
	10		10	"	
	11		11	"	
	12		12	453	
	13		13	"	
	14		14	"	
	15		15	"	
	16		16	"	
	17		17	454	
	18		18	"	
	19		19	"	
	20		20	"	
	21		21	"	
	22		22	"	
	23		23	"	
	24		24	455	
	25		25	"	
	26		26	"	
	27		27	"	
	28		28	456	
	29		29	"	
	30		30	"	
	31		31	457	
	32		32	"	
	33		33	"	
	34		34	"	
	35		35	"	
	36		36	458	
	37		37	"	
	38		38	"	
	39		39	"	
	40		40	459	
	41		41	"	
	42		42	"	
	43		43	"	
	44		44	"	
	45		45	460	
	46		46	"	
	47		47	"	
	48		48	"	

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	50		50	461	
	51		51	"	
	52		52	"	
	53		53	"	
	54		54	462	
	55		55	"	
	56		56	"	
	57		57	"	
	58		58	"	
	59		59	463	
	60		60	"	
	61		61	"	
	62		62	"	
	63		63	464	
	64		64	"	
	65		65	"	
	66		66	"	
	67		67	"	
	68		68	465	
	69		69	"	
	70		70	"	
	71		71	"	
	72		72	"	
34	1	38	1	466	
	2		2	"	
	3		3	467	
	4		4	"	
	5		5	"	
	6		6	468	
	7		7	"	
	8		8	"	
	9		9	"	
	10		10	"	
	11		11	469	
	12		12	"	
	13		13	"	
	14		14	"	
	15		15	470	
	16		16	"	
35	1	39	1	471	
	2		2	472	
	3		3	"	
	4		4	473	
	5		5	"	
	6		6	"	
	7		7	474	
	8		8	"	
	9		9	"	
	10		10	475	
	11		11	"	
	12		12	"	
	13		13	"	
	14		14	"	
36	.....	.....	.....	.....	Not consolidated.

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37	1	40	1	476	
	2		2	"	
	3		3	477	
	4		4	"	
	5		5	"	
	6		6	"	
	7		7	"	
	8		8	"	
	Sch. A		Sch. A	479	
	Sch. B		Sch. B	"	
38	1	41	1	481	
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	3		3	482	
	4		4	"	
	5		5	"	
	6		6	"	
	7		7	"	
	8	.....	.....	.....	Rep. 58 V. c. 9, s. 1.
	9		9	483	
	10		10	"	
	11		11	"	
	12		12	"	
	13		13	"	
	14		14	484	
	15		15	"	
	16		16	"	
	17		17	"	
	18		18	"	
	19		19	"	
	20		20	485	
	21		21	486	
	Sched.		Sched.	"	
39	.....	.....	.....	.....	Rep. 58 V. c. 11, s. 50.
40	.....	.....	.....	.....	Rep. 59 V. c. 17, s. 34.
41	1	48	1	549	
	2		2	"	
	3		3	"	
	4		4	"	
	5		5	550	
	6		7	"	
42	1	49	1	551	
	2	.....	.....	.....	Rep. 60 V. c. 14, s. 1.
	3		3	552	
43	1	50	1	553	

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44	.....	.....	.....	.....	Rep. 58 V. c. 12, s. 192 and Sched.
45	1	53	1	610	
	2		2	"	
	3		3	"	
	4		4	"	
	5		5	611	
	6		6	"	
46	1	54	1	612	
	2		2	"	
	3		3	"	
	4 (1)		4	"	
	(2)		5 (1)	613	
	5		7	614	
	6		8	"	
	7		9	"	
	8		10	"	
	9		11	"	
	10		12	"	
	11		13	615	
	12		14	"	
	13		15	"	
	14		16	"	
	15		17	616	
	16		18	"	
	17		19	"	
	18		20	"	
	19		21	617	
	20		22	"	
	21		23	"	
	22		24	"	
	23		25	618	
	24		26	"	
	25		27	"	
	26		28	619	
47	1	55	1	620	
	2		2	"	
	3		3	"	
	4		5	621	
	5		6	"	
	6		7	"	
	7		9	"	
	8		10	"	
	9		11	622	
	10		12	"	
	11		13	"	
	12		14	"	
	13 (1)		15	623	
	(2)		16	"	
	14		17	"	
	15		19	"	
	16		20	"	
	17		21	624	
	18	.....	.....	.....	Rep. 59 V. c. 19, s. 1.

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	(2)		36 (2)	629	
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	22		29	627	
	23 (1)	.....	.....	.....	Rep. 59 V. c. 19, s. 9.
	(2-3)		30(2-3)	627	
	24		33	628	
	25		34	629	
	26		37	"	
	27	.....	.....	.....	Rep. 59 V. c. 19, s. 11.
	28		40	630	
	29		41	"	
	30		42	"	
	31		43	631	
	32		44	"	
	33		45	"	
	34	. .	.....	.....	Rep. 60 V. c. 15, s. 2.
	35		47	"	
	36		48	632	
	37		49	"	
	38		31	628	
	39		35	629	
	40		50	632	
	41	....	....	.....	Rep. 58 V. c. 13, s. 44.
	42		52	633	
	43		53	"	Rep. in part, 58 V. c. 13, s. 44, (3).
	44	.....	.....	.....	Rep. 58 V. c. 13, s. 44.
	45		56	633	
	46-50	...	.....	....	Rep. 58 V. c. 13, s. 44, (7).
	51		55	633	Rep. in part, 58 V c. 13, s. 44, (5).
	52		57	634	Rep. in part, 58 V. c. 13, s. 44, (6).
	53		58	"	
	54		59	"	
	55		60	"	
48	1	56	1	635	
	2		2	"	
	3		3	"	
	4		4	"	
	5		5	636	
	6		6	"	
	7		7	"	
	8		8	"	

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	10		10	"	
	11		11	"	
	12		12	637	
49	1	57	1	638	
	2		2	"	
50	1	59	1	640	
	2		2	"	
	3		3	641	
	4		4	"	
	5		5	"	
	6		6	"	
	7		7	"	
	8		8	642	
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	10		10	"	
	11		11	642	
	12		13	643	
	13		14	"	
	14		15	"	
	15		16	644	
	16		17	"	
	17		18	"	
	18 (1-3)		19 (1-3)	645	
	(4)		21	"	
	19		32	648	
	20		22	646	
	21		23	"	
	22		24	"	
	23		25	"	
	24		26	647	
	25		27	"	
	26		28	"	
	27		29	648	
	28		30	"	
	29		31	"	
	30		33	649	
	31		34	"	
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	34		37	650	
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	37		40	651	
	38		41	"	
	39		42	"	
	40		43	652	
	41		44	"	
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	43		46	"	
	44		47	"	
	45		48	"	
	46		49	653	
	47		50	"	
	48		51	"	
	49		52	"	
	50		53	"	
	51		54	"	
	52		55	654	

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	55		58	"	
	56		59	655	
	57		60	"	
	58		61	656	
	59		62	"	
	60		63	"	
	61		64	"	
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	63		68	657	
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	65		70	658	
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	67		74	659	
	68		75	"	
	69		76	660	
	70		80	661	
	71		81	"	
	72		82	"	
	73 (1-4)		83	"	
	(5)		84	662	
	74		85	"	
	75		86 (1)	"	
	76		86(2-4)	"	
	77		87	663	
	78 (1)		88	"	
	(2)	. .	.....	....	Sup. New Rules.
	Sch. A.		Sch. A.	663	
	Sch. B.		Sch. B.	664	
51	1	60	1	665	
	2		2	"	
	3		3	666	
	4		4	"	
	5		5	"	
	6		6	"	
	7		7	"	
	8		8	"	
	9		9	"	
	10		11	667	
	11		12	"	
	12		13	"	
	13		15	668	
	14		16	"	
	15		17	"	
	16		18	669	
	17		19	"	
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	21		22	670	
	22		23	"	
	23		24	"	
	24		25	"	
	25		26	"	
	26		27	671	
	27		28	"	
	28		29	"	
	29		30	"	
	30		31	"	

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	32		33	"	
	33		34	672	
	34		35	"	
	35		36	"	
	36		37	"	
	37		38	673	
	38		39	"	
	39		40	"	
	40		41	"	
	41	....	.....	....	Rep. 55 V. c. 11, s. 2.
	42		43	674	
	43		42 (4)	"	
	44		44	"	
	45		45	"	
	46		47	"	
	47		49	675	
	48		50	"	
	49		51	"	
	50		52	"	
	51		54	676	
	52		55	"	
	53		56	677	
	54		58	678	
	55		59	"	
	56		60	"	
	57		61	"	
	58		62	679	
	59	18	4	316	
	60		5	316	
	61	60	63	679	
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	63		65	"	
	64		66	680	
	65		67	"	
	66		68	"	
	67		69	"	
	68		70	"	
	69		71	"	
	70		72 73	681	
	71		74	682	
	72		72 (5)	"	
	73		75		
	74		76	683	
	75		77	"	
	76		78	"	
	77		79	"	
	78		80	683	
	79		82	684	
	80		83	"	
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	82		85	"	
	83		86	685	
	84		88	686	
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	86		90	"	
	87		91	687	
	88		92	"	
	89		93	688	
	90		94	"	
	91		95	"	
	92		96	"	
	93		97	689	

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	95		99	"	
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	98		102	689	
	99		103	690	
	100		104	"	
	101		105	"	
	102		106	"	
	103		107	691	
	104		108	"	
	105		109	"	
	106		110	"	
	107		111	"	
	108		112	692	
	109 (1)		113	693	
	(2, 3)		114	"	
	110		115	694	
	111(1,7)	.....	.....	....	Rep. 60 V. c. 14, ss. 6, 7. except as to actions pending.
	(2-6)		116		
	112		117	695	
	113		118	"	
	114		120	696	
	115		121	"	
	116		122	"	
	117		123	"	
	118		124	"	
	119		125	697	
	120		126	"	
	121		127	"	
	122		128	"	
	123		129	"	
	124		130	"	
	125		131	698	
	126		132	"	
	127		133	"	
	128		134	"	
	129		135	"	
	130		136	699	
	131		137	"	
	132		138	"	
	133		139	"	
	134		140	700	
	135		141	700	
	136		142	"	
	137		143	"	
	138		144	"	
	139		145	701	
	140	.....	.....	...	Rep. 52 V. c. 12, s. 14.
	141		147	701	
	142		148	"	
	143		149	"	
	144		150	702	
	145	....	151, 152 (1)	"	
	146		152 (2)	"	
	147		153	"	
	148		154	"	

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							203		209	"	
							204		210	"	
	150		156	703			205		211	"	
	151		157	"			206		212	"	
	152	.....	.....	.....	Rep. 58. V c. 13, s. 47 (4).		207		213	"	
							208		214	718	
							209		215	"	
	153		159	704	Rep. in part 58 V. c. 13, s. 47 (5).		210		216	"	
							211		217	"	
							212		218	719	
							213		219	"	
	154		160	"			214		220	"	
	155		161	705			215		221	"	
	156		162	"			216		222	"	
	157	.....	.....	.....	Rep. 52 V. c. 12, s. 17.		217		223	"	
							218		225	720	
	158	.....	.....		Rep. 52 V. c. 12, s. 18.		219		226	721	
							220		227	"	
	159	.....	.....	.....	Rep. 52 V. c. 12, s. 19.		221		228	"	
							222		229	"	
	160		166	706			223–226		.....	.....	Rep. 57 V. c. 23, s. 8.
	161		167	"							
	162		168	"			227		233	723	
	163	61	8	748			228		234	"	
	164	...	.....	.....	Rep. 52 V. c. 12, s. 21.		229		235	"	
							230		236	"	
	165		170	707			231		237	"	
	166		171	"			232		238	"	
	167		172, 173	"			233		239	724	
	168		174	708			234		240	"	
	169		175	"			235		243 (1)	"	
	170		176	"			236		243 (2)	725	
	171		177	"			237		244	"	
	172		178	709			238		245	"	
	173		179	"			239		246	"	
	174		180	"			240		247	"	
	175		181	"			241		248	726	
	176		205	716			242		249	"	
	177		182	710			243		250	"	
	178		183	"			244		251	727	
	179		184	"			245		252	"	
	180		185	711			246		253	"	
	181		186	"			247		254	"	
	182		187	"							
	183		188	"			248	.....	.....	.....	Rep. 55 V. c. 11, s. 4.
	184		189	"			249		257	728	
	185		190	712			250		258	"	
	186		191	"			251		259	"	
	187		192	"			252		260	729	
	188		193	713			253		261	"	
	189		194	714			254		262	"	
	190		195	"			255		263	"	
	191		196	"			256		264	"	
	192		197	"			257		265	"	
	193		198	715			258		266	"	
	194		199	"			259		267	730	
	195		200	"			260		268	"	
	196		201	"			261		269	"	
	197		202	"			262		270	"	
	198		203	716			263		271	731	
	199		204	"			264		272	"	
	200		206	"			265		273	"	
	201		207	717			266		274	"	

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51	267	60	275	732		52	24	61	24	753	
	268		276	"			25		25	"	
	269		277	"			26		26	754	
	270		278	733			27		27	"	
	271		279	734			28		28	"	
	272		280	"			29		29	755	
	273		281	"			30		30	"	
	274		282	"			31		31	"	
	275		283	"			32		32	"	
	276		284	735			33		33	"	
	277		285	"			34		34	756	
	278		286	"			35		35	"	
	279		287	736			36		36	"	
	280		288	"			37		37	"	
	281		289	"			38		38	"	
	282		290	"			39		39	757	
	283		291	"			40		40	"	
	284		292	"			41		41	"	
	285		293	737			42		42	"	
	286		294	"			43		43	"	
	287		295	"			44		44	758	
	288		296	"			45		45	"	
	289		297	738			46		46	"	
	290		298	"			47		47	759	
	291		299	"			48		48	"	
	292		300	"			49		49	"	
	293		301	"			50		50	"	
	294		302	"			51		51	"	
	295		303	739			52		52	760	
	296		304	"			53		53	"	
	297		305	"			54		54	"	
	298		306	"			55		55	761	
	299		307	740			56		56	"	
	300		308	"			57		57	"	
	301		309	"			58		58	"	
	302		310	"			59		59	"	
	303		311	"			60		60	"	
	304		312	"			61		61	762	
	Sched.		Sched.	741			62		62	"	
							63		63	"	
							64		64	"	
52	1	61	1	744			65		65	763	
	2		2	"			66		66	"	
	3		3	745			67		67	"	
	4		4	"			68		68	764	
	5		5	"			69		69	764	
	6		6	"			70		70	"	
	7		7	747			71		71	"	
	8		8	748			72		72	"	
	9		9	"			73		73	765	
	10		10	"			74		74	"	
	11		11	"			75		75	766	
	12		12	749			76		76	"	
	13		13	"			77		77	"	
	14		14	"			78		78	"	
	15		15	"			79		80	767	
	16		16	750			80		81	"	
	17		17	"			81		82	"	
	18		18	"			82		83	768	
	19		19	"			83		84	"	
	20		20	"			84		85	"	
	21		21	"			85		86	769	
	22		22	751			86		87	"	
	23		23	752			87		88	"	

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52	88	61	89	769		52	152	61	154	787	
	89		90	"			153		155	"	
	90		91	"			154		156	788	
	91		92	770			155		157	"	
	92		93	"			156		158	"	
	93		95	771			157		159	"	
	94		96	772			158		160	"	
	95		97	"			159		161	789	
	96		98	"			160		162	"	
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	98		100	"			162		164	"	
	99		101	773			163		165	"	
	100		102	"			164		166	791	
	101		103	"			165		167	"	
	102		104	"			166		168	"	
	103		105	774			167		169	"	
	104		106	"			168		170	"	
	105		107	775			169		171	"	
	106		108	"			170		172	792	
	107		109	"			171		173	"	
	108, 109		110	776			172		174	794	
	110		111	"			173		175	"	
	111		113	"			174		176	"	
	112		114	"			175		178	795	
	113		115	"			176		179	"	
	114		116	777			Sch. A.		Sch. A.	"	
	115		117	"			Sch. B.		Sch. B.	798	
	116		118	"			Sch. C.		Sch. C.	809	
	117		119	"							
	118		120	779							
	119		121	"							
	120		122	"							
	121		123	780		53					Rep. 60 V. c. 16, s. 51, except as to matters pending, etc.
	122		124	"			.....	.....	.....	.....	
	123		125	"							
	124		126	"							
	125		127	781							
	126		128	782							
	127		129	"		54	1	65	1	832	
	128		130	"			2		2	"	
	129		131	"			3		3	"	
	130		132	783			4		4	833	
	131		133	"			5		5	"	
	132		134	"			6		6	"	
	133		135	"			7		7	"	
	134		136	"			8		8	834	
	135		137	784			9		9	"	
	136		138	"			10		10	"	
	137		139	"			11		11	835	
	138		140	"			12		12	"	
	139		141	"			13		13	836	
	140		142	"			14		14	"	
	141		143	785			15		15	"	
	142		144	"			16		16	"	
	143		145	"			17		17	"	
	144		146	786			18		18	"	
	145		147	"							
	146		148	"							
	147		149	"		55	1	66	1	837	
	148		150	"			2		2	"	
	149		151	787			3		3	"	
	150		152	"			4		7	838	
	151		153	"			5		8	"	

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56	1	67	1	839	
	2	164	22 (1)	1638	
	3	.....	.....	....	Sup. Con. Rules No. 959.
	4	67	2	839	
	5		3	"	
	6		4	840	
	7	.....	.....	....	Sup. Con. Rules No. 850.
	8		5	840	
	9		6	"	
	10		7	"	
	11		8	"	
	12		9	841	
	13		10	842	
	14		11	"	
	15		12	"	
	16		13	"	
	17		14	843	
	18		15	"	
	19		16		
	20		17	"	
57	1	68	1	844	
	2		2	"	
	3		3	845	
	4		4	"	
	5		6	846	
	6		7	"	
	7		8	847	
	8		9	"	
	9		10	"	
	10		11	848	
58	1	69	1	850	
	2		2	"	
	3		3	"	
59	1	70	1	851	
	2		2	"	
	3		3	852	
	4		4	"	
	5		5	"	
	6		6	853	
	7		7	"	
	8		8	"	
	9		10	854	
	10		11	"	
	11		12	"	
	12		13	"	
	13		14	"	
	14		15	855	
	15		16	"	
60	1	72	1	869	
	2		2	870	
	3		3	"	

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60	4	72	4	870	
	5		5	"	
	6		6	"	
	7		7	871	
	8		8	"	
	9		9	"	
61	1	73	1	872	
	2		2	873	
	3		3	"	
	4		4	"	
	5	.....	.....	....	Rep. 59 V. c. 18, s. 6.
	6		6	873	
	7		7	"	
	8		8	874	
	9	....	.....	....	Rep. 55 V. c. 14, s. 1.
	10		10	874	
	11		11	"	
	12		12	"	
	13		13	875	
	14		14	"	
	15		15	"	
	16		16	"	
	17		17	877	
	18		18	"	
	19		19	"	
	20		20	"	
	21, 22	.....	.....	....	Rep. 60 V. c. 17, s. 9.
	23		26	880	
	24		27	"	
	25		29	"	
	26	.....	.....	....	Rep 60 V. c. 17, s. 9.
	27		30	881	
	28		31	"	
	29		32	"	
	30		33	882	
	31		34	"	
	32		35	"	
	33		34	"	
	34		37	"	
	35		38	883	
	36		39	884	
	37		40	"	
	38		41	"	
	39		42	"	
	40		43	885	
	41		44	"	
	42		45	"	
	43		46	"	
	44	136	63	1292	
	45	73	47	885	
	46		51	887	
	47		52	"	
	48		53	888	
	49	134	3	1258	
	50	73	54	888	
	51		55	"	
	52		56	"	

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62	1	74	1	890	
		109	7	1074	
	2	74	2	890	
		109	7	1074	
	3		3	890	
	4		4	891	
	5		5	"	
	6		6	"	
	7		7	"	
	8		8	"	
	9		9	"	
	10		10	"	
	11		11	892	
	12		12	"	
63	1	75	1, 5	893,4	
	2		6	894	
	3		7	"	
	4		8	"	
	5		9	895	
	6		10	"	
	7		11	"	
	8		12	"	
	9		13	"	
	10		14	"	
	11		15	"	
	Sch. A.		Sch. A.	896	
	Sch. B.		Sch. C.	897	
64	1	77	1	899	
	2		2	"	
	3		3	900	
	4	77	4	"	
		79	4 (2)	930	
	5		5	900	
	6		6	"	
	7		7	"	
	8	156	7	1557	
	9	77	10	901	
	10		11	"	
	11		12	902	
	12		13	"	
	13		14	"	
	14		15	"	
	15		16	"	
	16		17 (1)	903	
	17		18	"	
	18		19	"	
	19		20	904	
	20		21	"	
	21		29	906	
	22		30	"	
	23		31	907	
	24		32	"	
	25		33	908	
	26		35	909	
65	1	78	1	910	
	2		2	"	
	3		3	911	

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65	4	78	4	911	
	5		5	912	
	6		6	"	
	7		7	"	
	8		8	913	
	9		9	914	
	10		10	915	
	11		11	"	
	12		12	916	
	13		13	"	
	14		14	"	
	15		15	"	
	16		16	"	
	17		17	"	
	18		18	917	
	19		19	"	
	20		90	"	
	21		21	918	
	22		22	"	
	23		23	"	
	24		24	919	
	25		25	"	
	26		26	920	
	27		27	"	
	28		28	"	
	29(1,3)		29	"	
	(2)		9 (6)	914	
	30		30	921	
	31		31	"	
	32		32	"	
	33		33	922	
	34		34	"	
	35		35	923	
	36		36	"	
	37		37	"	
	38		38	924	Rep. in pt. 59 V. c. 18, Sch. (39).
	39	....	.....	....	Rep. 59 V. c. 18, Sch. (40).
	40		39	924	
	41		40	"	
	42		41	925	
	43		42	"	
	Sched.		Sched.	"	
66	1	79	1	929	
	2		2	"	
	3		3	930	
	4,5	.....	.....	....	Sup. Rule 1058.
	6	.....	.....	....	Sup. Rule 1059.
	7	.....	.....	....	Sup. Rule 1061.
	8	.....	.....	....	Sup. Rule 167.
	9	.....	.....	....	Sup. Rule 1062.
	10	.....	.....	....	Sup. Rule 1063.

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66	11	.....	.....	....	Sup. Rule 1064.
	12	.....	.....	....	Sup. Rule 1065.
	13	79	4 (1)	930	
	14		5	"	
	15		6	931	
	16		7	"	
	17		8	932	
	18		9	"	
	19	.....	.....	....	Sup. Rule 1066.
	20		10	932	
	21		11	933	
	22		12	"	
	23		13	"	
	24		14	"	
	25		15	934	
	26		18	"	
	27		19	"	
	28		20	"	
	Sched.	....	.....	....	Sup. Rules 120 & 1058.
67	1	80	1	936	
	2	.....	.....	....	Sup. Rule 1021.
	3		2	936	
	4		3	937	
	5		4	"	
	6		5	"	
	7		6	"	
	8		7	"	
	9		8	"	
	10		9	938	
	11		10	"	
	12		13	"	
	13		14	939	
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	16		17	"	
	17		18	940	
	18		19	"	
	19		20	"	
	20		22	941	
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	22		24	"	
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	25		27	942	
	26		28	"	
	27		29	"	
	28		30	"	
	29		31	"	
	30		32	943	
	31		33	"	
68	1	81	1	944	
	2		2	"	
	3		3	945	
	4		4	"	

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69	5	81	5	945	
	6		6	"	
	7		7	946	
	8		8	"	
	9		9	"	
	10		10	947	
	11		11	"	
	12		12	"	
	13		13	"	
	14		14	"	
	15		15	948	
	16		16	"	
69	1	82	1	949	
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	3		3	950	
	4		4	"	
	5		5	"	
70	1	83	1	951	
	2		2	952	
	3		3	"	
	4		4	"	
	5		5	"	
	6		6	953	
	7		7	"	
	8		8	"	
71	1	86	1	964	
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	4		4	965	
	5		5	"	
	6		6	"	
	7		7	"	
	8		8	"	
	9		9	"	
	10		10	966	
	11		11	"	
	12 (1)		13	"	
	(2)	.....	.....	....	Sup. 57 V. c 33, s. 1.
	13		14	967	
	14		15	"	
	15		16	"	
	16		17	"	
	17		18	"	
	18		19	968	
	19		20	"	
	20		21	"	
	21		22	"	
	22		23	"	
	23		24	"	
	24		25	"	
72	1	87	1	969	
	2		2	"	
	3		3	"	
	4		5	970	

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	6		7	"	
	7		8	971	
	8		15(1,2)	972	
	9		18	973	
	10		19(1-4)	"	
	11		19 (5)	974	
	12		20	"	
	13		22	"	
	14		23	"	
	15		24	"	
	16		25	"	
	17		26	975	
	18		27	"	
	19		28	"	
	20		29	"	
	21		30	"	
	22		31	976	
	23		32	"	
	24		33	"	
	25		34	"	
	26		35	"	
	27		36 (1)	"	
	28		37	977	
	29(1-3)	88	24	984	
	(4)	.....	.....		Spent.
	30	87	38	977	
73	1	88	1	978	
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	3		3	"	
	4		4	"	
	5		5	"	
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	14		14	"	
	15		15	"	
	16		16	982	
	17		17	"	
	18		18	"	
	19	.....	.....	.....	Sup. Rule 425.
	20		19	982	
	21		20	983	
	22		21	"	
	23		22	"	
	24		23	"	
74	1	90	2	986	
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	3		6	988	
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	5		8	"	
	6		9	989	
	7		10	"	
	8		11	"	
	9		12	"	

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75	1	92	1	995	
	2		2	"	
	3		3	"	
	4		4	996	
	5		5	"	
	6		6	"	
	7		7	997	
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	9		9	"	
	10		10	998	
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	13		13	"	
	14		14	"	
	15		15	999	
	16		16	"	
	17		17	"	
	18		18	"	
	Sched.		Sched.	"	
76	1	93	1	1003	
			Sched.	1005	
	2		2	1003	
	3		3	"	
	4		4	1004	
	5		5	"	
	6		6	"	
	7		7	"	
	3		8	1005	
77	1	94	1	1006	
	2		2	"	
	3		3	"	
	4		4	"	
	5		5	"	
	6		6	1007	
	7		7	"	
	8		8	"	
	9		9	"	
	10		10	"	
78	1	95	1	1008	
	2		2	"	
	3		3	"	
	4		4	"	
	Sched.		Sched.	1009	
79	1	96	1	1010	
	2		2	"	
	3		3	"	
	4		4	1011	
	5		5	"	
	6		6	"	
	7		7	"	
	8		8	"	
	9		9	"	
	10		10	1013	
	11		14	1014	
	12		15	"	

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79	13, 14	.....	.....	....	Not consolidated, Dominion.	83	1	101	1	1035	
							2		2	"	
							3		3	1036	
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	17		18	"			6		6	"	
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							8		8	"	
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	3		3	"			11		11	1037	
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	5		9	1017			13		14	1038	
	6		10	1018			Sched.		Sched.	"	
	7		11	"							
	8		12	"							
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	10		14	1019			2		2	"	
	11		15	"			3		3	"	
	12		17	1020							Dominion, Rep. by R. S. C. 1886, Sch'd A repealing C.S.U.C. c. 119, s. 4.
	13		18	"							
	14		19	"							
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81	1	98	1	1021							
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	3		3	"							
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82	1	99	1	1023			7		6	"	
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	27		37	"							
	28		38	1031							
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	30		40	"			2	105	2	1062	
	31		41	"			3		3	"	
	32		42	1032			4		4	1063	
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	34		44	"			6		6	"	
	35		45	"							

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	9		9	"	
	10		10	"	
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89	1	107	1	1070	
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90	1	108	1	1071	
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91	1	.....	.....	....	Rep. 60 V. c. 19 (Sch.) except sec. 41, which was sup. by 60 V. c. 19, s. 35.
92	1	110	1	1100	
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	9		9	"	

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93	1	111	1	1102	
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94	1	113	1	1106	
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	3		3	"	
	4		4	"	
95	1	114	1	1107	
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	19		19	1122	
	20		20	"	
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	22		22	1123	

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100	23	119	23	1123	
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	25		25	"	
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	6		6	1131	
	7		7	"	
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103	1	122	1	1140	
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	4		4	"	

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104	1	123	1	1152	
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	25		25	1158	

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104	26	123	26	1158	
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	28		28	"	
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105	1	124	1	1170	
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	Sched A		Sched A	1171	
	Sched B		Sched B	"	
106	1	125	1	1175	
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	3	119	12	1118	
	4	125	3	1175	
	Sched A		Sched A	"	
	Sched B		Sched B	1176	

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107	1	126	1	1180	
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	3		3	"	
	4	119	12	1118	
	5		4	1180	
	Sched A	.....	Sched A	1181	
	Sched B	....	Sched B	"	
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	3		3	"	
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	5	.....	.....	....	Rep. 60 V. c. 14, s. 32.
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	11 1-6		22	1198	
	7. 8	.....	.....	....	Words interpreted not used.
	12		23	1199	
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	14		25	1200	
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	16		27	"	
	17		28	"	
	18		29	1201	
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	20	119	11	1118	
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	24		34	"	
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	26		36	"	
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	47		57	"	
	48		58	"	

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108	49	127	59	1206	
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	51		61	1207	
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	57		67	"	
109	1	128	1	1209	
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	38		38	1218	
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	8		9	1223	
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110	11	129	12	1223	
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	13		14	"	
	14	77	35	909	
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111	1	133	1	1243	
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113	1	135	1	1259	
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	33		33	"	
	34		34	"	
	35		35	"	

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	40		41	"	
	41		42	"	
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114	.....	.....	.....	.....	Rep. 57 V. c. 35, s. 5.
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	13		14	"	
	14		15	"	
	15		16	1335	
	Sched.		Sched.	1336	
116	1	138	1	1339	
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	18		20	1343	
	19		21	1344	
	20		22	"	
	21		23	"	

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	24		26	1346	
	25		30 (1)	1348	
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	32		37	"	
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	64		81	1363	
	65		82	"	
	66		83	"	
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	68		85 (1)	1364	
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	83		101	"	

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	24		24	1452	
121	1	143	1	1453	
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	27		27	"	
	28		28	1459	
	29		29	"	
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122	1	145	1	1461	
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	21	219	4	2318	
123	1	146	1	1466	
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	8		8	"	
	9		9	1468	
124	1	147	1	1469	
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	21		25	1480	
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	5		8	1557	
128	1	150	1	1502	
	2		2	1503	
	3		3	"	
	4		4	"	
	5		5	"	
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	13		14	"	
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	16		17	"	
	17		18	"	
	18		19	1509	
	Sched.		Sched.	"	
130	1	152	1	1510	
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	4		4	"	
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	7		7	"	
	8		8	"	
	9		9	1512	
	10		10	"	
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132	1	163	1	1623	
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133	1	164	2	1633	
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	7		8	"	
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	9		9	1646	
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	17	174	20	1702	
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	24		24	1719	
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	27		43 (1)	1725	
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	36		35	"	
	37		36	1723	
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	39		40	1724	
	40		41	"	
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	Sch. C.		Sch. C.	1731	
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	2		3	1733	
	3		4	"	
	4		5	"	
	5 (1)		.....	....	Rep. 52 V. c. 24, s. 3.
	(2-5)		6(2-5)	1734	
	6		8	"	
	7		9	"	
	8		10	1735	
	9		11	"	
	10		12	"	
	11		13	"	
	12		14	"	
	13		15	"	
	14		16	"	
	15		17	1726	
	16		18	"	
	17		19	"	
150	1	178	1	1737	
	2		2	"	
	3-5		.....	....	Rep. 55 V. c. 33, ss. 1-3
	6 (1)		.....	....	Rep. 55 V. c. 33, s. 4.
	(2)		8 (2)	1739	
	7		9	"	
	8		10	"	
	9		11	"	
	10		12	1740	
	11		13 (1)	"	
	12		14	"	
	13		15	"	
	14		16	"	
	15		17	1741	
	16		18	"	
	17, 18		.....	....	Rep. 54 V. c. 28, s. 1.

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	23		27	"	
	24		28	"	
	25		29	"	
	26		30	1744	
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	28		32	"	
	29		33	"	
151	1	179	1	1746	
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	3		3	"	
	4		4 (1)	"	
	5		6	1747	
	6		7	"	
	7		8	1748	
	8		9	"	
	9		10	"	
	10		11	"	
	11		12	"	
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	24		26	"	
	25		27	"	
	26		28	1753	
	27		29	"	
	28		30	"	
	29		31	"	
	30		32	1754	
	31 (1)		33	"	
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	32		24	1751	
	33		35	1755	
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	Sch. C		Sch. C	1757	
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152	1	180	2 (1)	1758	
	2		3	1759	
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	15		30	1766	
	16		31	"	
	17		32	"	
	18		33	"	
	19		34	"	
	20		35	1767	
	21		36	"	
	22		37	"	
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	(5)		40	1769	
	26	181	2	1775	
	27		3	"	
	28		4	1776	
	29		5	"	
	30		6	"	
	31		7	"	
	32		8	1777	
	33		9	"	
	34		10	"	
	35		11	"	
	36		12	"	
	37		13	"	
	38(1-3)		14(1-3)	1778	
	(5)		(5)	1779	
	(4)	.....	.....	....	Rep. 60 V. c. 27, s. 14.
	39		15	1779	
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	41		17	"	
	42		18	1780	
	43		19	"	
	44		20	"	
	45		21	"	
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	49		25	"	
	50		26	1782	
	51		27	"	
	52		28 (1)	"	
	53		30	1785	
	54		31	"	
	55		32	1786	
	56		33	"	
	57		34	"	
	58		35	"	
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	61		38	"	
	62		39	1788	
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	70	181	40	1788	
	71		41	1789	
	72		42	"	
153	1	175	1	1710	
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	3		3	"	
	4		4	"	
	5		5	"	
	6		6	1711	
	7		7	"	
154	1	187	1	1812	
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155	1	188	1	1814	
	2		2	"	
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	6		6	"	
	7		7	"	
	8		8 (1)	1815	
			39	1822	
	9		8 (2)	1815	
	10		9	"	
	11		10	"	
	12		11	1816	
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	15		14	"	
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	18		17	"	
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	21		20	1818	
	22		21	"	
	23		22	1819	
	24		23	"	
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	28		27	"	
	29		28	"	
	30		29	"	
	31		30	"	
	32		31	"	
	33		32	1821	
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	39		40	1822	
	40		41	"	
	41		42	"	
	42		38	"	
	43		43	"	
	44		44	"	
156	.....	.....	.....	.....	Not consolidated, see Cap. 189.
157	.....	.....	.....	.....	Not consolidated, see Cap. 190.
158	1	192	1	1862	
	2		2	"	
	3		3	"	
	4		4	"	
	5		5	1863	
	6		6	"	
	7		7	"	
	8		8	"	
159	1	193	1	1864	
	2		2	"	
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	7	193	6	1865	
	8		7	"	
	9		8	1866	
	10		9	"	
	11		10	"	
	12		11	"	
	13		12	"	
	14		13	"	
	15		14	1867	
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	24		23	"	
	25		24	1869	
	26		25	"	
	27		26	"	
	28		27	"	
	29		28	1870	
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	64	193	33	1871	
	65		34	"	
	66		35	"	
	67		36	"	
	68		37	1872	
	69		38	"	
	70	.....	.....	....	Rep. 55 V. c. 36, s. 1.
	71	193	40	1872	
	72		41	1873	
	73		42	"	
	74		43	"	
	75		44	"	
	76		45	"	
	77		46	"	
	78		47	1874	
	79		48	"	
	80		49	"	
	81		40	"	
	82		51	1875	
	83		52	"	
	84		53	"	
	85		54 (1)	1876	
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	(*b-d*)		(*b-d*)		
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	88	193	57	1877	
	89		58	"	
	90		59	1878	
	91	.....	.....	....	Rep. 58 V. c. 31, s. 3.
	92	193	61	1878	
	93		62	"	
	94		73	1881	
	95		74	"	
	96		75	"	
	97		76	1882	
	98		77	"	
	99		79	"	
	100		80	"	
	101		81	1883	
	102		82	"	
	103		83	1884	
	104		84	"	
	105		85	"	
	106		86	1886	
	107		87	"	
	108		88	1887	
	109		89	"	
	110		90	"	
	111		91	"	
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	118		98	1890	
	119		99	"	
	120		100	"	
	121		101	"	
	122		102	1891	
	123		103	"	
	124		117	1894	
	125 (1)		118 (1)	"	
	(2)		(2)	"	
	(3)		119	"	
	126		120	"	
	127		121	"	
	128		151	1903	
	129		123 (1)	1896	
	130		124	"	
	131		125	"	
	132		126	1897	
	133		127	"	
	134		128	"	
	135	.....	.....	....	Rep. 58 V. c. 31, s. 4.
	136	193	130	1898	
	137		131	"	
	138		132	"	
	139		133	1899	
	140		134	"	
	141		135	1900	
	142		136	"	
	143		137	"	
	144		138	"	
	145		139	1901	
	146		140	"	
	147		141	"	
	148		142	1902	
	149		143	"	
	150		144	"	
	151		145	"	
	152		146	1903	
	153		147	"	
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	3		3	1906	
	4		4	"	
	5		5	"	
	6		6	"	
	7		7	1907	
	8		8	"	

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	12		13	1908	
	13		14	"	
	14		15	"	
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	16		17	"	
	17		18	"	
	18		19	"	
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	20		21	"	
	21		22	1910	
	22		23	"	
	23		24	"	
	24		25	"	
	25		26	"	
	26		27	1911	
	27		28	"	
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	33		34	"	
	34		35	1913	
	35		36	"	
	36		37	"	
	37		38	"	
	38		39	"	
	39		40	"	
	40	.....	.....	....	Rep. 53 V. c. 43, s. 10.
	41	.....	.....	....	Rep. 53 V. c. 43, s. 4.
	42	194	44	1916	
	43		45	"	
	44		46	"	
	45		47	"	
	46		48	"	
	47		49 (1)	"	
	48		50	1917	
	49		51	"	
	50		52	1918	
	51		53	"	
	52		54	"	
	53		55	"	
	54	.....	.....	....	Rep. 59 V. c. 44, s. 6.
	55	194	58	1919	
	56		60	1921	
	57		61	"	
	58		62	"	
	59		63 (1)	"	
	60		64	1922	
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	4	195	3	1923	
	5		4	1924	
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	24		7	1925	
	25		8	"	
	26		9	"	
	27		10	"	
	28		11	"	
	29		13	1926	
	30		14	"	
162	1-12	.....	.....	....	Rep. 60 V. c. 34, s. 1.
	13	196	4	1928	
	14-17	.....	.....	....	Rep. 60 V. c. 34, s. 2.
	18	196	5	1928	
	19		6	"	
	20		7	"	
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163	1	198	1	1938	
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	3		3	"	
	4		4	"	
	5		5	1939	
	6		6	"	
	7		7	"	
164	1	199	1	1940	
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	22	199	7	1941	
	23		8	1942	
	24		9	"	
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	27	199	10	1942	
	28		11	"	
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	51	199	12	1942	
	52		13	"	
	53	.....	.....	....	Rep. 60 V. c. 25, s. 2.
	54	199	14	1942	
	55		15	1943	
	56		16	"	
	57		17	"	
	58		18	"	
	59		19	1944	
	60		20	"	
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	67		27	"	
	68		28	"	
	69		29	1946	
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	72		32	"	
	73		33	"	
	74		34	"	
	75		35	1947	
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	107		68	"	
165	1	200	1, 2	1954	
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	4		5	"	
166	1(1-3)	202	1	1960	
	(4)		2	1961	
	(5)		7	1962	
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	5		5	1961	
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	7		8	1962	
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	(6-13)		(7-14)	"	
	4		4	2149	
	5		5 (1)	2150	
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	9		9	2151	
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	15		15	"	
	16		16	"	
	17		17	2160	
	18		18	"	
	19		19	"	
	20		20	"	
	21		21	2166	
	22		22	"	
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	34		34	2173	
	35		35	2175	
	36		36	2177	
	37		37	2178	
	38		38	2179	
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	108		108	"	
	109		109	2200	
	110		110	"	
	111		111	"	
171	1	208	1	2201	
	2		2 (1)	"	
	3		3	2202	
	4 (1)		11 (1)	2204	
	(2)		(2)	"	
	(3)		16	2206	
	(4)		17	"	
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	8		21	"	
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	14		37	2212	
	15		38	"	
	16		39	2214	
	17		11 (3)	2204	
			40	2214	
	18		41	"	
	19		42	2215	
	20		43	"	
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	22		45	"	
	23	.....	.....	.....	Rep. 59 V. c. 50, s. 18.
	24		46	2216	
	25		48	"	
172	1	211	2	2285	
	2		3	2286	
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	4		5	2287	
	5		6	"	
	6		7	"	
	7		8	"	
	8		9	2288	

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	10		11	"	
	11		12	"	
	12		13 (1)	2289	
	13		14	"	
	14		15	2290	
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	17		18	"	
	18		19	2291	
	19		20	"	
	20		24	2293	
	Sched.		Sched.	"	
173	.. ....	....	.....	....	Rep. 58 V. c. 45, s. 27.
174	1	212	1	2295	
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	3		3	"	
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	9		9	2298	
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	13		13	2299	
	14		14	"	
	15		15	"	
	16		16	2300	
	17		17	"	
	18		18	"	
175	1 (1)	... ..	.....	...	Rep. 60 V. c. 42, s. 1.
	(2)	213	2 (3)	2302	
	(3)		(4)	"	
	2, 3	... ..	.....	....	Rep. 60 V. c. 42, s. 1.
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	6		6	"	
	7		7	2303	
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	9		9	"	
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	11		11	"	
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	13		14	"	
	14		15	2304	
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	17		19	"	
	18		20	2305	
	19		21	"	
	20		23	2306	
	21		24	"	

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	31	213	28	2307	
	32		29	"	
	33		30	"	
176	1 (1)	.....	.....	....	Sup. 60 V. c. 42, s. 1.
	(2)	213	2 (3)	2302	
	(3)		(4)	"	
	2, 3	.....	.....	....	Sup. 60 V. c. 42, s. 1.
	4	213	3	2302	
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	7	213	25	2306	
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177	1	214	1	2309	
	2		2	"	
178	.....	.....	.....	....	Rep. 60 V. c. 44, s. 6.
179	1	218	1	2316	
180	1	219	1	2317	
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	3		3	"	
181	1	220	1, 2	2319	
	2		4	2320	
	3		3	2319	
182	1	221	1	2321	
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183	1	222	1	2322	
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	3		3	2323	
	4		4	"	
	5		5	2324	
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	9		9	2326	
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	16		16	"	
	17		17	"	
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	49		49	"	
	50		50	2343	
	51		51	"	
	52		52	"	
	53		53	2344	
	54		54	"	
	55		55	"	
	56		56	"	
	Sched.		Sched.	"	
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184	.....	.....	.....	.....	Sup. 55 V. c. 42.
185	1	225	1	2802	
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	3		3	2803	
	4		4	"	
	5		5	2804	
	6		6	"	

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	9		9	"	
	10		10	"	
	11		11	"	
	12		12	2805	
	13		13	"	
	14		14	"	
	15		15	"	
	16		16	"	
	17		17	"	
	18		31	2807	
	19		32	"	
	20		40	2809	
	21		41	2810	
	22		43	"	
	23		44	"	
	24		40	2809	
	25 (1)	.....	.....	.....	Rep. 60 V. Sched. C. (c. 15)(127).
	(2)	225	46 (2)	2811	
	26		47	"	
	27		48	"	
	28		49	"	
	29	.....	.....	.....	Rep. 60 V. c. 45, s. 74.
	30	225	50	2811	
	31		51	2812	
	32		52	"	
	33		53	"	
	34		54	"	
	35		33	2808	
	36		34	"	
	37		37	2809	
	38		38	"	
	39		32	2808	
			39	2809	
	40		18(1-3)	2806	
	41 (1)		19	"	
	(2)		20	"	
	42		21	"	
	43		22	"	
	44		23	2807	
	45		24	"	
	46		25	"	
	47		26	"	
	48		27	"	
	49		28	"	
	50		29	"	
	51	.....	.....	.....	Rep. 52 V. c. 37, s. 4.
	52	225	60	2815	
	53		61	"	
	54		62	"	
	55		63	"	
	56		64	"	
	57	....	.....	.....	Rep. 60 V. c. 15, Sched B (5).
186	.....	....	.....	.....	Rep. 60 V. c. 45, s. 49.

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	4		4	"	
	5		5	"	
	6		6	2869	
	7		7	"	
	8		8	"	
	9		9	"	
	10		10	2870	
	11		11	"	
	12		12	"	
	13		13	"	
	14		14	"	
	Sched. A		Sched. A	2871	
	Sched. B		Sched. B	"	
188	1	231	1	2873	
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	3		3	"	
	4		4	2874	
	5		5	"	
	6		6	"	
189	.....	.....	.....	.....	Rep. 58 V. c. 45, s. 27.
190	1	233	1	2889	
	2		2	"	
	3		3	2890	
	4		4	"	
	5		5	"	
	6		6	2891	
	7		7	2892	
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	9		9	"	
	10		10	2893	
	11		11	"	
	12		12	"	
	13(1-3)	.....	.....	.....	Rep. 60 V. c. 15, Sched. B (8).
	(4)	233	13 (4)	2894	
	(5)		(5)	"	
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	15		15	"	
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	17		17	"	
	18		18	2896	
	19		19	2897	
	20		20	2898	
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	22		22	"	
	23		23	"	
	Sched.		Sched.		
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	5		5	"	
	6		6	"	
	7		7	"	
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	9		9	"	
	10		10	"	
	11		11	2904	
	12		12	"	
	13		13	"	
	14		14	"	
			15	"	
192	1	235	1	2905	
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	3		3	2906	
	4		4	"	
	5		6	"	
	6		7	"	
	7		8	2907	
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	39		41	2917	
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	41		43	"	
	42		44	"	
	43		45	"	
	44		46	2918	
	45		47	"	
	46		49	2919	

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	48		51	"	
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	50		53	"	
	51		54	"	
193	.....	....	.....	....	Sup. 55 V. c. 48.
194	1	245	1	2956	
	2(1,2)		2(1,2)	"	
	(3)	.....	.....	....	Rep. 60 V. c. 50, s. 4.
	(4-6)	245	2(4-6)	2957	
	(7)	.....	.....	....	Rep. 56 V. c. 40, s. 5.
	(8)	245	(9)	2957	
	(9)		(10)	"	
	3		3	"	
	4(1,2)		4(1,2)	2958	
	(3)		(3)	"	Rep. after 30th April, 1889, 60 V. c. 50, s. 12 (3).
	(4,5)		(4,5)	2958	
	5		5	"	
	6		6	"	
	7		7	2959	
	8		8	"	
	9		9	"	
	10	.....	.....	....	Rep. 53 V. c. 56, s. 2 (2).
	11	245	11	2960	
	(1-13)		(1-13)		
	(14)	.....	.....	....	Rep. 53 V. c. 56, s. 1.
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	12		12	2964	
	13		14 (1)	2966	
	14		10	2959	
	15		15 (1)	2966	
	16 (1)		(2)	"	
	(2)		(3)	"	
	17		16	"	
	18 (1)	.....	.....	....	Rep. 60 V. c. 50, s. 1.
	(2)	245	18 (4)	2968	
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	20		20	2969	
	21		21	"	
	22		22	"	
	23		23	2970	
	24		24	"	
	25		25	"	
	26		26	2971	
	27		27	"	
	28		28	"	
	29		29	2972	
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			31	2973	
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	33 (1)	.....	.....	....	Sup. from 1st May, 1888, by R.S.O. 1887, c. 194, s. 33 (4).
	(2)	245	32 (3)	2973	
			33 (2)		
	(3)		33 (3)	2974	
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			77 (2)	2990	
	34		34	2973	
	35		34 (2)	2974	
			35		
	36		36	2974	
	37		37	"	
	38 (1)	.....	.....	....	Rep. 60 V. c. 50, s. 24.
	(2)	245	38(2,3)	2976	
	39		39	"	
	40		40	"	
	41 (1)		41	2977	Parts Rep. 53 V. c. 56, s. 2 (3); 55 V. c. 51 s. 3.
	(2)	.....	.....	....	Rep. 53 V. c. 56, s. 2 (3).
	42	245	42	2977	
	43		43	"	
	44 (1)		44 (1)	2978	Part Rep. 53 V. c. 56, s. 2 (4).
	(2, 3)		(2, 3)	"	
	45		45	"	
	46 (1)		46 (1)	2979	
	(2)	.....	.....	....	Rep. 60 V. c. 50, s. 27.
	(3)	245	46 (3)	2979	
	(4)		(3)		
	47		47	"	
	48		48	2980	
	49		49(1,2)	"	
	50		50	"	
	51		51	"	
	52 (1)	.....	.....	....	Rep. 55 V. c. 51, s. 7.
	(2)	245	74	2989	
	(3)		52 (4)	2982	
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	54		54	2983	
	55		56	2984	
	56		57	2985	
	57		58	"	
	58(1,2)		59(1,2)	"	
	(3)		61	2986	
	59	.....	.....	....	Sup. 53 V. c. 56, s. 2 (2).
	60	245	62	2986	

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	63		65	2987	
	64		66	"	
	65		67	"	
	66		68	"	
	67		69	2988	
	68		70	"	
	69		71	"	
	70		72	"	
	71	.....	.....	.....	Rep. 53 V. c. 56, s. 6.
	72	245	75	2989	
	73		76	"	
	74		77 (1)	2990	
	75		(2)	"	
	76	.....	.....	.....	Rep. 60 V. c. 50, s. 10.
	77	245	79	2991	
	78		80	2992	
	79		81	"	
	80		82	"	
	81		83 (1)	2993	
	82		(2)	"	
	83		84	"	
	84		85	"	
	85		86	"	
	86		87	2994	
	87		88	"	
	88	.....	.....	.....	Rep. 53 V. c. 56, s. 10.
	89	245	90 (1)	2994	
	90		(2)	2995	
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	92		92	"	
	93		94	2996	
	94		95	"	
	95		96	"	
	96 (1)		97 (1)	2997	
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	99		97 (1)	"	
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	114		114	3003	
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	117		117	"	
	118 (1)		118 (1)	3004	
	(2)	....	.....	.....	Rep. 53 V. c. 56, s. 14.

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	(4)		(4)	"	
	(5)		(5)	"	
	(6)		(8)	"	
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	126		126	3009	
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	128		128	3010	
	129		129	"	
	130		130	3011	
	131		131	"	
	132		132 (1)	"	
	133		133	3012	
	134		134	3013	
	135		135	"	
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	137		137	"	
	138		138	"	
	139		139	3014	
	140		140	"	
	141		144	3015	
	142	.....	.....	.....	Rep. 51 V. c. 30, s. 1.
	143	245	146	3016	
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	145		149	"	
	146		150	"	
	147		148	"	
	148, 149	.....	.....	.....	Rep. 51 V. c. 30, s. 1.
	150	245	153	3019	
	151	.....	.....	.....	Rep. 51 V. c. 30, s. 1.
	152 (1)	.....	.....	.....	Spent.
	(2)	245	152 (6)	3019	
	153		156	3021	
	Sch. A.		Sch. B.	3022	
	Sch. B.		Sch. C.		
	Sch. C.		Sch. E.	3023	
	Sch. D.		Sch. F.	3024	
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	Sch. F.		Sch. H.	3027	
	Sch. G.		Sch. I.	3028	
	Sch. H.		Sch. J.	3029	
	Sch. I.		Sch. K.		
	Sch. J.		Sch. L.	3031	
	Sch. K.		Sch. M.	"	
	Sch. L.		Sch. F. (9)	3025	
	Sch. M.		Sch. D.	3023	
195	1	236	1 (1)	2922	
	2		2	"	
	3		3	2923	
	4		4	"	
	5		5	"	
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	9		10	"	
	10		11	"	
	11		12	"	
	12		13	"	
	13		14	"	
	14		15	"	
196	1	238	1	2926	
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	3		3	"	
	4		4	"	
	5		5	"	
197	1	237	1	2925	
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	3		3	"	
	4		4	"	
	5		5	"	
	6		6	2926	
	7		7	"	
	8		8	"	
198	1 (1)	240	1 (1)	2935	
	(2)	.....	.....	....	Rep. 53 V. c. 58, s. 1.
	2	240	2	2935	
	3		3	2936	
199	1	241	1	2937	
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	6		6	"	
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	21		21	2942	
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	23		23	"	
	24		24	"	
	25		25	"	
	26		26	2943	
	27		27	"	
	28		28	"	

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	3		3	"	
	4		4	"	
	5		5	2946	
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	7		7	"	
	8		8	"	
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	11		11	2947	
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	16		16	2948	
	17		17	"	
	18		18	"	
	19		19	"	
	20		20	"	
	21		21	"	
201	.....	.....	....	....	Rep. 59 V. c. 60, s. 9.
202	1	279	1	3234	
	2 (1)		2	"	
	(2, 3)	.....	.....	....	Rep. 56 V. c. 42, s. 2.
	3	279	3	3234	
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	5		5	3236	
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	7		7	"	
	8	.....	.....	....	Rep. 56 V. c. 42, s. 2.
	9	279	8	3236	
	10 (1)		9 (1)	3237	
	(2)		(2)	"	
	10 (3)	.....	.....	....	Rep. 56 V. c. 42, s. 2.
	(4)	279	9 (3)	3237	
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203	1	246	1	3033	
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	3		3	"	
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	15		16	"	
	16		17	3037	
	17		18	"	
	18		19	"	
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204	1	247	1	3038	
205	1	248	1	3039	
	2		2	3040	
	3		3	"	
	4		4	"	
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	6		6	3041	
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	10		10	3042	
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	24		24	"	
	25		25	3046	
	26		26	"	
	27		27	"	
	28		28	"	
	29		29	"	
	30	.....	.....	....	Rep. 58 V. c. 49, s. 3.
	31	248	32	3049	
	32		33 (1)	"	
	33		33(2),34	"	
	34		35	"	
	35		36	"	
	36		37	3050	
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	38		47	3051	
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	53		61	"	
	54		63	"	
	55		64	3055	
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	71		80	3059	
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	75		84 (1)	3060	
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	105		114	3068	
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	4		4	"	
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	8		8	3082	
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	11		11	3083	
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	16		16	3085	
	17		17	"	
	18		19	"	
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	Sch. B.		Sch. B.	"	
	Sch. C.		Sch. C.	"	
207	1	.....	..	....	Sup. 51 V. c. 32, ss. 1-3.
	2	251	11 (1)	3092	
	3		(2)	"	
	4		12	"	
	5		11 (3)	"	
208	1	256	1	3099	
	2		2	3100	
	3		6	3102	
	4		7	"	
	5		8	3103	
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	7		14	3105	
	8		11	3104	
	9		12	3105	
	10		13	"	
	11		15	3106	
	12		16	"	
	13		18	3107	
	14		19	"	
	15 (1)	.....	.....	....	Rep. 58 V. c. 50, s. 3.
	(2)	256	20 (1)*b*	3107	
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	22	256	37	3114	
	23		27	3111	
	24		28	"	
	25		30	"	
	26		31	3112	
	27		32	3113	
	28		33	"	
	29		34	"	
	30		36	3114	
	31		39	3115	
	32		40	"	
	33		41	"	
	34		42	"	
	35		43	3116	
	36		44	"	
	37		45	"	
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	39		46	"	
	40		49	3117	
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209	1	258	1	3140	
	2		2		Rep. by 60 V. c. 52, ss. 1 and 18, upon a by-law being passed adopting 60 V. c. 52, now Rev. Stat. 1897 Cap. 258 part ii.
	3		3	3141	
	4		4		
	5		5		
	6		6		
	7		7		
	8		8	3142	
	9		9		
	10		10		
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	12		12		
	13		13	3143	
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210	1	263	1	3178	
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	4		4	3179	
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	6		6	"	

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	6		6	"	
212	1	266	1	3184	
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	3		3	"	
	4		4	"	
	5		5	3185	
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213	1	267	1	3189	
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	9		9	3191	
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	12		12	"	
	13		13	"	
	14		14	"	
	15		15	3192	
214	1	.....	.....	....	Rep. 53 V. c. 62, s. 1.
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	3	271	3	3204	
	4		4	3205	
	5		5	"	
	6		6	"	
	7		7	"	
	8 (1)		8	3206	
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	9	.....	.....	....	Rep. 56 V. c. 46, s. 2.
	10	271	10	3206	
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	12		12	3207	
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	14		14	"	
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	18		18	"	
	19		19	"	
	20		20	"	
	21		21	3210	
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	25		26	3216	
216	1	273	1	3217	
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	12		12	3220	
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217	1	275	2	3226	
	2		14	3228	
	3		3	3226	
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	6		6	3227	
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	10		10	"	
218	1	276	1	3229	
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	3		3	"	
219	1	284	1	3247	
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	3		3	3248	

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	12		11	"	
	13		14	3251	
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220	.....	.....	.....	...	Sup. 57 V. c. 55, s. 39.
221	.....	.....	.....	...	Rep. 56 V. c. 49, s. 29.
222	.....	.....	.....	...	Rep. 52 V. c. 50, s. 10.
223	1	290	1	3313	
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	5		6	3314	
224	.....	.....	.....	...	Rep. 54 V. c. 54, s. 10; see 59 V. c. 69.
225	.....	.....	.....	...	Rep. 54 V. c 55, s. 213
226	.....	.....	.....	...	Rep. 54 V. c. 57, s. 52.
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	8		8	"	
	9		9	3398	
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	61		36	3427	
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	80	294	82	3440	
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228	1	295	1	3450	
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229	.....	.....	.....	.....	57 V. c. 60, s. 21.
230	1	298	1	3464	
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	3		3	3465	
	4		4	"	
	5		5	"	
	6 (1)		6 (1)	3466	
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	(3)		(4)	"	
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	(2)		(3)	"	
	(3)		(4)	3471	
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	48	.....	.....	.....	Rep. 60 V. c. 14, s. 71.
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	77		78	"	
	78	.....	.....	.....	Rep. 55 V. c. 61, s. 6.
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	83		84	"	
	84		85	"	
	85		86	3485	
	86		87	"	
	87		88	"	
	88		89	"	
	89	.....	.....	....	Com. of Act.
	Sched.	298	Sched.	3486	
231	1	299	1 (1)	3487	
	2	.....	.....	.....	Spent.
	3	.....	.....	.....	Spent.
	4	.....	.....	.....	Spent.
	5	.....	.....	.....	Spent.
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	18	297	7(4,5)	3458	
	19	299	13	3490	
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	27		21	"	
	28	.....	.....	.....	Spent.
	29	.....	.....	.....	Com. of Act.
	Sched.	299	Sched.	3492	
232	1	300	1	3493	
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233	1	302	1	3498	
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	6		6	"	
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	15		15	"	
234	1	304	1	3506	
	2 (1)		2 (1)	"	
	(2)		(3)	"	
	3		3	3507	
	4		4	"	
	5		5	"	
	6		10 (1)	3509	
	7		11 (1)	"	
	8		11 (2)	3510	
	9		12	"	
	10		13	"	
	11		17	3511	
	12		18	3512	
	13		19 (1)	"	
	14		(2)	"	
	15		(3)	"	
	16		31	3515	
	17	.....	.....	....	Rep. 59 V. c. 33, s. 1.
	18	304	22	3513	
	19		23	"	
	20		25	"	
	21		26	"	
	22		27	3514	
	33		28	"	
	24		29	"	
	25		30	"	
	26		32	3515	
	27	.....	.....	.....	Rep. 56 V. c. 50, s. 2.
	28	304	34	3515	
	29		33	"	
	Sched.		Sched.	3517	
235	1	305	1	3518	
236	1	306	1	3519	
	2		2	"	
	3		3	"	
	4		4	3520	
237	1	307	1 (1)	3521	
	2		2	3522	
	3		3	"	
	4		4	"	
	5		5	"	

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	7		7	"	
	8		8	"	
	9		10	"	
	10		11	3524	
	11		12	"	
	12		13	"	
	13		14	"	
	14		15	3525	
	15		16	"	
	16		17	"	
	17		18	3526	
	18		19	"	
	19		20	"	
	20		21	3527	
	21		22	"	
	22		23	"	
	23		24	"	
	24		25	3528	
	25		26	3529	
	26		27	"	
	27		28	3530	
238	1	308	1	3531	
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	3		3	3532	
	4		4	"	
	5		5	"	
	6		6	"	
	7		7	"	
	8		8	"	
	9		9	3533	
	10		10	"	
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	23		23	"	
	24		24	"	
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	26		26	3537	
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	32		32	"	
	33		33	"	
	34		34	"	
	35		35	"	
	36		36	"	
	37		37	"	
	38		38	3539	
	39		39	"	

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	2		2	"	
	3		3	"	
	4		4	"	
	5		5	3542	
	6		6	"	
	7		7	"	
	8		8	"	
	9		9	"	
	10		10	"	
	11		11	3543	
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	13		13	"	
	14		14	3544	
	15		15	"	
	16		16	"	
	17		17	"	
	18		18	"	
	19		19	3545	
	20		20	"	
	21		21	"	
	22		22	"	
	23		23	3546	
	24		24	"	
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	29		29	"	
	30		30	"	
	31		31	"	
	32		32	"	
240	1	310	1	3548	
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	3		3	"	
	4		4	"	
	5		5	"	
	6		6	3549	
	7		7	"	
	8		8	3550	
	9		9	"	
	10		10	"	
	11		11	"	
	12		12	"	
	13		14	3551	
	14		15	"	
	15		16	"	
	16		17	"	
	17		18	"	
	18		19	"	
	19		20	3552	
	20		21	"	
	21		22	"	
241	1	313	1	3558	
	2		2	"	
	3		3	"	
	4		4	3559	
	5		5	"	
	6		6	"	

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	8		8	"	
	9		9	"	
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	12		12	"	
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	14		14	"	
	15		15	3561	
	16		16	"	
	17		17	"	
	18		18	"	
	19		19	3562	
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	21		21	"	
	22		22	"	
	23		23	"	
	24		24	3563	
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	26		26	"	
	27		27	"	
	28		30	3564	
	29		31	"	
	30		32	"	
	31		33	"	
	32		34	3565	
	33		35	"	
	34		36	3566	
	35		37	"	
	Sched.		Sched.	"	
242	1	314	1	3567	
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	3		3	"	
	4		4	3568	
	5		5	"	
243	1	315	1	3569	
	2		2	"	
244	1	316	1	3570	
	2		2	"	
	3		3	"	
	4		4	"	
	5		5	"	
	6		6	3571	
245	1	317	1	3572	
	2		2	3573	
	3		3	"	
	4		4	"	
	5		5	"	
	6		6	"	
	7		7	"	
	8		8	3574	
	9		9	"	
	10		10	"	
	11		11	"	

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	13		13	"	
	14		14	"	
	15		15	"	
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	31		31	3579	
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	44		44	"	
	45		45	3582	
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	47		47	"	
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	49		49	3583	
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	52		52	3584	
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	54		54	"	
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	57		57	3585	
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	59		59	"	
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	61		61	"	
	62		62	3586	
	63		63	"	
	64		64	"	
	65		65	"	
	Sched. No. 1.		Sched. No. 1.	"	
	Form A.		Form A.	3587	
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	Sched. No. 2.		Sched. No. 2.	3592	
246	1	318	1	3593	
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	4		4	"	
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	8		8	"	
	9		9	3596	
	10		10	"	
	11		11	"	
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	34		34	3601	
	35		35	"	
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	37		37	"	
	38		38	3602	
	39		39	"	
	40		40	"	
	41		41	"	
	42		42	3603	
	43		43	"	
	44		44	"	
	45		45	3604	
	46		46	"	
	47		47	"	
	48		48	"	
	49		49	3605	
	50		50	"	
	51		51	"	
	52		52	3606	
	53		53	"	
	54		54	"	
	55		55	"	
	56		56	3607	
	57		57	"	

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	59		59	"	
	60		60	"	
	61		61	3608	
	62		62	"	
	63		63	"	
	64		64	"	
	65		65	"	
	66		66	3609	
	67		67	"	
	68		68	"	
	69		69	"	
	70		70	3610	
	71		71	"	
	72		72	"	
	73		73	"	
	74		74	"	
	75		75	3611	
	76		76	"	
	77		77	"	
	78		78	"	
	79		79	"	
	80		80	3612	
	81		81	"	
	82		82	"	
	83		83	"	
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	85		85	"	
	86		86	3613	
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	88		88	"	
	89		89	"	
	90		90	3614	
	91		91	"	
	92		92	"	
	93		93	"	
	94		94	"	
	95		95	3615	
	96		96	"	
	97		97	"	
	98		98	"	
	99	.....	.....	.....	Rep. 53 V. c. 77, s. 2.
	100	318	100	3615	
	101		101	3616	
	102		102	"	
	103		103	"	
	104		104	"	
	105		105	3617	
	106		106	"	
	107		107	"	
	108	.....	.....	.....	Rep. 56 V. c. 55, s. 1.
	109	318	111	3618	
	110		112	"	
	Sch. A.		Sch. A.	"	
	Sch. B.		Sch. B.	3619	
	Sch. C.		Sch. C.	3620	
	Sch. D.		Sch. D.	3621	
	Sch. E.		Sch. E.	3622	
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	Sch. G.		Sch G.	"	
	Sch. H.		Sch. H.	3624	

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247	1	319	1	3625		1	.....	.....	.....	.....	Supply
	2		2	"							
	3		3	"							
	4		4	"							
	5		5	"							
	6		6	3626							
	7		7	"							
248	1	320	1	3627		2	.....	.....	.....	.....	Spent.
	2		2	"							
	3		3	"							
	4		4	3628		3	.....	.....	.....	.....	Not consolidated.
	5		6	3629							
	6		8	"		4	1	.....	.....	.....	Title.
	7		9 (1)	"			2-4	.....	.....	.....	Sup. 55 V. c. 3, ss. 7-7e.
	8		10	3630			5-6	.....	.....	.....	Sup. 52 V. c. 40, s. 3.
	9		11	"			7	.....	.....	.....	Sup. 55 V. c. 3, ss. 7b 7e.
	10		12	"			8	.....	.....	.....	Sup. 55 V. c. 3, s. 7a.
	11		13	"			9-12	.....	.....	.....	Sup. 52 V. c. 40, s. 3.
	12		14	"			13 (1)	.....	.....	.....	Sup. 52 V. c. 40, s. 3 (7).
	13		15	"			(2)	.....	.....	.....	Sup. 52 V. c. 3, s. 10 (7).
	14		16	3631			14	.....	.....	.....	Sup. 55 V. c. 3, s. 71.
	15		17	"			15	.....	.....	.....	Sup. 55 V. c. 3, s. 159; 57 V. c. 7, s. 12.
	Sch. A.		Sch. A.	3632			Form A	.....	.....	.....	Rep. 52 V. c. 5, s. 1.
	Sch. B.		Sch. B.	"							
	Sch. C.		Sch. C.	3633		5	1	13	1	275	
249	1	260	1	3169			2		2	"	
	2		2	"			3		3	"	
	3		3	"							
	4		4	"		6	1	17	3	299	
250	1	321	1	3634			2		4	"	
	2		2	"			3	61	79	767	
	3		3	"			4	17	5	300	
	4		4	"			5		6	"	
	5		5	"			6		7	"	
	6		6	3635			7		8	"	
	7		7	"			8		9	"	
	8		8	"			9		2 (3)	299	
	9		9	"			10	.....	.....	.....	Rep. 52 V. c. 10, s. 10
	10		10	3636							
	11		11	"		7	1	.....	.....	.....	Spent.
	12		12	"			2	45	6 (1)	532	Spent in part.
	13		13	3637							
	14		14	"							
	15		15	"							
	16		16	"							
	17		17	"							
	18		18	"							
	19		19	5638							
	20		20	"							
	21		21	"							
	22		22	3639							
	23		23	"							
	24		24	3640							
	25		25	3641							
	26		26	"							
	27		27	"							
	28		28	"							

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7	3	.....	.....	.	Spent.
	4	45	7	532	
	5	....	8	"	
8	.....	....	.....	....	Rep. 58 V. c. 11, s. 50.
9	1 (1)	59	78	660	
	(2)		79	660	
	2	.....	.....	.....	Spent.
10	1	60	104	690	
	2		154 (1)	703	
	3		247	726	
11	1	....	.....	...	Rep. 56 V. c. 5, s. 12.
	2	78	4 (7)	912	
	3		20 (1)	917	
	4	60	224	720	
	5	138	64 (1)	1356	
	6	77	7	900	
12	1	87	21	974	
13	1-22	.....	.....	....	Rep. 60 V. c. 19, Sch. except part of s. 14 not consolidated.
	22	5	1	49	
	23		2	"	
	24		3	"	
	25		4	50	
	26		5	"	
	27		6	"	
	28		7	"	
14	1	3	1 (45)	30	Rest of Act repealed, 60 V. c. 19, s. 94.
15	1	.....	.....	.	Title.
	2	121	17	1134	
	3		18, 20 (1)	1135	
	4		29	1137	
	5		34	1139	
16	1	123	69	1169	

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17	... ...	.....	.....	....	57 V. c. 35, s. 5.
18	.....	.....	.....	....	Rep. 57 V. c. 37, s. 42.
19	1	149	1	1499	
	2		6	1500	
	3		7	"	
	4		8	"	
	5		9	"	
	6		2	1499	
	7		4	1500	
	8		5	"	
	9	.....	.....	.....	Spent.
20	.....	.....	.....	....	Rep. 59 V. c. 39, s. 31.
21	1	165	2 (2)	1640	
	2 (9)		9 (1)	1643	
	(10)		10	"	
	(11)		11	"	
	(12)		12	1644	
	(13)		15	"	
	(14)		14	"	
	(15)		12	"	
	(16)		13, 14	"	
	3		9 (2)	1643	
22	.....	.....	.....	....	Rep. 60 V. c. 36, s. 198.
23	1	167	1	1647	
	2		2 (1)	"	
	3		3	"	
	4		4	1648	
	5		5	"	
	6		6	"	
	7		7	"	
	8		8	"	
	9		9	"	
	10		10	1649	
	11		11	"	
	Forms.		Forms.	"	
24	1(1-3)	201	1	1956	
	(4)		2	"	
	(5)		8	1957	
	(6) (*a*)		12	"	
	(*b*)		13	"	
	2		4	1956	
	3		3	"	
	4		10	1957	

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	6		7	"	
	7		9	"	
	8		11	"	
	9		14	1958	
	10		16	"	
	11		15	"	
	12		5	1957	
	Sched.		Sched.	1959	
25	.....	.....	.....	....	Rep. 60 V. c. 36, s. 198 (1).
26	1	211	3 (3)	2286	
27	1	213	31	2308	
28	.....	....	.....	....	Sup. 55 V. c. 42.
29	1-11	.. ..	.....	....	Sup. 55 V. c. 48.
	12	.....	.....	....	Sup. 52 V. c. 17, ss. 1-4; 53 V. c. 52, s. 1; 55 V. c. 48.
30	1 (142)	245	145	3015	
	(148)(1)		152 (1)	3017	
	(2)		(2)	"	
	(3)		(3)	3018	
	(4)		(8)	3019	
	(5)		(4)	3018	
	(149)		(5)	"	
	(151)		154	3020	
	2 (3)		152 (7)	3019	
	(4)	.....	.....	.....	Spent.
	3		155	3020	
	4	.....	.....	.....	Spent.
	5	.....	.....	.....	Spent.
31	1	251	1	3089	
	2		2	"	
	3		3	"	
32	1	251	6	3090	
	2		7	3091	
	3		3	"	
	4		9 (1)	"	
	5		4	3089	
	6		5	3090	

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	8	.....	.....	....	Rep. 55 V. c. 53, s. 3.
33	1	257	1	3125	
	2 (1)	.....	.....	....	Rep. 52 V. c. 44, s. 2.
	(2)	.....	.....	....	Rep. 52 V. c. 44, s. 4.
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	(12)		(16)	3138	
	(13)		(17)	3139	
	(14)		(18)	"	
	3	....	.....	....	Rep. 60 V. c. 51, s. 44.
	Sched.	.....	.....	....	Rep. 60 V. c. 51, s. 44.
34	1	264	1	3180	
	2		2	"	
	3		3	"	
	4		4	3181	
	5		5	"	
	6		6	"	
	7		7	"	
	8	.....	.....	.....	Spent.
35	.....	.....	.....	....	Sup. 57 V. c. 55, s. 39.
36	.....	.....	.....	....	Rep. 56 V. c. 49, s. 29.
37	.. ....	.....	.....	....	Rep. 54 V. c. 57, s. 52.
38	1	.....	.....	.....	Spent.
	2	.....	.....	.....	Spent.
	3	299	11	3489	
	4	.....	.....	....	Rep. 57 V. c. 60, s. 21.
	5	.....	.....	....	Rep. 57 V. c. 60, s. 21.
39	1	304	30 (3)	3515	
40	1	259	2 (1 d (2))	3149	
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	5	259	38 (3)	3168	

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2	1	6	15 (81)	64	
			18	65	
	2	.....	.....	....	Rep. 57 V. c. 2, s. 7.
	3	6	15 (81)	64	
	4	.....	.....	....	Rep. 57 V. c. 2. s 7.
	5	.....	.....	....	Sup. 55 V. c. 3, 7 *a*.
	6				
	7	.. ...	.....	....	Rep. 57 V. c. 6, s. 1.
	8, 9				Spent.
3	1 (1)	7	1 (1)	66	
	(2)	.....	.....	.....	Spent.
	(3)	.....	.....	.....	Spent.
	2		2	67	
	3(1-9)	6	6(1-9)	68	
	(10-12)		(11-13)	70	
	(13)	.....	.....	....	Rep. 60 V. c.15, Sched. A (36).
	(14-15)	7	(15-16)	70	
	4		7	"	
	5		8	71	
	6		9	"	
	7		10	72	
	8		11	"	
	9		12	"	
	10 (1)		13	"	
	(2-7)		14	73	
	11		15	74	
	12		16	"	
	13		17	75	
	14		18	"	
	15		19	76	
	16		20	"	
	17		21	77	
	18		2 (4)	67	

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3	19	7	24	78	
	20		25	"	
	21		26	79	
	22		27	"	
	23		28	"	
	24		29	"	
	25		30	80	
	26		31	"	
	27		32	"	
	28		33	"	
	29 (1)		34	"	
	(2)		35	81	
	(3)		36	"	
	30		37	"	
	31(1-4)		38	"	
	(5)		39	82	
	32		40	"	
	33		41	"	
	34		42	"	
	35		43	83	
	36		44	"	
	37		45	"	
	38		46	"	
	39		47	81	
	40		48	"	
	41		49	"	
	42		50	"	
	43		3	68	
	44		4	"	
	Forms.		Forms.	92	
4	.....	.....	.. ....	....	Sup. 55 V. c. 3, s.37*a*.
5	1 (1)	.....	.....	.....	Sup. 55 V. c. 48,s.14 *b*.
	(2)	.....	.....	.....	Sup. 55 V. c.3, s.91 (1).
	2	... ..	.....	....	Sup. 55 V. c. 2.
	Forms A, B.	.....	.....	....	Sup. 55 V. c.48,Sched. L.
	Forms C-K.	.....	.....	.....	Sup. 55 V. c. 3, Sched. A(Form16)
6	1	61	132	789	
7	1	29	21 (1)	385	
	2		(2)	"	
	3		22	"	
8	1	270	1	3197	
	2		2	"	
	3		3	"	
	4		4	2198	

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8	5	270	5	3198	
	6		10	3199	
	7 (1)		12	3200	
	(2)		17	3201	
	8		13	3200	
	9		6	3198	
	10		7	"	
	11		8	3199	
	12		9	"	
	13		14	3200	
	14		15	"	
	15		16	"	
	16		18	3201	
	Sch. A.		Sch. A.	"	
	Sch. B.		Sch. B.	3202	
	Sch. C.		Sch. C.	3203	
9	.....	.....	.....	.....	Rep. 58 V. c. 11, s. 50.
10	1	.....	.....	.....	Title.
	2	111	3	1103	
	3, 4	.....	.....	.....	Rep. 58 V. c. 12, s. 192.
	5	59	84	662	
	6	61	42	757	
	7	78	20 (3)	918	
	8	87	4	970	
	9	90	2 (3)	987	
	10	.....	.....	.....	Replg. Sec.
	11	17	12 (2)	301	
	12	.....	.....	.....	Rep. 58 V. c. 12, s. 192.
11	1	.....	.....	.....	Rep. 58 V. c. 12, s. 192.
	2	79	16, 17	934	
	Form		Form	935	
12	1	60	48	675	
	2		241	724	
	3	.....	.....	.....	Sup. 60 V c. 19, s. 56
	4	60	53	676	
	5		91	687	
	6		92 (2)	688	
	7	78	25 (3)	920	
	8	60	101	689	
	9		103	690	
	10		104	"	
	11		105 (1)	"	
	12		112(1-3)	692	
	13		141	700	
	14		146	701	
	15		147	"	
	16		152 (1)	702	
	17		163	705	
	18		164	"	
	19		165	706	

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12	20	60	166	706	
	21		169	707	
	22		170	"	
	23		181	709	
	24		223 (2)	720	
	25		119	695	
	26	.....	.....	.....	Replg. Sec.
	27	.....	.....	.....	Title.
13	.....	.....	.....	.....	Rep. 60 V. c. 16, s. 51, except as to matters pending.
14	1	68	5	845	
	2	.....	.....	.....	Tpnt.
	3	.....	.....	.....	Title.
15	1	91	2	990	
	2		1	"	
	3		3	"	
	4		4	991	
	5		5	992	
	6		6	"	
	7		7	993	
	8		8	"	
	9		9	"	
	10		10	"	
	11		11	"	
	12		12	994	
	13		13	"	
	Sched.		Sched.	"	
16	1	85	1	956	
	2		2	957	
	3		3	"	
	4		4	"	
	5		5	958	
	6		6	"	
	7		7	"	
	8		8	"	
	9		11	960	
	10		10	959	
	11		9	958	
	12		12	960	
	13		13	"	
	14		14	961	
	15		15	"	
	16		16	"	
	17		18	"	
	18		17	"	
	19		19	962	
	Forms.			"	
17	1	225	56	2813	
	2	.....	.....	.....	Spent.
	3	225	56	2813	

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17	4	225	57	2813	
	5		58	"	
	6-10	.....	.....	.....	Rep. 60 V. c. 19, s. 94.
18	.....	.....	.....	.....	Rep. 54 V. c. 19, s. 4 (*d*).
19	.....	.....	.....	.....	Rep. 57 V. c. 35, s. 5.
20	1	138	61	1356	
	2		103(2,3)	1368	
	3	29	20	384	
		138	107	1370	
	4		170	1387	
	5		28	1347	
	6	.....	.....	.....	Rep. 56 V. c. 22, s. 15.
	7	138	111	1370	
	8		112	1371	
	9		130 (2)	1374	
	10	28	39 (2)	376	
	11	138	42	1351	
	12		43	"	
	13		173	1389	
	14		169(5,6)	1387	
21	1	147	4	1472	
	2, 3		24	1480	
22	1	157	13	1561	
	2		14	"	
23	.....	.....	.....	.....	Sup. 55 V. c. 30.
24	1	177	2	1732	
	2		3	1733	
	3		6 (1)	"	
	4		(6)	1734	
			7		
	5		11	1735	
	6		12	"	
	7		1	1732	
25	1	179	4(2),5	1747	
	2		6	"	
	3		7	"	
	4		9	1748	
	5		10	"	

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25	6	179	10, 12	1748	
	7		13	1749	
	8		23	1751	
	9		31	1753	
	10 (1)		33	1754	
	(2)	.....	.....	.....	Replg sec.
	11		Sch. A	1756	
	12		36	1755	
	13		Sch. D	1757	
26	.....	.....	.....	.....	Not consolidated. See Rev. Stat. 1887, cc. 189 and 190.
27	1	193	151 (1)	1903	
28	1	239	1	2928	
	2		2	"	
	3		3	"	
	4		4	"	
	5		5	"	
	6		6	2929	
	7		7	"	
	8		8	"	
	9		9	"	
	10		10	"	
	11		11	2930	
	12		12	"	
	13		13	"	
	14		14	"	
	15		15	"	
	16		16	2931	
	17		17	"	
	18		18	"	
	19		19	"	
	20		20	2932	
	21		21	"	
	22		22	"	
	23		23	"	
	24		24	2933	
	25		25	"	
	26		26	"	
	27		27	"	
	28		28	2934	
	29		29	"	
	30		30	"	
29	1	200	6	1955	
	2		7	"	
	3		8	"	
30	.....	.....	.....	.....	Rep. 60 V. c. 36, s. 198 (1).

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Chapter.	Section.	Consolidated. Chap.	Sec.	Page.	Remarks.
31	.....	.....	.....	....	Rep. 60 V. c. 36, s. 198 (1).
32	.....	.....	.....	....	Rep. 60 V. c. 36, s. 198 (1).
33	1	204	1	2076	
	2		2	"	
	3		3	"	
	4		4	"	
	5		5	2077	
	6		6	"	
	7		7	"	
	8(1,2)		8(1,2)	"	
	(3)		9	2078	
	9		10	"	
	10		11	"	
	11		12	"	
	12		13 (1)	"	
	13		14	2079	
	14		15	"	
	15		16	"	
	16		17	"	
	17		18	"	
	18		19	"	
	19		20	"	
	20		21	2080	
	21		22	"	
	22		23	"	
	23		24	"	
	24		25	"	
	25		26	"	
	26		27	2081	
	27		28	"	
	28		29	"	
	29		30	"	
	30		31	"	
	31		32	"	
	32		33	"	
	33		34	"	
	34		35	2082	
	35		36	"	
	36		37	"	
	37		38	"	
	38		39	"	
	39		40	2083	
	40		41	"	
	41		42	"	
	42		43	"	
	43		44	"	
	44		45	"	
	45		46	"	
	46 (1)	.....	.....	....	Sup. 60 V. c. 36, s. 87.
	(2)	204	47	2084	
	47		48	"	
	48		49	"	
	49		50	"	
	50		51	"	

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33	51	204	52	2085	
	52		53	"	
	53		54	"	
	54		55	"	
	55		56	2088	
	56		57	"	
	57		58	"	
	58		59	"	
	59		60	2090	
	60		61(1-3)	"	
	61		62	"	
34	.....	.....	.....	....	Rep. 60 V. c. 38, s. 121 (2).
35	.....	.....	.....	.....	Not consol.
36	.....	.....	.....	....	Sup. 55 V. c. 42.
37	1	225	1 (1)	2802	
	2		(2)	2803	
	3		18 (4)	2806	
	4		30	2807	
	5		64 (4)	2815	
	6		45	2810	
38	.....	....	.....	....	Rep. 58 V. c. 45, s. 27.
39	.....	.....	.....	....	Sup. 55 V. c. 48.
40	.....	.....	.....	....	Sup. 55 V. c. 48.
41	1	245	8 (3)	2959	
	2		36	2974	
	3		45 (2)	2979	
	4		60	2986	
	5		61	"	
	6		77 (2)	2990	
	7		86	2993	
	8		151	3017	
42	1	248	39	3050	
	2		40	"	
	3		41	"	

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43	1	.....	.....	....	Short title.
	2	256	2	3100	
	3(1,2)		2 (1)	"	
	(3)		Sch. A.	3118	
	(4)		2 (1)	3101	
	4 (1)	.....	.....	....	Rep. 58 V. c. 50, s. 14.
	(2,3)	256	5	3102	
	(1)		11 (1)	3104	
	(2)		11 (2) *d,e*	3105	
	6		(2) *c*	3104	
	7 (1)		16 (1)	3106	
	(2)		(2)	"	
	8		26	3110	
	9		32	3113	
	10		10	3103	
	11		35	3114	
	12		48	3117	
	13	.....	.....	.....	Replg. sec.
	14	256	50	3117	
	15	.....	.....	....	Spent.
	Sch. A	256	Sch. A	3118	
	" B		" B	3120	
44	1	.....	.....	....	Short title, etc.
	2	257	44 (1)	3135	
	3		(11)	3137	
	4		(2)	3136	
	5		(12-15)	3138	
	6	.....	.....	.....	Spent.
45	1	278	1	3233	
	2		2	"	
	3		3	"	
46	1	268	1	3193	
	2		2	"	
	3		3	"	
	4		4	"	
	5		5	3194	
	6		6	"	
	7		7	"	
	8		8	"	
47	1	273	8 (3)	3219	
48	1	284	12 (2)	3251	
49	.....	.....	.....	....	Sup. 27 V. c. 55, vide s. 39.

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50	1	289	1	3310	
	2		2	"	
	3		3	"	
	4		4	"	
	5		5	3311	
	6		6	"	
	7		7	"	
	8		8	"	
	9		9	"	
	10	.....	.....	....	Replg. Sec.
	Sch. A		Form A	3312	
	" B		" B	"	
	" C		" C	"	
51	.....	.....	.....	....	Rep. 54 V. c 55, s. 213
52	1	298	6 (3)	3466	
	2	.....	.....	....	Spent.
	3		16 (2)	3470	
	4		26	3472	
	5		34	3474	
53	.....	.....	.....	....	Not consolidated.
54	1	307	1 (2)	3521	
	2		(3)	3522	
	3		9	3523	

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1	.....	.....	.....	.....	Supply.
2	.....	.....	.....	....	Sup. 55 V. c. 3.
3	.....	.....	.....	....	Sup. 55 V. c. 3.
4	.....	.....	.....	....	Sup. 55 V. c. 3.
5	.....	.....	.....	....	Not consolidated; local.

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6	1	29	15	383	
	2		10	381	
	3		11	"	
	4		12	382	
	5		13 (2)	"	
	6		27 (3)	386	
	7, 8	.....	.....	.....	Spent.
7	1	186	1	1808	
	2		2 (1)	"	
	3		(2)	"	
	4	32	14	401	
	5	186	3	1808	
	6		4	"	
	7		5	1809	
	8		6	"	
	9	.....	.....	.....	Spent.
	10	186	7	1809	
	11		8	"	
	12		9	"	
	13		10 (1)	1810	
	14		11	"	
	15		12	"	
	16		13	"	
	17		14	"	
	18		15	1811	
	19		16	"	
	20		17	"	
	21		10 (2)	1810	
	22	.....	.....	.....	Spent.
8	1	138	27	1347	
9	.....	.....	.....	.....	Rep. 55 V. c. 9, s. 76.
10	.....	.....	.....	.....	Rep. 55 V. c. 9, s. 76.
11	1	40	2 (1), 3, 4	476	
	2		2 (1)	"	
	3	41	6, 7	482	
12	1	.....	.....	.....	Sup. 55 V. c. 42, s. 382.
	2	.....	.....	.....	Rep. 60 V. c. 45, s. 49.
	3	.....	.....	.....	Sup. 55 V. c. 48, s. 14 (3).
	4-6	.....	.....	.....	Rep. 60 V. c. 38, s. 121 (2).
	7	148	42	1497	

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13	1	84	1	954	
	2		2	"	
	3		3		
	4		4		
	5		5	"	
	6		6	955	
	7	84	7	"	
		48	6	550	
14	.....	....	.....	....	Rep. 58 V. c. 20, s. 50.
15	.....	.....	.....	....	Rep. 58 V. c. 12, s. 192.
16	.....	.....	.....	....	Rep. 58 V. c. 13, s. 44 (7).
17	1	59	18 (1)	644	
	2		19 (2)	645	
	3		21	"	
	4		24 (1, 2)	646	
	5		34 (2)	649	
	6		36	"	
	7		38	650	
	8		39	"	
	9		40	651	
	10		41	"	
	11		42	"	
	12		47	652	
	13		56	654	
	14		58	"	
	15		59	655	
	16		60	"	
	17		74	659	
	18		75	"	
	19		88	663	
	20		89	"	
	21		20	645	
18	1	58	1	639	
	2		2	"	
	3	57	1	638	
	4	99	1	1023	
	5	.....	.....	.....	Spent.
19	.....	.....	.....	.....	Rep. 58 V. c. 13, s. 47 (2).
20	1	61	142 (1)	785	
	2	.....	.....	.....	Rep. 58 V. c. 16, s. 2.

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21	1	73	48	886	
	2		49	"	
22	1	74	13	892	
23	1	89	1	985	
	2		2, 3	"	
24	1	90	3	987	
	2	90	4(3,5)	"	
		94	1	1006	
	3	90	5	988	
25	.....	.....	.....	....	Rep. 60 V. c. 19, s. 94.
26	.....	.....	.....	....	Rep. 60 V. c. 19, s. 94.
27	1	121	28,29(2)	1137	
28	1	123	68 (2)	1169	
29	1	131	1	1238	
	2		2	"	
	3		3	1239	
	4		4	"	
30	.....	....	.....	....	Rep. 57 V. c. 35, s. 5.
31	1	137	9 (1)	1333	
	2		(2)	"	
32	1	.....	.....	.....	Title.
	2	138	130 (2)	1374	
	3		10	1341	
	4		11	"	
	5		49	1353	
	6		57 (5)	1355	
	7		66	1357	
	8		80	1362	
	9		79	"	
	10	73	50	886	
	11	138	69	1358	
33	1	51	98 (1)	584	
	2		(2)	"	
	3		(3)	585	

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33	4	51	98 (4)	585	
	5		99	"	
	6		100	"	
34	1	147	8 (1)	1473	
35	.....	.....	.....	....	Rep. 57 V. c. 37, s. 42.
36	1	149	3 (1)	1499	
	2		(2)	"	
37	.....	...	.....	....	Rep. 59 V. c. 35, s. 52.
38	.....	.....	.....	....	Rep. 59 V. c. 35, s. 52.
39	.....	.....	.....	....	Rep. 60 V. c, 36, s. 198 (1).
40	1	159	28	1588	
41	1	182	1	1791	
	2		3	"	
	3		2	"	
	4		3	"	
	5		4	"	
	6		5	1792	
	7	.....	.....	.....	Spent.
	8		6	1792	
	9		7	"	
	10		5, 8	"	
	11		9	"	
	12		10	"	
	13		12	1793	
	14		13	"	
	15		14	"	
	16		15	"	
	17		16	"	
	18		11	"	
	19		17	"	
	20		18	"	
	21		19	1794	
	22		20	"	
	23		21	"	
	24 (1)		22 (1)	"	
	(2)	.....	.....	.....	Spent.
	(3-4)		(2-3)	1794	
	25		24	1795	
	26		27	"	
	27		25	"	

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41	28	182	26	1795	
	29		28	1796	
	30		30	"	
	31		31	"	
	32		32	1797	
	33		33	"	
	34		23	1795	
	Sched.		Sched.	1798	
42	1	193	104	1891	
	2		105	"	
	3		106	1892	
	4		107	"	
	5		108	"	
	6		109	"	
	7		110	1893	
	8		111	"	
	9		112	"	
	10		113	"	
	11		114	"	
	12	.....	.....	....	Rep. 60 V. c. 31, s. 3.
43	1	194	4, 5, 12, 13, 21, 23, 35, 61	1906 etc.	
	2		9	1907	
	3		10	"	
	4		43	1915	
	5	.....	.....	....	Rep. 59 V. c. 44, s. 6.
	6		3	1906	
	7		49 (2)	1917	
	8		21 (9)	1909	
	9		63 (2)	1922	
	10	.....	.....	....	Rep. 55 V. c. 37, s. 2.
44	.....	.....	.....	....	Rep. 60 V. c. 36, s. 198 (1).
45	1	.....	.....	.....	Replg. sec.
	2 (20)	207	9 (19)	2153	
	(21)		(20)	2154	
	(22)		(21)	2155	
	(23)		(22)	"	
	(24)		(23)	"	
46	.....	...	.....	.....	Not consolidated.
47	1	208	2 (2)	2201	
	2		15	2206	
48	1	214	3	2309	

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49	1	222	8 (8, 9), 9 (4), 19 (1, 5), 22 (4, 5), 23 (5), 24, 26	2325 etc.	
	2		19 (6), 22 (8), 24, 25 (2)	2331, 2333, 2336	
	3		22 (1), 23 (1)	2332, 2333	
	4		3 (6)	2323	
50	.....	.....	.....	....	Sup. c. 42.
51	1	225	51 (1)	2812	
52	1	225	55	2812	
	2		54 (2)	"	
	3	.....	.....	...	Spent.
53	1	235	37	2915	
	2		48	2918	
54	.....	.....	.....	....	Sup. 55 V. c. 48.
55	.....	.....	.....	....	Sup. 55 V. c. 48, ss. 7-36a.
56	1	245	11 (14)	2962	
	2 (1)		9	2959	
	(2)		10	"	
	(3)		41	2977	
	(4)		44 (1)	2978	
	3		4 (6)	2958	
	4		53 (1)	2982	
	5		70, 71	2988	
	6 (1)		73 (1)	2989	
	(2)		(2)	"	
	(3)		59 (1)	2985	
	7		89	2994	
	8		...	...	Rep. 60 V. c. 50, s. 10.
	9		81	2992	
	10	.....	.....	.....	Replg. sec
	11		97	2997	
	12		101	2998	
	13		112 (3)	3002	
	14		118 (2)	3004	
	15		125 (1)	3009	

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56	16	245	127 (2)	3010	
	17		132(2,3)	3012	
	18		141 (1)	3014	
	Sch. N.		Sch. A.	3021	
57	1	236	2 (2)	2922	
	2	.....	.....	.....	Spent.
58	1	.....	.....	.....	Replg. sec.
59	1	279	3 (4)	3235	
60	1	.....	.....	.....	Rep. 59 V. c. 60, s. 9.
61	1 (3)	.....	.....	.....	Rep. 54 V. c. 49, s. 2.
	(4-7)	248	108(4-7)	3066	
62	1	271	1	3204	
	2		2	"	
	3		4	3205	
	4		5	"	
	5		6	"	
	6	.....	.....	.....	Rep. 56 V. c. 46, s. 2.
	7		17	3209	
	8	271	21	3210	
			8	3206	
	9	.....	.....	.....	Spent.
63	1	268	1 (1)	3193	
64	1	269	1	3195	
	2		2	"	
	3		3	"	
	4		4	3196	
65	1	274	1	3221	
	2		4	3222	
	3		5	"	
	4		6	"	
	5		7	"	
	6		2	3221	
	7		3	3222	
	8		8	3223	
	9		9	3222	
	10		10	"	
	11		11	"	
	12		16	3224	
	13		17	"	
	14		12	3223	

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65	15	274	13	3223	
	16		14	3224	
	17		15	"	
66	1	283	1	3243	
	2		2	"	
	3		3	3244	
	4		4	"	
	5		5	"	
	6		6	"	
	7		7	3245	
	8		8	"	
	9		9	"	
	10		10	"	
	11		11	"	
	12		12	3246	
	13		13	"	
67	1, 2	284	13 (1)	3251	
	3		(2)	"	
68	.....	.....	.....	.....	Sup. by 57 V. c. 55, *vide* s. 39.
69	1	286	3	3272	
	2		4	"	
	3		5	"	
	4		6	3273	
	5		7	"	
	6		8	3275	
	7		9	3276	
	8		10	3277	
	9		11	"	
	10		12	"	
	11		1	3272	
70	.....	.....	.....	.....	Rep. 56 V. c. 49, s. 29.
71	1	294	48 (1)	3429	
	(2)		(2)	3430	
	(3)		(3)	"	
	2	.....	.....	.....	Sup. 55 V. c. 48, s. 47*a*.
	3	.....	.....	.....	Sup. 55 V. c. 48, s. 47*b*.
	4	224	13 (5)	2716	
		294	49(1,2)	3430	
	5		50 (1)	3431	
	(2)		(2)	"	
	6	.....	.....	.....	Sup. 54 V. c. 55, s. 103 (1).
	7	.....	.....	.....	Sup. 54 V. c. 55, s. 103 (2).

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71	8 (2)	...	...	...	Spent.
	(3)	294	42 (2)	3428	
	9		57	3434	
	Sched.		Sched. G	3448	
72	.....	.....	.....	....	Rep. 54 V. c. 57, s. 52.
73	.....	.....	.....	....	Not consolidated.
74	1	307	28	3530	
75	1	313	29	3564	
	2	304	16 (1)	3511	
	3		(2)	"	
	4		(3)	"	
76	1	313	28	3563	
	2	304	14 (1)	3510	
	3		(2)	3511	
	4		15		
	5	259	36	3167	
	6	313	27	3563	
77	1	318	97	3615	
	2		99	"	
	3		106	3617	
	4 (111)		109	3618	
	(112)		110	"	
78	1	312	1	3556	
	2		2	"	
	3		3	"	
	4		4	3557	
	5		5	"	
	6		6	"	
	7		7	"	

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1	.....	.....	.....	.....	Supply.

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2	.....	.....	.....	....	Not consolidated, arbitration between Canada and the Province.
3	.....	.....	.... ..	....	Not consolidated, Indian lands agreement.
4	.... ..	.....	.....	....	Not consolidated Parliament Buildings.
5	.....	.....	.....	....	Sup. 55 V. c. 3.
6	1	11	12	232	
	2		64	243	
7	1	28	15	369	
	2		16	370	
	3	32	4	399	
	4		5	"	
	5		6	"	
	6	.....	....	.....	Spent.
8	....	.....	.... ..	....	Rep. 55 V. c. 9, s. 76.
9	.....	.....	.... ..	....	Not consolidated, Land Improvement Fund.
10	.....	.....	.... ..	....	Rep. 58 V. c. 11, s. 50.
11	.....	.....	.....	....	Rep. 58 V. c. 12, s. 192.
12	.....	... ..	.....	....	Rep. 58 V. c. 12, s. 192.

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13	.....	.....	.....	.....	Rep. 58 V. c. 12, s. 192.
14	1	55	32	628	
15	1	54	6	613	
	2		15 (2)	615	
	3	60	10	666	
16	1	.....	.....	.....	Left unrepealed, see page 966.
	2	86	12	966	
	3	33	20	410	
17	1, 2	96	9 (8)	1012	
18	1(1-4)	127	13(1-4)	1194	
	(5)	....	.....	....	Rep. 60 V. c. 15, Sched. A (42).
	2		16	1196	
	3		17	1197	
	4		18	"	
	5		19	"	
	6		20	1198	
	7		21	"	
19	1	.....	.....	.....	Title.
	2	129	27(1-3)	1227	
		130	3	1235	
	3	129	27 (4)	1227	
		130	4	1235	
	4		5	1236	
	5		6	1237	
	6		7	"	
	7	129	28	1227	
	8		29	1228	
	9	130	8	1237	
	10		9	"	
	11	129	30	1228	
	12		31	1229	
	13		32	"	
	14		27 (4)	1227	
20	1	147	2(1-4)	1469	
	2		3 (5)	1471	
	3	.....	.....	.....	Spent.
21	.....	.....	.....	.....	Rep. 57 V. c. 37, s. 42.

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22	1	.....	.....	.....	Rep. 57 V. c. 38, s. 1.
	2	154	2	1539	
	3		5 (1)	1540	
	4		6(1-4)	"	
	5		7	1541	
	6		8(2),9	1542	
	7 (1)		10	"	
	(2)		11	"	
	(3)		12	1543	
	(4)		13	"	
	(5)		14	"	
	(6,7)		15	"	
	8		16	1544	
	9		17	"	
	10		18	"	
	11 (1)		19	1545	
	(2)		20	1546	
	12		21	"	
	13		22 (1)	"	
	14		(2)	"	
	15		23	"	
	16		24	1547	
	17		25	"	
	18		26	"	
	19		27	1548	
	20		28	"	
	21		29	"	
	22		30	"	
	23		31	"	
	24		32	1549	
	25 (1)		33	"	
	(2)		34	1550	
	26		35	"	
	27		36	"	
	28		37	"	
	29		38	"	
	30		39	1551	
	31		41	"	
	32		42	"	
	33		43	"	
	34	.....	.....	.....	Spent.
	Sched.		Sched.	1552	
23	.....	.....	.....	.....	Rep. 59 V. c. 39, s. 31.
24	1	157	11	1560	
25	1	173	5	1691	
	2	174	7	1696	
26	1	176	19	1717	
	2		52	1728	
	3		34 (1)	1722	
	4		35 (1)	"	
	5		36	1723	
	6		37	"	
	7		38, 39	"	
	8		44	1725	
	9		22	1718	

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27	1	176	23 (4)	1719	
28	1 17	178	19	1741	
	18 (1)		20	1742	
	(2)		24	"	
29	.....	.....	.....	.....	Spent.
30	1	183	1	1799	
	2		2, 3	"	
	3		2	"	
	4		4	"	
	5		5	1800	
	6		6	"	
	7		13	1802	
	8		7	1800	
	9		8	1801	
	10		9	"	
	11		10	"	
	12		11	"	
	13		12	"	
	14		14	1802	
	15		15	"	
	16		16	"	
	17		17	"	
	18		18	"	
31	1, 2	185	1	1805	
	3		2	"	
	4		3	"	
	5(1, 2)	.....	.....	.....	Spent.
	(3)		3 (2)	1805	
	(4)		4	"	
	6		5	"	
	7		6	"	
	8		7	"	
	9		8	1806	
	10		10	"	
	11		11		
	12		12	1807	
	13		13	"	
	14		14		
	15		9	1806	
	16		15	1807	
	17		16	"	
	18		17	"	
	19		18	"	
	20		19	"	
32	.....	.....	.....	.....	Not consolidated; see Rev. Stat. cc. 189 and 190
	.....	.....	.....	.....	Sup. 60 V. c. 37, s. 8.

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34	1	216	1	2312	
	2		2	"	
	3		3	"	
	4		4	2313	
	5		5	2314	
	6		6	"	
35	....	.....	.....	.....	Rep. 55 V. c. 38, s. 5.
36	1	200	1(1-2)	1954	
	2		2		
	2		3	1954	
	3		4	"	
	4		5	1955	
37	....	....	.....	....	Rep. 60 V. c. 36, s. 198 (1)
38	.....	....	.....	....	Rep. 60 V. c. 38, s. 121 (2).
39	.....	.....	.....	....	Not consolidated.
40	1	208	38 (6)	2213	
41	1	213	22 (1)	2305	
	2		(2)	2306	
42	.....	.....	.....	....	Sup. 55 V. c. 42.
43	.....	.....	.....	....	Rep. 60 V. c. 45, s. 49.
44	1	233	2 (1), 3, 4, 5, 12	2889	
	2		2 (2)	"	
	3		(5)	2890	
	4		5	"	
	5		6 (6)	2891	
	6		7 (2)	2892	
	7	.....	.....	.....	Rep. 60 V. c. 15, Sch. B (8).
	8		Sched.	2898	

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45	.....	....	.....	....	Sup. 55 V. c. 48.
46	1	245	142	3015	
	2-7	....	.. ....	.....	Spent.
47	1	236	8	2923	
48	1	279	2	3234	
	2		2	"	
	3		3 (1)	"	
	4		9 (4)	3237	
49	1	.....	.....	.....	Short title.
	2	248	108 (3)	3065	
	3		43	3051	
	4		44	"	
	5		45	"	
	6		46	"	
50	1	286	2	3272	
51	.....	.....	.....	....	Sup. 57 V. c. 56; see s. 114.
52	1	281	1	3241	
	2		3	"	
53	1	254	1	3097	
	2		2	"	
	3		3	"	
	4		4	"	
54	.....	.....	.....	....	Rep. 59 V. c. 69, s 9.
55	.. ....	....	....		Rep. 59 V. c. 70. s. 116
56	1	296	1	3451	
	2		2	"	
	3		3	"	
	4		4	"	
	5		5	3452	
	6	304	11 (1)	3510	
	7	296	6	3452	
	8		7	3453	
	9		8	"	
	10		9	"	

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56	11	224	17	2719	
	12	296	11	3454	
	13		12	"	
	14		13	"	
	15		14	"	
	16		15	"	
	17		16	3455	
	18		17	"	
	19		18	"	
	20	.....	... .	.....	Spent
	Sched.	.....	.....	....	Sup. 55 V. c. 48, Sch. M.
57	.....	.....	.....	...	Rep. 59 V. c. 71, s. 46.
58	1	298	6 (3)	3466	
	2	.....	.....	.....	Spent.
	3	.....	.....	.....	Spent.
	4	.....	.....	.....	Spent.
	5	298	11 (3)	3468	
	6		11 (3)	"	
	7		14	3470	
	8	.....	.....	.....	Replg. sec.
59	1	304	7	3508	
	2		6	"	
	3		9	3509	
	4		20	3512	
60	1	303	1	3503	
	2		2	"	
	3		3	"	
	4		4	3504	
	5		5	"	
	6		6	"	
	7		7	"	
	8		8	3505	
	9		9	"	
	10		10	"	
	11		11	"	
	12		12	"	

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1	.....	....	.....	....	Supply.

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2	1	7	61	88	
	2	9	10	137	
	3	7	61	88	
	4		62	"	
	5	..	.....	....	Rep. 58 V. c. 4, s. 13
	6		64	88	
	7		65	"	
	8	7	66	89	
		9	93	161	
	9	7	68	89	
	10		70	90	
	11		69 (1)	"	
	12		67	89	
	13		71	90	
	14	....	.... ..	...	Rep. 60 V. c. 15, Sch. A (46).
	15	.....	..		Spent.
	16	7	72	91	
	17		73	"	
	18	... ..	.....	....	Spent.
	Forms.		Forms.	105	
3	1	9	1	133	
	2		2	"	
	3		3	134	
	4		4	135	
	4a		5	"	
	5		6(1,2)	"	
	6		7	"	
	6a		6 (3)	"	
	7 (1)		8	136	
	(2)		11 (1)	137	
	(3)	....	.....	.	Rep. 57 V. c. 2, s. 7.
			.. ...	....	Sup. by Voters' Lists prepared under 55 V. c. 2; see Rev. Stat. c. 9, s. 10.
	7b	9	12	137	
	7c		13	138	
	7d (a)		14 (1)	"	
	(b)		15	139	
	7e		14 (2)	138	
	8 (1)	223	535 (2)	2543	
			536 (1)		
	2)		(10)	2544	
	3)		(3)	2543	
	4)		(4)	"	
	(5)		(5)	2544	
	(6,7)	9	16	139	
	9	223	536 (6)	2544	
	10		(7)	"	
	11		(8)	"	
	12		(9)	"	
	13	9	18	140	
	14		17	139	
	15		19	140	

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3	16	9	20	140	
	17		21	"	
	18		22	"	
	19		23	141	
	20		24	"	
	21		25	"	
	22		26	142	
	23		27	"	
	24		28	"	
	25		29	"	
	26		30	"	
	26a		31	"	
	27		32	143	
	27a		33	"	
	28		34	144	
	29		35	"	
	30		36	"	
	31		37	145	
	32		38	"	
	33		39	"	
	34		40	"	
	35, 36	..	.....	.	Rep. 57 V. c. 6, s. 1.
	37	9	41	145	
	37a		42	146	
	38(1,2)		43(1,2)	"	
	(3,4)		(4,5)	"	
	39		44	147	
	40		45	"	
	41		46	"	
	42		47	"	
	43		48	..	
	43a		49	148	
	44		50	"	
	45		51	"	
	46		52	"	
	47		53	"	
	48		54	149	
	(No section 49.)				
	50	9	55	149	
	51		56	"	
	52		57	"	
	53		58	"	
	54		59	150	
	55		60	"	
	56 (1)	.. ..	.	....	Rep. 56 V. c. 4, s. 1.
	(2-4)	9	61(3-5)	150	
	56a		62	"	
	57		63	153	
	58		64	"	
	59		65	"	
	60		66	"	
	61		67	154	
	62		68	"	
	63		69	"	
	64		70	"	
	65		71	155	
	66		72	"	
	67		73	"	
	68		74	"	
	69		75	156	
	70		76	"	
	71		77	157	

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3	72	9	78	157		3	128	9	135 (1)	178	
	73		79	"			128*a*		(2)	179	
	74		80	"			129		136	"	
	75		81	158			130		137	"	
	76		82	"			131		138	"	
	77		83	"			132		139	"	
	78		84	159			133		140	180	
	79		86	160			134		141	"	
	80		87	"			135		142	"	
	81		88	"			136		143	181	
	82		89	"			137		144	"	
	83		90	161			138		145	"	
	84		91	"			139		146	182	
	85		92	"			140		147	"	
	86	.....	.....	.....	Rep. 60 V. c. 15, Sched. A (50).		141		148	"	
							142		149	"	
							143		150	"	
	87	9	94	161			144		151	"	
	88		95	163			145		152	183	
	89		96	"			146		153	"	
	90(1-7)		97(1-7)	"			147		154	"	
	(8, 9)		(10,11)	165			148		155	184	
	91		98	"			149		156	"	
	92	.....	.....	.....	Sup. by Voters' lists prepared under 55 V. c. 2.		149*a*		157	185	
							150		158	"	
	93						151		159	"	
							152		160	186	
							153		161	"	
							154		162	187	
	94	9	99	166			155		163 (1)	"	
	95		100	"			156		164	"	
	96		101	167			157		165	188	
	97		102	"			158		166	"	
	98		103	"			159		167	"	
	99		104	168			160		168	189	
	100		105	"			160*a*		169	"	
	101		106	"			161		170	"	
	102		107	"			162		171 (1)	"	
	103		108	169			163		172	190	
	104		109	"			164		173	"	
	104*a*		110	170			165		174	"	
	105		111	"			166		175	191	
	106		112	"			167		176	"	
	107		113	172			168		177	"	
	108		114	"			169		178	"	
	109		115	"			170		179	"	
	110		116	"			171		180	192	
	111		117	173			172		181	"	
	112		118	"			173		182	"	
	113		119	"			174		183	"	
	114		120	174			175		184	193	
	115		121	"			176		185	"	
	116		122	"			177		186	"	
	117		123	"			178		187	"	
	118		124	"			179		188	"	
	119		125	175			180		189	196	
	120		126	"			181		190	197	
	121		127	176			182		191	"	
	122		128 (1)	"			183		192	"	
	123		130	177			184		193 (2)	198	
	124		131	"							
	125		132	"			185	.....	.....	.....	Rep. 60 V. c. 15, Sched. A (53).
	126		133	178							
	127		134	"			186	9	194	198	

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3	187	9	195	198	
	188		196	199	
	189		197	"	
	190		198	"	
	191		199	"	
	191a		200	"	
	192		201	200	
	193		202	"	
	194		203	"	
	195		204	"	
	196		205	201	
	197		206	"	
	198		207	"	
	199		208	"	
	200		209	"	
	201		210	"	
	202		211	202	
	203		212	"	
	204	.....	.....	.....	Rep. 58 V. c. 4, s. 20.
	205	9	214	202	
	206	.....	.....	.....	No sec. 206.
	207	9	215	203	
	208		216	"	
	209		217	"	
	210	.....	.....	.....	Replg. sec.
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	Form 17		Forms 19, 20	215	
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	Forms 20, 21	.....	.....	.....	Sup. by Voters' List, prepared under 55 V. c. 2.
	Forms 22-29	9	Forms 23-30	217	
	Sch. B.		Sch. B.	222	
4	.....	.....	.....	.....	Spent.
5	.....	...	...	...	Rep. 59 V. c. 4 s. 1.
6	1	24	1	340	
	2		2	"	
	3		3	"	
	4	.....	.....	.....	Rep. 59 V c. 5, s. 1.
	5	24	5(1,2)	344	
	6, 7	....	.....	..	Rep. 59 V c. 5, s. 3.
	8	24	8	345	
	9		9	346	
	10		10	"	

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6	11	24	11 (1)	346	
	12		12 (1)	347	
	13		13	348	
	14		14	"	
	15		15	"	
	16		16	"	
	17		17	"	
	18		18	349	
	19		19	"	
	20		21	"	
	21	59	12	643	
	22	24	22	349	
7	1	26	20(1,2)	360	
	2		21	"	
	3		20 (3)	"	
	4		22	"	
8	.....	.....	.....	.....	Not consol.
9	1	36	1	418	
	2 1-5		2 1-5	419	
	6	.....	.....	.....	Rep. 60 V. c. 8, s. 1.
	7-12	36	7-12	419	
	3		3	420	
	4(1,2)		4, 5	"	
	(3)	....	.....	.....	Rep. 60 V. c. 8, s. 3.
	5	36	6	422	
	6 (1)		7	"	
	(2)		8	"	
	7		9	"	
	8, 9	.....	.....	.....	Rep. 60 V. c. 8, s. 6.
	10	36	26	426	
	11		27	428	
	12	..	..	....	Rep. 57 V. c. 16, s. 4.
	13	.....	.....	.....	Rep. 60 V. c. 8, s. 9.
	14	36	35(1-6)	430	
	15		38	432	
	16		36	431	
	17		39	432	
	18		40	433	
	19	.....	.....	.....	Rep. 60 V c. 8, s. 11.
	20	36	42	434	
	21		43	"	
	22		14	424	
	23		15	"	
	24		44	434	
	25		16 (1)	424	
	26		23, 24	426	
	27		18	425	
	28 (1)		17	424	
	(2)		7	422	
	29	.....	.....	.....	Rep. 57 V c. 16, s. 4.

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9	30	36	46	435	
	31,32,33	.....	.....	...	Rep. 60 V. c. 8, s. 14.
	34	36	51	436	
	35 (1)		52	437	
	(2)	.....	.....	...	Rep. 57 V. c. 16, s. 6.
	36	36	53	437	
	37	....	.....	....	Rep. 60 V. c. 8, s. 17.
	38	36	54	438	
	39, 40	....	.....	....	Rep. 60 V. c. 8, s. 17.
	41	36	55	438	
	42		56	"	
	43		57	"	
	44	....	.. ..	....	Rep. 60 V. c. 8, s. 20.
	45	36	73	447	
	46		25	426	
	47		58	438	
	48		74	447	
	49		82	448	
	50	.....	.....	...	Rep. 60 V. c. 8, s. 20.
	51	36	87	449	
	52		83	448	
	53	...	.....	....	Rep. 59 V. c. 13, s. 2.
	54	36	60	439	
	55		61	"	
	56		62	440	
	57		63	"	
	58		64, 65	"	
	59		66	441	
	60		67	"	
	61		71	446	
	62		70	445	
	63	..	.. ..	....	Rep. 60 V. c. 8, s. 25.
	64	36	16 (2)	424	
	65 (1)		19	425	
	(2)		76	447	
	66		22	426	
	67		20	425	
			72	446	
	68		21	426	
	69		79, 80	448	
	70		84	"	
	71		81	"	
	72		85, 86	449	
	73		83	448	
	74 1, 2		69 1, 2	442	
	3-20		4-21	443	
	21		78	447	
	75		75	"	
	76	.....	.....	.....	Replg. sec.

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10	.....	....	.....	...	Not consolidated, to be repealed on Rev. Stat., 1897, c. 288 going into force, see sec. 62 of that Act.
11	1	.....	.....	.....	Title.
	2	60	42(1-3)	673	
	3		14	668	
	4		256	727	
12	1	.....	.....	.....	Replg. sec.
	2	61	66 (3)	763	
	3		Sch. B.	798	
	4	.....	.....	.....	Spent.
13	.....	.....	.....	....	Rep. 56 V. c. 16, s. 1.
14	1	73	9	874	
	2		48	886	
15	1	80	11	938	
	2		12	"	
	3		21	940	
16	1, 2	87	15(1,2)	972	
	3		(3)	"	
	4		16	"	
	5		17	973	
	6		22, 23	974	
	7		15 (4)	972	
	8	.....	.....	.....	Spent.
17	1	18	1	315	
	2-9	.....	.....	....	Rep. 57 V. c. 9. s. 1.
	10		5	316	
	11		6	317	
	12		7	"	
	13		8	"	
	14		9	"	
	15	.....	.....	.....	Spent.

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18	.....	...	...	...	Rep. 56 V. c. 11, s. 3, and 60 V. c. 19, s. 94.
19	1	282	1	3242	
	2		2	"	
	3	.....	.....	.....	Spent.
20	1	112	1	1104	
	2		2	"	
	3		3	"	
	4		4	"	
	5		5	"	
	6		6	1105	
	7		7	"	
	8		8	"	
	9		9	"	
	10		10	"	
21	.....	...	...	...	Rep. 57 V. c. 35, s. 5.
22	.....	...	.....	...	Rep. 57 V. c. 35, s. 5.
23	1, 2	270	11	3199	
24	1	138	110	1370	
25	1, 2	147	2 (5)	1470	
26	.....	...	.....	...	Rep. 57 V. c. 37, s. 42.
27	1	156	4	1556	
	2		5	1557	
28	1	151	1	1506	
29	1	168	12	1655	
	1	.....	.....	.....	Replg. sec.
30	1	160	1	1590	
	2(1,2)		2 1, 2	"	
	(3)	.....	.....	...	Rep. 56 V. c. 26, s. 1.
	(4,5)	160	4, 5	1590	

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30	3	160	3	1591	
	4		4	1592	
	5		5	"	
	6		6	1593	
	7		7	1594	
	8		8	"	
	9		9	"	
	10		10	"	
	11		11	1595	
	12		12	"	
	13		13	"	
	14		14	1596	
	15		15	1597	
	16(1-6)		16	"	
	(7)		17	1598	
	(8)		18	"	
	(9)		19	"	
	(10)		20	"	
	(11)		21	1599	
	(12)		22	"	
	(13)		23	"	
	(14)		24	"	
	17(1,2)		25	"	
	(3,4)		26	"	
	(5)		27	1600	
	(6)		28	"	
	(7)		29	"	
	(8)		31	"	
	(9)		30	"	
	18		32	1601	
	19		33	"	
	20	....	.....	...	Replg. sec.
31	1	170	30 (2)	1668	
32	1	172	39 (2)	1685	
33	1(1-4)	178	3(1-4)	1738	
	(5)		6	1739	
	2(1-3)		5(1-3)	1738	
	(4)		4	"	
	(5)		5 (4)	1739	
	(6)		7	"	
	3	.....	.....	...	Replg. sec.
	4	178	8 (1)	1739	
	5		13 (2)	1740	
	6		25	1742	
	Sch. A.		Sch. A.	1744	
	Sch. B.		Sch. B.	1745	
34	1	180	3	1759	
	...	...	...	...	Replg. sec.
	3	180	4,5,6	1759	
	4 pt.		7	1760	
	(1,2)		8, 9	"	
	(3)		10	"	
	(4)		11	"	
	(5-7)		12	1761	

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34	4(8,9)	180	13	1761	
	(10)		14	"	
	(11)	..	.....	...	Spent.
	(11a)	180	15 (1)	1761	
	(11b)		9 (2)	1760	
	(12)		15 (2)	1762	
	(13)		16	"	
	(14)		17	"	
	(15)		18	"	
	(16-18)		19	"	
	5(1)		38(1-3)	1767	
	(2)		(5)	1768	
	6		21	1763	
	7		39 1-6	1768	
	8(1-3)	.....	.....	...	Spent.
	(4)	180	15 (1)	1761	
			18	1762	
	9		41	1769	
	10		42	"	
	11(1)	.....	.....	...	Spent.
	(2)	180	43	1770	
	(3)		44	"	
	12(1)		45	"	
	(2)		46	1771	
	13		47	"	
	14		48	"	
	15		49	1771	
	16		50	1772	
	17		41	1769	
			51	1772	
	18 (1)		1	1758	
	(2)		2 (2)	"	
	Scheds.		Sched. 3	1773	
35	1	201	19	1959	
	2		18	1958	
36	1	193	39	1872	
	2		115	1893	
	3		115	"	
	4	.....	.....	.....	Spent.
37	1(1-8)	194	59(1-8)	1919	
	(9)	...	.....	.....	Unnecessary.
	2	194	42	1914	
	3	.....	.....	.....	Spent.
38	1	199	7	1941	
			21	1944	
			34	1946	
	2	.....	.....	.....	Rep. 60 V. c. 35, s. 2.
	3	199	32	1946	
	4		32	"	
	5	.....	.....	.....	Repeals 54 V. c. 35.
	6	199	41	1948	

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39	.....	.....	.....	.....	Rep. 60 V. c. 36, s. 198 (1)
40	.....	.....	.....	.....	Rep. 60 V. c. 38, s. 121 (2).
41	.....	.....	.....	.....	Not consolidated.
42	1	223	1	2351	
	2 (1)		2 (10)	"	
	(2)		(9)	"	
	(3)		(1)	"	
	(4)		(3)	"	
	(5)		(14)	2352	
	(6)		(1)	2351	
	(7)		(8)	"	
	(8)		(6)	"	
	(9)		(5)	"	
	(10)		(12)	2352	
	(11)		(11)	2351	
	3		5	2352	
	4		6	"	
	5		7	2353	
	6		8	"	
	7		9	"	
	8		10	"	
	9		11	2354	
	10		12	2355	
	11		13	"	
	12		14	"	
	13		15	2356	
	14		16	2357	
	15		18	"	
	16		19	"	
	17		37	2366	
	18		20	2359	
	19		21	"	
	20		22	2360	
	21		23	"	
	22 (1)		24	"	
			102	2391	
	(2-7)		103	"	
	23		25	2360	
	24		26	"	
	25		27	2362	
	26		28	2363	
	27		29	2364	
	28		30	"	
	29		31	"	
	30		32	"	
	31		33	2365	
	32		34	"	
	33		35	"	
	34		36	2366	
	35		38	2367	
	36		39	"	
	37		40	"	

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42	38	223	41	2368		42	88	223	95	2389	
	39		42	2369			89		96	"	
	40		43	"			90		97	2390	
	41		44	"			91		98	"	
	42		45	"			92		99	"	
	43		46	"			93		100	"	
	44		47	2370			94		101	"	
	45		48	"			95		104	2392	
	46		49	"			96		105	"	
	47		50	"			97		106	2393	
	48		51	2371			98		107	"	
	49 (1)		52 (1)	"			99		108(1,2)	2393	
	(2)		(2)	"			100		109	2394	
	(3)		(3)	"			101		110	"	
	(4)		(4)	2372			102		112	2395	
	(5)	60	17	669			103		113	"	
		223	52 (5)	2372			104		86 (1)	2386	
									114	2396	
	(6)	.....	.....	.....	Sup. 57 V. c. 37, s. 35.		105		115	2397	
	50	223	53 (1)	2372			105		116	2398	
	51		(2)	"			106a		117	"	
	52		54	2373			107		118	2399	
	53		55	"			(1-3)		120	"	
	54		56	"			108 (4)		118 (4)	"	
	55		57	"			109		119	"	
	56		58	"					120	"	
	57		59	2375			110		121	"	
	58		60	2276			111		123	2400	
	59		61	"			112		124	"	
	60		62	"			113		125	"	
	61		63	"			114		126	"	
	62		64	2377			115		127	2401	
	63		65	"			116		128	"	
									(1,2,4)		
					Sup. by 59 V. c. 52,		117		129	"	
	64	.....	.....	.....	except as to Haliburton.		118		136	2403	
							119		137	"	
							120		138	2404	
		4	6	41			121		139	2405	
	65	223	74	2380			122		140	"	
	66	4	7	42			123		141 (1)	"	
	67		8	"			124		144	2406	
	68	223	70	2379			125		145	"	
	69		71	"			126		146	2407	
	70		72	2380			127		147	"	
	71		73	"			128		148	"	
	72		75	2381			129		149	"	
	73		76(1-4)	"			130		150	"	
	74		76 (5)	2382			131		151	2408	
	75		78	2383			132		152	"	
	76		79	"			133		153	2409	
	77		80	"			134		154	"	
	78		84	"			135(1-3)		156	"	
	79		86	2385							
	80		87	2387			(4)	.....	.....	.....	Sup. 60 V. c. 15, Sched. C (1).
	81		88	"							
	82		89	2388			136	223	157	2410	
	83		90	"			137		158	"	
	84		91	"			138		159	"	
	85		92	"			139		161	"	
	86		93	"			140 (1)		162 (1)	2411	
							(2)		(3)	"	
					Rep. 60 V. c. 15, Sch. C.		141		163	"	
	87	.....	.....	.....	(20).		142		164	2412	

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42	143	223	165	2412	
	144		166	2413	
	145		167	2414	
	146		168 (1)	"	
	147		169	"	
	148		170	"	
	149		171	2415	
	150		172	"	
	151		173	2416	
	152		174	"	
	153		175	2417	
	154		176	"	
	155		177	"	
	156		178	2419	
	157		179	"	
	158		184	2421	
	159		185	"	
	160		186	"	
	161		187	"	
	162		188	2422	
	163		189	"	
	164		189 (9)	2424	
	165		190	"	
	166		192	2425	
	167 (1)		193 (1)	"	Rep. in part 60V. c. 15, Sched. C. (40).
	(2,3)		(2,3)		
	168		194	2426	
	169		198	2427	
	170		199	2428	
	171		200	"	
	172		201	"	
	173		202	"	
	174		203	"	
	175		204	2429	
	176		206	"	
	177		207	2430	
	178		208	"	
	179		210	"	
	180		211	"	
	181		212	"	
	182		216 (1)	2431	
	183		215	"	
	184		213	"	
	185		214	"	
	186		218	2432	
	187		219	2433	
	188		220	"	
	189		229	2435	
	190		224	"	
	191		225	"	
	192		227	"	
	(No section 193.)				
	194	223	223 (1)	2435	
	195		230	2436	
	196		231	"	
	197		228	2435	
			232	2436	
	198		233	"	
	199		234	"	
	200		238	2437	
	201				

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42	202	223	239	2438	
	203		240	"	
	204		241	"	
	205		242	"	
	206		243	"	
	207		237	2437	
	208		244	2438	
	209		245	2439	
	210 (1)		246	2440	
	(2)	.....	.....	....	Rep. 59 V. c. 51, s. 4 (2).
	211	223	247	2441	
	212		248	"	
	213		249	"	
	214		250	"	
	215		251	"	
	216		252	"	
	217		253	2442	
	218		254	"	
	219		255	"	
	220		256	"	
	221		257	2443	
	222		258	"	
	223		259	"	
	224		260	2444	
	225	....	.....	....	Rep. 60 V. c. 45, s. 63.
	226	223	262	2444	
	227	.....	.....	....	Sup. 56 V. c. 52, see s. 19.
	228	223	264	2444	
	229		265	2449	
	230		266	"	
	231		538 (1)	2547	
	232		280	2451	
	233		267	2445	
	234		268	"	
	235		269	"	
	236		270	"	
	237		271	2446	
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	239 (1)	...	.....	....	Rep. 60 V. c. 45, s. 34.
	(2)	223	481 (2)	2523	
	240		273	2446	
	241		274	"	
	242		275	"	
	243		278	2450	
	244		279	"	
	245		282	2451	
	246		283	"	
	247		284	"	
	248		285	2452	
	249		288	2453	
	250 (1)		290	"	
	(2)		289	"	
	251		292	2454	
	252		293	2455	
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	254		295	"	
	255		296	2456	
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	260		301	2458			312		358	"	
	261		302	"			313		359	2477	
	262		303	"			314		360	"	
	263 (1)		304 (1)	"			315		361	"	
	(2)		(2)	"			316		362	2478	
	(*a*)		(3)	2459			317		363	"	
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	(3)	223	(6)	2459			320		366	"	
	(*a*)		(7)	"			321		367	"	
	(4)		(8)	2460			322		368	2480	
	(5)		(9)	"			323		369	"	
	264		305	"			324		370	"	
	265		306	"			325		371	"	
	266		307	"			326		372	2481	
	267		308	"			327		373	"	
	268		309	"			328		374	"	
	269		310	2461			329		375	"	
	270		311	"			330		376	"	
	271		312 (1)	2462			331		377	2482	
	271*a*		313	"			332		378	"	
	272		314	2463			333		379	2483	
	273		315	"			334		380	"	
	274		316	"			335		381	"	
	275		317	"			336		382	"	
	276		318	"			337		383	2484	
	277		319	2464			338		468	2518	
	278		320	"			339		469	"	
	279		321	2465			340		384 (1)		
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	286		330	2468			341		385	2486	
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	288	223	333	2469			344		389	2488	
	289		334	"			345		390	"	
	290		335	"			346		391	2489	
	291		336	2470			347		392	"	
	292		337	"			348		393	"	
	293		338	"			349		394	"	
	294		339	2471			350		395	2490	
	295		340	"			351		396	"	
	296		341	"			352 (1)		399 (1)	2492	
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	298		343	2472			(3)		397 (1)	2491	
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	301		346	"			(6)	223	399 (6)	2493	
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	304		349	"			355	.....	.....	....	Rep. 60 V. c. 45, s. 48.
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	360		405	"	
	361		406	"	
	362		407	"	
	363		408	2495	
	264		409	"	
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	367		412	"	
	368		413	2496	
	369		414	"	
	370		415	2497	
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	372		417	2498	
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	379		424	2501	
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	382		427	"	
	383		428 (1)	2502	
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	385 }		449	2511	
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	388		(2)	"	
	389		(4)	2512	
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	393 }				
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	441		489	"	
	442		490	"	
	443		491	"	
	444		492 (1)	2526	
	445		493	"	
	446		494	"	
	447		495	"	
	448		496	2527	
	449		497	"	
	450		498	"	
	451		499	"	
	452		500	2528	
	453		501	"	
	454		502	"	
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	458		520 (1)	2533	
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	463		528	2536	
	464		504	2528	
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	471		514	"	
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	(5)		(9)	"	
	(6)		(1)	"	
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	(8)		591 (6)	2612	
				"	
	(9)		591 (4)	2612	
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	(20)		574 (2)	2584	
	(20a)		(3)	"	
	(21)		580 (11)	2595	
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	(24)		583 (17)	2601	
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	484		444(1,2)	2508	
	485		444 (3)	"	
	486		445	2509	
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	(9a)		(31)	"	
	(10)		587 (1)	2607	
	(11)		577 (1)	2587	
	(12)		(2)	2588	
	(13)		547 (1)	2559	
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	(15)		(1,3)	"	
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	(16a)		541 (1)	2551	
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			562 (11)	2575	
	(22)		537 (4)	2546	
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	(24)		542 (16)	2555	
	(24a)		(17)	"	
	(25)		583 (8)	2598	
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	(27)		574 (1)	2584	
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	(35)		(3)	"			(15)		(4)	"	
	(36)		(4)	"			(16)		542 (5)	2554	
	(37)		(5)	"					586 (6)	2606	
	(38)		(6)	"			(17)		542 (6)	"	
	(39)		(7)	"			(18)		(7)	"	
	(40)		(8)	"			(19)		(8)	"	
	(41)		586 (1)	2606			(20)		(9)	"	
	(42)		550 (5)	2563			(21)		(10)	"	
	(43)		551 (4)	2565			(22)		(11)	"	
	(44)		586(2,3)	2606			(23)		(12)	"	
	(45)		(7)	"			(24)		(13)	"	
	(46)		(8)	"			(25)		559 (1)	2570	
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	(47)		551 (1)	2564			(27)		557 (1)	2569	
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	(49)		(3)	"			(29)		532 (3)	2541	
	(50)		550 (2)	2563			(30)		(4)	"	
	(51)		580 (3)	2594			(31)		532 (2)	2540	
	(52)		550 (4)	2563			(32)		554 (2)	2566	
	(53)		(1)	2563			(33)		(3)	"	
	(54)		583 (23)	2601			(34)		539 (2)	3548	
	(55)		553 (2)	2565			(35)		554 (4)	2567	
	(56)		532 (1)	2540			(36)		559 (5)	2571	
	(57)		534 (2)	2542			(37)		540 (6)	2550	
	(58)		582	2596			(38)		559 (3)	2571	
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	491		531	2539			(40)		540 (5)	2550	
	492		555	2567			(41)		583(28)	2602	
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	(2)		542 (14)	2554			(43)		548 (2)	2560	
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	(3)		583(14)	2599			(5)		(5)	"	
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	(6)		(3)	2608			(9)		(9)	"	
	(7)		(6)	"		498	(1)		(10)	"	
	(8)		(7)	"			(2)		(11)	"	
	(9)		(8)	"			(3)		(12)	"	
	(10)		578	2590			(4)		(13)	2593	
	(11)		583(22)	2601			(5)		(14)	"	
	(12)		586 (5)	2606			(6)		(15)	"	
	(13)		587(10)	2609		499			(16)	"	
	(14)		587(11)	2609		500			(17)	"	
	496(1)		566 (2)	2577		501			(18)	2594	
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	(4)	223	545 (1)	2557			(4)		(5, 6)	"	
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	(10)		542 (1)	2553			(11)		(13)	"	
	(10a)		553 (1)	2565			(12)		583 (1)	2596	
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	(14)		569 (1)	2580	
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	538		622	"	
	539		623	"	
	540		624	"	
	541		626	2626	
	542		627	"	
	543		628	2627	
	544		629	"	
	545		630	"	
	545a		631	2628	
	546		632	"	
	547		633	2629	
	548		634	"	
	549		635	2630	
	550 (1)		637	2631	
	(2)		640 (2)	2633	
	(2)		(3)	"	
	(3)		(4)	"	
	(4)		(5)	"	
	(5)		(6)	2634	
	(6)		(7)	"	
	(7)		(8)	"	
	(7a)		(9)	"	
	(8)		(10)	"	
	(9)		(11)	2635	
	551		641	"	
	552		642	2636	
	553		643	"	
	554		644	"	
	554a		645	"	
	555		647	2637	
	556		648	2638	
	557		649	"	
	558		650	"	
	559		651	"	
	560		652	"	
	561		653	2639	
	562		654	"	
	563		655	"	
	564		656	"	
	565		657	2640	
	566 (1)		658 (1)	"	
	(2)		(2)	2641	
	(3)		(3)	"	
	(4)		(4)	"	
	(5)		(5)	"	
	(6)		(8)	2642	
	(7)		(9)	"	
567			660	2643	
568 (1)			661	2644	
(2)			662	2645	

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42	568*a* to 611	.....	.....	.....	Sup. 57 V. c. 56, see s. 114.	42	652	223	727	2682	
							653		728	2683	
							654		729	"	
							655		730	"	
	611*a*	223	689	2668			656		731	"	
	611*b*		689	"			657		732	"	
	611*c*		690	2669			658		733	"	
	611*d*	.....	.....	.....			659		734	2684	
	612	223	664	2647			660		735	"	
	613		665	2649			661		736	"	
	614		666	2650			662		737	"	
	615		667	"			663		738	"	
	616		668	"			663*a*		740	2685	
	617		669(1-4	2651			663*b*		741	"	
	617*a*		(5)	2652			664		739	"	
	618 (1)		671 (1)	2653			665		742	"	
	(2)		(2)	"			666		743	"	
	(3)		(3)	"			667		747	2687	
	(4)		(4)	2654			668		748	2689	
	(5)		(5)	"			669		749	"	
	(6)		(7)	2656			670		750	2690	
	619		672	"			671	.....	.....	.....	Part Rep. 60 V. c. 15 Sch. C(115); part spent.
	620		673	2657			672,673	.....	.....	.....	Spent.
	621		674	2659			674	223	1	2351	Part spent
	622		675	2661			675	.....	.....	.....	Spent.
	623		676	"			Scheds.	223	Scheds.	2690	
	623*a*		671 (6)	2655							
	623*b*		677	2661		43	1 (1)	223	2 (8)	2351	
	624		680	2663			(2)	.....	.....	.....	Spent.
	624*a*		681	2664			2	223	76 (1)	2381	
	625		682	"			3		(3)	2352	
	626		683	2665			4		86 (1)	2387	
	626*a*		684	"			5		87	"	
	627		679	2662			6		108 (1)	2393	
	628		685	2665			7		129	2401	
	629		686	2666			8		116	2398	
	630(1,2)		687(1,2)	2667			9		481 (2)	2523	
	(3)	.....	.....	.....	Rep. 56 V. c. 35, s. 28.		10		284 (2)	2451	
	630*a* (1)	223	688 (1)	2668			11		304 (3)	2459	
	(2)	.....	.....	.....	Rep. 56 V. c. 35, s. 29.		12 (2*a*)		(4)	2459	
	631	223	691	2669			(2*b*)	.....	.....	.....	Sup. 60 V. c. 48, s. 23.
	632		692	2670			13	223	304 (6)	2459	
	633		693	"			14		310 (2)	2461	
	634		694	2671			15		312 (1)	2462	
	635		695	2672			16		320	2464	
	635*a*		696	"			17		355	2475	
	636		697	2673			18		356	"	
	636*a*		699	2674			19		357	2476	
	637		698	2673			20		358	2477	
	638		713	2681			21		366	2479	
	639		714	"			22		378	2482	
	640		715	"			23		399 (6)	2493	
	641		716	"			24		478	2521	
	642		717	"			25		484 (1)	2523	
	643		718	"			26		506	2529	
	644		719	"			27		509 (1)	"	
	645		720	2682			28, 29	.....	.....	.....	Replg. secs.
	646		721	"			30	223	455	2513	
	647		722	"			31		583 (31)	2603	
	648		723	"			32		542 (17)	2555	
	649		724	"							
	650		725	"							
	651		726	"							

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43	33	223	583 (8)	2598	
	34		549 (6)	2562	
	35		586 (9)	2606	
	36		583 (14)	2599	
	37		587 (2)	2607	
	38		(3)	2608	
	39-44	.....	.....	.....	Replg.secs.
	45	.....	.....	.....	Rep. 56 V. c. 35, s. 23.
	46	223	610	2620	
	47-49	.....	.....	.....	Rep. 57 V. c. 50, s. 14.
	50	223	622	2625	
	51		632 (1)	2628	
	52-63	.....	.....	.....	Sup. 57 V. c. 56. See s. 114.
	64	.....	.....	.....	Spent.
	65	223	664 (2)	2684	
	66		665 (1)	2649	
	67		(3)	"	
	68		673 (2)	2657	
	69		700	2675	
	70		741	2685	
	71		740	"	
	72	.....	.....	.....	Spent.
	73				
44		.....	.....	.....	Not consol.
45	1	225	35	2808	
	2		36	"	
	3	.....	.....	.....	Spent.
46	.....	.....	.....	.....	Rep. 60 V. c. 45, s. 49.
47	.....	.....	.....	.....	Rep. 58 V. c. 45, s. 27.
48	1	224	1	2706	
	2		2	2707	
	3		3	"	
	4		4	2708	
	5		5	"	
	6		6	"	
	7		7	"	
	(1,7)		(1,7)	2709	
	(8,9)		(9-21)	2710	
	(10-28)		(23-29)	2711	
	7a		8	2712	
	8		9	2713	
	9		10	"	
	10		11	"	
	11		12	"	
	12(1)	223	295(1)	2455	
	(2)		(2)	2456	
	13		(3)	"	

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	(2)		(3)	2714	
	(3)	223 224	286 13 (4)	2452 2714	
	(4)		(5)	2216	
	14 (a)		14	2717	
	1				
	1,3)		15	2718	
	(4)		16 (1)	2719	
	(5)		(2)	"	
	(6)		13 (6)	2716	
	(7)	.....	.....	.....	Sup. 60 V. c. 49, s. 1.
	(8)				
	(9)	224	16 (3)	2719	
		7	14 (7)	74	
	1	224	17 (1)	2719	
	15		18	2720	
	16		19	"	
	17		20	"	
	18		21	"	
	19		22	"	
	19a		23	2721	
	20		24	"	
	21		25	"	
	(No section 22, 23)				
	24		26	2723	
	25		27	"	
	26		28	"	
	27		29	"	
	28		30	2724	
	29		31	"	
	29a		32	2725	
	29b		33	"	
	29c		7 (22)	2711	
	30		34	2725	
	31	223 224	86 (1) 35	2386 2726	
	31a		36	"	
	32		37	"	
	33		38	2727	
	34		39	"	
	35		40	"	
	36		41	"	
	37		42	2728	
	38		43	"	
	39		44	"	
	40		45	"	
	41		46	"	
	42		47	2729	
	43		48	"	
	44		49	2730	
	45 (1)		50	"	
	(2)	.....	.....	.....	Rep. 60 V. c. 16, Sch. C (130).
	(No section 46)				
	47	224	51	2730	
	47a		53 (1)	2731	
	47b		54	"	
	(No section 48)				
	49		55 Schd. E.	" 2798	
	50		56	2732	
	51		57	"	

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48	52(1-3)	224	58(1-3)	2733		48	105	224	114	2756	
	53		60	2735			106		115	"	
	54		61	2736			107		116	"	
	55		63 (1)	2737			108		117	"	
	56		63 (2)	"			109		118	"	
	56a	.....	.....	.....	Rep. 59 V. c. 58, s. 3.		110		119	"	
							111		120	2757	
	57	224	64	2737			112		121	"	
	58		65	"			113		122	"	
	59		66	"			114		123	"	
	60		67	"			115		124	"	
	61		68	2738			116		125	2758	
	62		69	"			117		126	"	
	63	.....	.....	.....	Rep. 57 V. c. 51, s. 2.		118		127	"	
							118a		128	"	
	64	224	71	4738			119		129	"	
	65		72	2741			120		131	2759	
	66		73	"			121		132	"	
	67		74 (1)	"			122		133	2760	
	68		75(1-7)	2743			123 (1)		134 (1)	"	
	69		76	2744			(2)		(3)	"	
	70		77	"			124 (1)		135 (1)	2761	
	71		78	"			(2)		(4)	"	
	72		79	2745			(3)		(5)	"	
	73		80	"			125		136	2763	
	73a		81	"			126		137	"	
	74		82	"			127		138	"	
	75		83	"			128		139	"	
	76(1-3)		84(1-3)	"			129		140	2764	
	(4)	.....	.....	.....	Rep. 53 V. c. 47, s. 5.		130		141	"	
							131		142	"	
	(5)	.....	.....	.....	Rep. 58 V. c. 47, s. 6.		132		144 (1)	"	
							133		145	2765	
	(6)	.....	.....	.....	Rep. 60 V. c. 45, s. 70 (1).		134		146	"	
							135		147	"	
							136		148	"	
	77	224	86	2748			137		149	"	
	78		87	2749			138		150	"	
	79		88	"			139		151	2766	
	80		89	2750			140		152	"	
	81		90	2751			141		153	"	
	82		91	"			142		154	2767	
	83		92	"			143		155	"	
	84		93	"			144		156	"	
	85		94	"			145		157	"	
	86		95	"			146		158	2768	
	87		96	2752			147		159	"	
	88		97	"			148		160	"	
	89		98	"			149		161	2769	
	90		99	"			150		162	"	
	91		100	"			151		163	"	
	92		101	"			152		164	"	
	93		102	2753			153		165	2770	
	94		103	"			154		166	"	
	95		104	"			155		167	"	
	96		105	"			156		168	"	
	97		106	"			157		169 (1)	"	
	98		107	2754			158		171	"	
	99		108	"			159		172	"	
	100		109	2755			160		173	2772	
	101		110	"			161		174	"	
	102		111	"			162		175	"	
	103		112	2756			163		176	"	
	104		113	"			164		177	"	

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48	165	224	178	2773	
	166		179	"	
	167		180	"	
	168		181	"	
	169		183	"	
	170		184	2774	
	171		188	2775	
	171*a*		189	2776	
	172		191	"	
	172*a*		192	"	
	173		193	"	
	174		194	2777	
	175		195	"	
	176		196	"	
	177		197	"	
	178		198	"	
	179		199	2778	
	180		200	"	
	181		201	"	
	182		202	2778	
	183		203	"	
	184		204	"	
	185		205	2779	
	186		206	"	
	187		207	"	
	188		208	"	
	189		209	2780	
	190		210	"	
	191		211	"	
	192		212	"	
	193		213	2781	
	194		214	2782	
	195		215	"	
	196		216	"	
	197		217	"	
	198		218	2783	
	199		219	"	
	200		220	"	
	201		221	2784	
	202		222	"	
	203		223	"	
	204		224	"	
	205		225	"	
	206		227	2785	
	207		228	"	
	208		229	2786	
	209		230	2786	
	210		232	2787	
	211		233	"	
	212		234	"	
	213		235	"	
	214		236	"	
	215		237	2787	
	216		238	2788	
	217		241	"	
	218		242	"	
	219		243	2789	
	220		244	"	
	221		245	"	
	222		246	"	
	223		247	"	
	224		248	"	
	225	223	287	2452	
		224	249	2790	

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48	226	224	250	2790	
	227		251	"	
	228		252	"	
	229		253	"	
	230		254	"	
	231		255	2791	
	232		256	"	
	233		257	"	
	234		258	"	
	235		259	"	
	236		260	"	
	237		261	2792	
	238		262	"	
	239		263	"	
	240		264	"	
	241		265	"	
	242		266	"	
	243		267	2793	
	244		268	"	
	245		269	"	
	246		270	"	
	247		271	"	
	248		272	"	
	249		273	"	
	250		274	2794	
	251		275	"	
	252		276	"	
	253		277	"	
	254	.....	.....	.....	Repeals inconsistent Acts.
	255	.....	.....	.....	Spent.
	Sch. A.	224	Sch. A.	2794	
	" B.		" D.	2797	
	" C.		" F.	2799	
	" D.		" G.	"	
	" E.		" H.	2800	
	" F.		" I.	"	
	" G.		" J.	"	
	" H.		" K.	2801	
	" K.		" L.	"	
	" L.		" B.	2795	
	Form 1.		Form 1.	"	
	Form 2.		Form 2.	"	
	Sch. M.		Sch. C.	2796	
49	1	224	7 (26)	2711	
	2		(26)	"	
	3		(26)	"	
	4		8 (2)	2712	
	5 (1)		13 (4) col. 2	2714	
	(2)		13 (4) col. 8	2715	
	6		19	2720	
	7		30	2724	
	8		32	2725	
	9		33	"	
	10		35	2726	
	11		43	2728	
	12		55	2731	
	13		56	2732	

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	15		71 (15)	2740	
	16		83	2745	
	17		88 (9)	2750	
	18		134 (3)	2760	
	19 (1)		135 (1)	2761	
	(2)		(4)	2762	
	20		153	2766	
	21		158	2768	
	22		163	2769	
	23		176	2772	
	24		181	2773	
	25		196	2777	
	26		13 (4)	2714	
	27	223	295 (2)	2456	
	28	224	23	2721	
	29		189	2776	
	30	.....	.....	.....	Spent.
50	1	225	59	2814	
51	1	.....	.....	.....	Short title.
	2	245	17 (2)	2967	
	3		41	2977	
	4		44 (3)	2978	
	5		51 (2)	2981	
	6		(3)	"	
	7 (1)	.....	.....	.....	Rep. 50 V. c. 50, s. 5.
	(2)	.....	.....	.....	Sup. 60 V. c. 50, s. 5.
	8	245	62	2986	
	9		118(6,7)	3005	
	10		124 (3)	3008	
	11		125 (2)	3009	
	12		131	3011	
	13		143	3015	
	14		141 (2)	3014	
52	1	261	1	3170	
	2		2	"	
	3		3	"	
	4	.....	.....	.....	Spent.
53	1 (1)	251	6, 7, 8	3090-1	
	(2)		9 (3)	3091	
	2		(2)	"	
	3		(4)	"	
	4		10	3092	
54	.....	.....	.....	.....	Rep. 60 V. c. 51, s. 44.
55	1	271	8	3206	
	2		2	3204	

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56	1	277	1	3231	
	2		2	"	
	3		3	"	
	4		4	3232	
	5		5	"	
	6	.....	.....	.....	Spent.
57	.....	.....	.....	.....	Sup. 57 V. c. 50, see s. 114
58	.....	.....	.....	.....	Rep. 56 V. c. 49, s. 29.
59	1	290	1, 2	3313	
	2		4	"	
	3 (6)		7	3314	
	(7)		8	"	
	(8)		9	"	
60	1	294	53	3431	
	2 to 4	.....	.....	.....	Rep. 59 V. c. 70, s. 116.
	5	.....	.....	.....	Sup. 59 V. c. 70, s. 50 (3).
	6	.....	.....	.....	Rep. 59 V. c. 71, s. 46.
61	1	298	5 (4)	3465	
	2		(6)	3466	
	3		38	3474	
	4		47	3477	
	5		48	"	
	6		79	3483	
	7		83	3484	
	8		89 (1)	3485	
62	1 (1)	.....	.....	.....	Spent.
	(2)	.....	.....	.....	Spent.
	(3)	.....	.....	.....	Spent.
	2	299	16	3490	
	3		20	3491	
63	1	.....	.....	.....	Rep. 58 V. c. 58, s. 5.
	2				
	3				
	4				
	5 (1)	.....	.....	.....	Spent.
	(2)				
	(3)				
	6	.....	.....	.....	Rep. 57 V. c. 60, s. 21.

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2	1	7	182 (c)	76	
3	1-4	.....	.....	....	Rep. 60 V. c. 15, s. 7.
	5	.....	.....	....	Rep. 57 V. c. 3, s. 8 (2)
	6	.....	.....	....	Rep. 57 V. c. 4, s. 2.
	7	224	13 (7)	2717	
	8-21	.....	.....	....	Rep. 60 V. c. 15, s. 7.
	22	7	2 (2)	67	
	23	.....	.....	....	Rep. 60 V. c. 15, s. 7.
	24	7	22	77	
	25		23	78	
	26		22, 23	77	
	27		2 (3)	67	
	28	9	43 (3)	146	
	29	7	4	68	
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4	1	9	61(1,2)	150	
5	1	77	23 (1)	905	
	2		(2)	"	
	3		(3)	"	
	4		24	"	
	5		25	906	
	6		26	"	
	7		27	"	
	8		28	"	
	9	.....	.....	.....	Rule 904.
	10 (1)	.....	.....	.....	Rule 1115.
	(2)	.....	.....	.....	Rule 1116.
	11	77	22	904	
	12 (1)	78	4 (3)	911	
	(2)		(5)	"	
	13	80	21	940	
	14	17	50	309	
	15	66	4, 5	837	
	16	101	11	1037	
			Item 16	1039	
			Item 32	1040	
	17		11	1037	
	18	61	146 (2)	786	
	19	101	Items 8, 17	1039	
		104	Items 8, 14	1056	
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6	.....	.....	.....	....	Not consolidated.
7	.....	.....	.....	....	Not consolidated.
8	1	46	1	537	
	2	29	4	380	
		46	2 (1)	537	
	3 (1)		3	538	
	(2)		4 (1)	"	
	4		5	"	
	5		6	"	
	6		7	539	
	7		8	"	
	8		9	"	
	9		10	540	
	10		11	"	
	11		13	541	
	12		14	"	
	13		15	"	
	14		20	542	
	15		16	"	
	16		17	"	
	17		18	"	
	18		22	543	
	19		23	"	
	20	73	9	874	
	21	46	24	543	
	22		25	"	
	23		26	544	
9	.....	.....	.....	....	Rep. 58 V. c. 11, s. 50.
10	.....	.....	.....	....	Sup. 58 V. c. 11, s. 6.
11	.....	.....	.....	....	Rep. 58 V. c. 12, s. 192.
12	1	52	1	609	
13	1	76	1	898	
	2		2	"	
	3		3	"	
	4		4	"	
	5		5	"	
	6		6	"	
14	1	220	5	2320	
	2		6	"	

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15	1, 2	60	72 (1)	681	
	3		113	693	
16	1	.....	.....	.....	Replg. sec.
	2	61	11 (2)	748	
17	1	72	1 (1)	869	
	2	.....	.....	.....	Spent.
18	1	91	14	994	
19	1	96	3	1010	
	2		11	1013	
	3		12	"	
	4		13	1014	
	5	.....	.....	.....	Spent.
20	1	127	14	1195	
	2		15	1196	
	3, 4		13 (1)	1194	
21	1	136	1	1272	
	2		2	1273	
	3		3	"	
	4		4	"	
	5		5	"	
	6		6	1274	
	7		7	"	
	8		8	"	
	9		9	1275	
	10		10	"	
	11		11	"	
	12		12	"	
	13		13	"	
	14		14	1276	
	15		15	"	
	16		16	"	
	17		17	"	
	18		18	"	
	19		19	"	
	20		20	1277	
	21		21 (1)	"	
	22		22	"	
	23		23	1278	
	24		24	"	
	25		25	"	
	26		26(1,2)	1279	
	27		27	"	
	28		28	1280	
	29		29 (1)	"	
	30		30	1281	
	31		31	"	
	32		32	1282	
	33		33	1283	
	34		34	"	
	35		35	"	

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21	36	136	36	1284	
	37		37	"	
	38		38	"	
	39		39	"	
	40		40	1285	
	41		41	"	
	42		42	"	
	43		43	"	
	44		44	"	
	45		45	1286	
	46		46	"	
	47		47	1288	
	48		48	"	
	49		49	"	
	50		50	"	
	51		51	"	
	52	.....	.....	.....	Rule 22 (*h*).
	53	51	97	584	
	54	136	52	1289	
	55		53	"	
	56		54	"	
	57		56	"	
	58		55	"	
	59		57	"	
	60		58	1290	
	61		60	"	
	62		62	1291	
	63		63	1292	
	64		64	"	
	65		65	"	
	66		66	"	
	67		67	1293	
	68		68	"	
	69		69	"	
	70		70(1-3)	"	
	71		71	1294	
	72		60	1290	
	73		73	1295	
	74		74	"	
	75		75	"	
	76 (1)		76	"	
	(2)		77	1296	
	77 (1)		80	1297	
	(2)		81 (2)	1298	
	78		81 (1)	"	
	79		82	"	
	80		83	"	
	81		84	1299	
	82		85	"	
	83		86	"	
	84		87	1300	
	85		88	"	
	86		89	1301	
	87		90	"	
	88		91	"	
	89		92	"	
	90		93	"	
	91		94	"	
	92		95	1302	
	93		96	"	
	94		97	"	
	95		98	"	
	96(1-3)		100(1-3)	1303	
	(4)		101	1304	

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21	96(5-7)	136	102(1-3)	1304	
	97		103	1305	
	98		105	"	
	99		106	"	
	100		107	1306	
	101		109	1307	
	102		110	"	
	103		111	"	
	104		112	1309	
	105		113	"	
	106		114	1310	
	107		115	"	
	108		116	"	
	109		117	"	
	110	28	39 (1)	375	
	111	136	118	1311	
	112		119	1314	
	113		120	"	
	114		121	"	
	115		122	"	
	116		123	1315	
	117		124	"	
	118		125	1316	
	119		126	"	
	120		129	1318	
	121				Sup. 57 V. c. 9, s.1(6,7)
	122		128	1317	
	123				Rep. 59, c. 29, s. 17.
	124		131	1319	
	125		134	"	
	126		133	"	
	127		131	"	
	128		135	"	
	129		136	1320	
	130		137	"	
	131		138	1321	
	Sche. A. O.		Scheds. A.-O.	"	
	Sch. P.		Sch. Q.	1329	
22	1				Title.
	2	138	29	1347	
	3		50	1353	
	4		44	1354	
	5		26 (1)	1346	
	6 (1)		40 (1)	1350	
	(2)		30 (2)	1348	
			40 (3)	1351	
	7		71	1359	
	8		77	1362	
	9		76 (1)	"	
	10 (1)	28	27 (2)	373	
		138	123	1373	
	(2)		169 (3)	1387	
	11		84	1364	
	12		140	1378	
	13		131	1375	
	14		144 (2)	1379	
	15		109	1370	
	16		149 (2)	1380	

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23	.....	.....	.....	.....	Spent, except possibly ss.5 and 6 which are left unrepealed.
24	.....	.....	.....	.....	Rep. 59 V. c. 35, s. 52.
25	1	151	8	1507	
26	1	160	2 (3)	1590	
27	1	.....	.....	.....	Title.
	2 (1)	176	6 (1)	1713	
	(2)		(4)	1714	
	(3)		7 (1)	"	
	3 (3)		(3)	"	
	(4)	.....	.....	.....	Spent.
	4		11	1715	
	5	176	28	1720	
	6		43 (2)	1725	
			45	1726	
	7	.....	.....	.....	Replg. sec. Spent.
	8				
	Sch. A.	176	Sch. A.	1729	
28	1	179	26	1752	
	2	.....	.....	.....	Rep. 58 V. c. 29, s. 1.
29	1	199	14	1942	
30	.....	.....	.....	.....	Rep. 60 V. c. 38, s. 121 (2).
31	.....	.....	.....	.....	Rep. 60 V. c. 38, s. 121 (2).
32	.....	.....	.....	.....	Rep. 60 V. c. 36, s. 198 (1).
33	1	217	1	2315	
	2	.....	.....	.....	Spent.

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34	.....	.....	.....	.....	Not consol.
35	1	223	41 (1)	2368	
	2 (2)		(2)		
	(3)		(3)	2369	
	3		51 (1)	2371	
	4		80 (2)*b*	2384	
	5		291	2453	
	6				
	(286*a* (1		331 (1)	2468	
	(2)		331 (2)	"	
	(3)		331 (3)	"	
	(4)	.....	.....	.....	Temp.
	7	223	338 (2)	2471	
	8		375	2481	
	9		418(4,5)	2499	
	10		435 (1)	2505	
	11		484 (2)	2524	
	12		537 (1)	2546	
	13		588 (1)	2610	
	14		592 (1)	2614	
	15	.....	.....	....	Rep. 57 V. c. 50, s. 18.
	16	223	583 (31)	2603	
	17		540 (1)	2550	
	18		586 (4)	2606	
	19		583(2,3)	2597	
	20		583 (14)	2600	
	21		576 (6)	2587	
	22		592 (2)	2614	
	23	.. .	.....	.....	Replg. sec.
	24	.....	.....	....	Rep. 57 V. c. 50, s. 14.
	25	223	617 (3)	2623	
	26		646	2637	
	27		687 (1)	2667	
	28		(3)	"	
	29		688 (2)	2668	
	30		699 (1)	2674	
	31		(2)	"	
	32		700	2675	
	33		700(*d*,*e*)		
36	1	.....	.....	....	Sup. 58 V. c. 45, s. 24.
37	1	235	4	2906	
	2		5	"	
38	1	224	7 (8)	2709	
	2		17 (2)	2720	
	3		51 (4)	2731	
	4		53 (2)	"	
	5		71 (1)	2738	
39	1	224	185	2775	

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39	2	224	186	2775	
	3		187	"	
	4	.....	.....	.....	Spent.
40	1	.....	.....	....	Rep. 60 V. c. 50, s. 7.
	2	245	52 (6)	2982	
	3		62	2986	
	4		112(1,2)	3002	
	5		2 (7)	2957	
41	1	.....	.....	.....	Spent.
42	1	280	1	3238	
	2	279	2	3234	
			9	3237	
	3	280	2	3238	
	4		3(1,2)	3238	
	5		4	3239	
	6		5	"	
	7		6	"	
	(No section 8)				
	9		7	3240	
	10		8	"	
	11		9	"	
43	1	281	4	3241	
	2		2	"	
	3		5	"	
	4	.....	.....	.....	Spent.
44	1	248	85 (2)	3060	
	2		115 (3)	3069	
	3		39	3050	
	4		18 (2)	3044	
	5	.....	.....	.....	Spent.
45	1	259	2	3149	
			26 (3)	3163	
	2		22	3160	
	9		23	"	
	4		24	"	
	5		26(1,2)	3162	
	6(1,2)		27	3163	
	(3)		20	3159	
	7		25	3162	
	8 (1)		34 (1)	3167	
	(2)		(2)	"	
	(3)	.....	.....	....	Rep. 60 V. c. 15, Sched. B. (23).
	9		3	3150	
	10		4	3151	
	11		5	3152	
	12 (1)	.....	.....	....	Rep. 60 V. c. 15, Sched. B. (21).

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45	12 (2-4)	259	6(2-4)	3153	
	(5)	.....	.....	....	Rep. 60 V. c.15,Sched. B (24.)
	(6)	259	6 (6)	3153	
	13		7	"	
	14		8	3154	
	15		10	3155	
	16	.....	.....	....	Rep. 58 V. c. 52, s.9.
	17	259	11	3156	
	18		12	3157	
	19		15	3158	
	20		38(1,2)	3168	
	21		16	3158	
	22		17	"	
	23		18	3159	
	24		30	3165	
	25		35	3167	
	26		39	3168	
	27		37	"	
	28		31	3166	
	29		32	3167	
	30		29	3165	
	31		21	3159	
46	1	271	6	3205	
	2		9	3206	
47	1 (26)	272	27	3216	
	(27)		28	"	
	(28)		29	"	
48	1	252	1	3093	
	2		2	"	
	3		3	"	
	4		4	"	
	5		5	3094	
49	1	287	1	3278	
	2(1-4)		6(1-4)	3280	
	(5)	.....	.....	....	Replg. sec.
	3 (1)	287	7 (1)	3281	
	(2)		(2)	"	
	(3)	.....	.....	....	Rep. 58 V. c. 56, s. 6.
	(4)	287	7 (3)	3281	
	(5)		(4)	3282	
	4 (1)		13	3283	
	(2)		8 (1)	3282	
	(3)		(2)	"	
	(4)		(3)	"	
	(5)		(4)	"	
	5		11	3283	
	6		14 (3)	3284	
	7		12	3283	
	8		9	3282	
	9 (2)		19	3286	
	10		17	3285	

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49	11	287	20	3286	
	12		22(1-3)	3287	
	13		21	3287	
	14		4(1-4)	3279	
	15		23	3288	
	16		24	3289	
	17		25	"	
	18		33	3291	
	19		31	"	
	20		32	"	
	21		28	3290	
	22		30	"	
	23		29	"	
	24		10	3283	
	25		27	3290	
	26	.....	.....	....	Rep. 57 V. c. 57, s. 5.
	27		34	3292	
	28		2	3278	
	29	.....	.....	....	Repeals former Acts.
	Form A		Form C	3293	
	Form B		Form D	3294	
50	1	.....	.....	.....	Spent.
	2	.....	.....	.....	Replg. sec.
	3	304	37	3516	
	4		38	"	
	5		39	"	
	6		40	"	
	7		35	3515	
	8		36	3516	
51	.....	.....	.....	.....	Not consol.
52	.....	.....	.....	....	Rep. 59 V. c. 71, s. 46.
53	1	308	40	3539	
	2		41	"	
	3		42	3540	
	4		43	"	
	5		44	"	
	6		45	"	
	7		46	"	
	8		47	"	
54	1	.....	.....	.....	Not consol.
55	1	318	108	3617	
56	1	311	1	3553	
	2		2	"	
	3		3	"	

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56	4	311	4	3554	
	5		5	"	
	6		6	"	
	7		7	"	
	8		8	3555	
	9		9	"	
	10		10	"	
	11		11	"	
	12		12	"	
	13		13	"	

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1					Supply.
2	1	6	17	65	
	2		16	64	
	3		15(67,87)	62,64	
			18	65	
	4		15(69,85)	62,64	
	5,6,7	....	.....	.....	Spent.
3	.....	.....	.....	....	Rep. 60 V. c. 115, s. 7.
4	1	....	.....	....	Rep. 58 V. c. 3, s. 8.
	2	8	3 (1)	107	
	3		(2)	108	
	4 (1)	8	4 (1)	"	
		9	9	136	
	(2)	.....	.....	.....	Spent.
	5	9	9	136	
	6	8	5	109	
	7		6	111	
	8		7	"	
	9		13	113	
	10		8 (1)	112	
	11		(2)	"	
	12		(3)	"	
	13		(4)	"	
	14		(5)	"	
	15	....	.....	....	Rep. 60 V. c. 11, s. 15.
	16	8	9	113	
	17		10	"	
	18	...	11	"	
			21 (2)	115	
	19	8	12	113	
	20		14	114	
	21		15	"	

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4	22	8	17	"	
	23		18	"	
	24		19	115	
	25		20	"	
	26		21 (1)	"	
	27 (1)		22	"	
	(2,3)	.....	.....	....	Rep. 58 V. c. 3, s. 8.
	28	8	25	116	
	29		26	"	
	30(1,2)		27(1,2)	117	
	(3-6)		(4-7)	"	
	(7)	.....	.....	....	Rep. 60 V. c. 14, s. 51.
	(8,9)		(9,10)	118	
	31(1-4)		28(1-4)	"	
	(5)	9	116 (1)*h*	173	
	(6)	8	28 (5)	119	
	(7,8)		30	120	
	32		31	"	
	33		32	121	
	34		33	"	
	35		34	"	
	36		35	"	
	37		36	122	
	38		37	"	
	39		38	"	
	40		39	"	
	41		40	123	
	42		41	"	
	43(1-4)	9	85(1-4)	159	
	(5)	8	42	123	
	(6)	9	85 (5)	160	
	(7)	8	43	123	
	44		44	125	
	45		45	124	
	46		46	"	
	47		47	"	
	48		48	125	
	49		49	"	
	50		50	"	
	51		51	"	
	52		52	"	
	53	9	98 (1*a*)	165	
	54	.....	.....	....	Rep. 58 V. c. 3, s. 8.
	55	...	.....	.....	Spent.
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	Forms 8, 9		Forms 9, 10	129	
	Form 10	.....	.....	.....	Spent.
	Form 16*a*	9	Form 17	213	
	Form 16*b*	...	.....	.....	Spent.
5	1	9	43 (1)	146	
	2		(3)	"	
6	.....	.....	.....	.....	Replg. Act.

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7	1	10	1	224	
	2		2	"	
	3		3	225	
	4		4	"	
	5		5	"	
	6		6	"	
	7		7	"	
	8		8	"	
	9		9	"	
	10		10	226	
	11		11	"	
	12	9	167 (2)	188	
	13	10	12	226	
	Sched.		Sched.	227	
8	1	12	11	259	
9	1	.....	.....	.....	Replg. Sec.
	(2,3)	18	4	316	"
	(4,5)		3	315	
	(6,7)	136	126	1316	
	(8,9)	18	2	315	
10	.....	.....	.....	.....	Sup. Form 72 in Rules
11	1	35	1	416	
	2		2	"	
	3		3	"	
	4		4	"	
12	.....	.....	.....	.....	Not consol.
13	1	45	11	533	Part spent.
	2		19	535	
	3		20	"	
	4		21	536	
	5		5	531	
	6, 7		22	536	
	8, 9		23	"	
14	1	46	2 (2)	537	
15	1	47	1	545	
	2, 3		2	"	
	4		4	546	
	5		5	"	
	6		6	547	
	7		7	"	
	8		8	"	

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15	9	47	10	548	
	10		11	"	
	11		12	"	
	12	73	3	873	
	13	47	13	548	
	14		14	"	
	15		15	"	
16	1	36	4, 5	420	
	2		2(1,2)	419	
	3		26 (5)	427	
	4 (12)		31	429	
	(29)		45	434	
	5		46	435	
	6		52	437	
	7	.....	.....	.....	Rep. 59 V. c. 13, s. 2.
	8	36	72	446	
	9		77	447	
	10		69 (3)	443	
			78	447	
	11	.....	.....	.....	Not consol.
	12, 13	36	11	423	
	14		12	"	
	15		13	"	
	16		8	422	
	17-23	.....	.....	.....	Rep. 60 V. c. 29, s. 13.
	24	.....	.....	.....	Replg. sec.
17	.....	.....	.....	.....	Sup. 58 V. c. 11, s. 42.
18	1	52	1	609	
19	.....	.....	.....	.....	Rep. 58 V. c. 12, s.192.
20	1-8	.....	.....	.....	Rep. 58 V. c. 12,s. 192.
	9	55	4	621	
	10, 11	.....	.....	.....	Rep. 58 V. c. 12, s. 192.
	12	55	18	623	Rep. 58 V. c. 12,s. 192, except as to County Courts.
	13, 14	.....	.....	.....	Rep. 58 V. c. 12,s. 192.
21	1	168	10 (1)	1654	
	2		(2)	"	

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22	1	59	73	659	
	2		77	660	
	3	.....	.....	.....	Spent.
23	1	60	37 (2)	672	
	2		52 (2)	676	
	3		306 (5)	740	
	4		150	702	
	5		161 (1)	705	
	6		162	"	
	7		174	708	
	8		230, 231	722	
	9		9	666	
	10		46	674	
	11		57	677	
	12		87 (1)	685	
	13		(2)	"	
	14		(3)	"	
	15		243 (1)	725	
	16	.....	.....	.....	Rep. 60 V. c. 14, s. 14.
	17		182 (2)	710	
	18		255	727	
	19		46	674	
			230 (1)	722	
	Sch. B, C and D		Sch. B, C and D	742	
24	1	63	1	822	
	2		2	"	
	3(1-5)		3(1-5)	"	
	(6)		4	823	
	4		5	"	
	5		6	"	
	6		7	824	
	7		8	"	
	8		11	"	
	9		12	"	
	10		9	"	
	11, 12	.....	.....	.....	Rep. 60 V. c. 16, s. 51, except as to proceedings pending.
	13	63	13	824	
	14		16	825	
	15		15	"	
	16		17	"	
	17		18	"	
	18		19	"	
	19		20	"	
	20		21	826	
	21		22	"	
	22		23	"	
	23		25	"	
	24		26	826	
	25		14	825	
	26		27	826	
	27		24	"	

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24	28	63	28	826	
	29		29	"	
	30		30	827	
	31		31	"	
	32		32	"	
	33		33	"	
	34		34	"	
	Forms		Forms	"	
25	.....	.....	.....	.....	Rep. in part 59 V. c. 18, Sched. (20), remainder sup. by Rule 1151.
26	1	77	8	901	
	2		9	"	
	3	.....	.....	.....	Rep. 58 V. c. 14, s. 2.
	4	73	36	882	
	5	.....	.....	.....	Rplg. Sec.
27	1	.....	.....	.....	Title.
	2	68	1	844	
			2	848	
	3		16	849	
	4		13	848	
	5		14	"	
	6		17	849	
	7		15	"	
	8	.....	.....	.....	Replg. Sec.
	9	.....	.....	.....	Spent.
	10		12	848	
28	1	87	36 (2)	977	
	2	9	4 (1)	135	
29	1	87	10	971	
	2		10, 13(1)	"	
	3		11	"	
	4		14	972	
	5		13 (2)	"	
	6		12	971	
30	.....	.....	.....	.....	Not consol. Local.
31	1	97	6 (1)	1016	
	2		(2)	"	
	3		(3)	1017	
	4		7	"	
	5		6 (4)	"	
	6	.....	.....	.....	Spent.

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32	.....	.....	.....	....	Rep. 60 V. c. 19, s. 94.
33	.....	.....	.....	...	Rep. 60 V. c. 19, s. 94, except s. 13
	13 (1)	.....	.....	....	Left unrepealed.
	(2-4)	.....	.....	....	Sup. 60 V. c. 19, s. 35.
34	1	136	99 (1)	1303	
	2		(2)	"	
35	1	136	61	1290	
	2		72	1294	
	3		108	1306	
			Sched. P	1328	
	4		35	1283	
	5		.....	.....	Replg. Sec.
36	1	142	6	1448	
	2		13	1449	
37	1	148	1	1484	
	2		2	"	
	3		3	1485	
	4		4	"	
	5		5	"	
	6		6	"	
	7		7	1486	
	8		8	"	
	9		9	1487	
	10		10	"	
	11		15 (1)	1488	
	12		16	1489	
	13		17	"	
	14		18	"	
	15		19	1490	
	16		20	"	
	17		21	"	
	18		22	1491	
	19		23(1-4)	"	
	20		24	1492	
	21		25	1493	
	22		26	"	
	23		27	"	
	24		28	"	
	25-27	.....	.....	.....	Rep. 50 V. c. 32, s. 1
	28(1-3)	148	15(5-7)	1488	
	29		29	1493	
	30		30	1494	
	31		31	"	
	32		32	"	
	33		33	"	

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	35		35	1495	
	36		36	"	
	37		37	"	
	38		38	"	
	39		39	1496	
	40		40	"	
	41		41	"	
	42	.....	.....	.....	Replg. sec.
	Sch. A.		Sch. A.	1498	
	Sch. B.		Sch. B.	"	
	Sch. C.	.....	.....	.....	Rep. Sched.
38	1 (1)	154	1 (1)	1539	
	(2,3)		3	1540	
	2		5 (1)	"	
	3		6 (5)	1541	
39	1	150	5	1503	
40	.....	.....	.....	....	Rep. 59 V. c. 39, s. 31.
41	1	165	5	641	
42	1	158	1	1566	
	2		2	"	
	3		3	"	
	4		4	1567	
	5		5	1568	
	6		6	"	
	7		7	1569	
	8		8	"	
	9		9	"	
	10		10	"	
	11		11	"	
	12		12	"	
	13		13	"	
	14		14	1570	
	15(1-13)		15(1-13)	1571	
	(14)	.....	.....	....	Rep. 60 V. c. 25, s. 2.
	16		16(1-3)	1574	
	17		17	1575	
	18		18	"	
	19		21	"	
	20		22	"	
	21		23	1576	
	22		24	"	
	23		25	"	
	24		26	"	
	25		27	1577	
	26		28	"	
	27		29	"	
	28		30	"	
	Forms		Forms	"	

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43	1	170	30 (1)	1668	
44	1, 2, 3	174	5	1695	
	4		6	"	
	5, 6, 7	173	2(1-3)	1690	
	8 (1)		3	"	
	(2)		4	1691	
	9		2 (4)	1690	
	10	.....	.....	.....	Spent.
45	.. ..	.....	.. ....	....	Rep. 58 V. c. 29, s. 1.
46	1	193	63	1878	
	2		64	1879	
	3		65	"	
	4		66	"	
	5		72	1880	
	6		69	"	
	7		70	"	
	8		71	"	
47	.....	....	.....	....	Rep. 60 V. c. 38, s. 121 (2).
48	.....	.....	.....	....	Rep. 60 V. c. 36, s. 198 (1).
50	1	223	17	2357	
	2 (1)		86 (1)	2386	
	(2)		115	2397	
	3 (232a)		538 (2)	2548	
	(1)				
	(2)	.....	.....	.....	Spent.
	4	223	291	2453	
	5		435		
	(2)		4(	2566	
	(3)	.....	.....	....	Rep. 58 V. c. 42, s. 37.
	6	223	483 (1)	2523	
	7		583 (31)	2603	
	8		(2, 3)	2597	
	9		638	2632	
	10		559 (1)	2570	
	11		569 (4)	2581	
	12 (1)	.....	.....	....	Rep. 60 V. c. 45, s. 43.
	(2)	.....	.....	....	Rep. 60 V. c. 45, s. 46.
	13	223	606	2619	
	14	.....	.....	.....	Replg. sec.
	15	223	557 (5)	2569	
	16		678	2662	

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50	17	213	700	2675	
	18	.....	.....	.....	Replg. sec.
	19	.....	.....	.....	Spent.
51	1	224	8 (1a, b)	2712	
	2		70	2738	
	3		74(2-5)	2742	
	3a		75 (3)	2744	
	4		77 (2)	"	
	5		85	2747	
	6		144(2,3)	2764	
	7		169 (2)	2771	
	8	.....	.....	.....	Spent.
52	1	236	15	2924	
53	1	.....	.....	.....	Spent.
54	1	251	7	3091	
55	1	285	1	3254	
	2		2	"	
	3		3	"	
	4		4	3255	
	5		5	3256	
	6		6	"	
	7		7 (1)	"	
	8		8	3257	
	9		9	"	
	10		10	"	
	11		11	"	
	12		12	3258	
	13		13	"	
	14		14	"	
	15		15	"	
	16		16	3259	
	17		17	"	
	18		18	3260	
	19		19	"	
	20		20	"	
	21		21	"	
	22		22	3261	
	23		23	3252	
	24		24	3263	
	25		25	"	
	26		26	"	
	27		27	"	
	28		28	3263	
	29		29	3264	
	30		30	"	
	31		31	3265	
	32		32	"	
	33		33	"	
	34		34	"	
	35		35	3266	
	36		36	"	
	37		37	3267	

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55	38	285	38	2367	
	39	.....	.....	.....	Replg. sec.
	40	285	39	3267	
	41	....	.....	....	Not to affect certain Acts, now Cap. 286.
	42	.....	.....	.....	Spent.
	Forms.	285	Forms.	3267	
56	1	226	1	2817	
	2		2	"	
	3		3	"	
	4		4	2819	
			Sched. A	2852	
	5		5	2819	
	6		6	2820	
	7		7	"	
	8		8	"	
	9		9(1-6)	"	
	10		10	2821	
	11		11	"	
	12		12	2822	
	13		13	"	
	14		14	"	
	15		15	"	
	16		16	"	
	17		17	"	
	18		18	2823	
	19		19	"	
	20		20	2824	
			Sched. B	2853	
	21		21	2825	
	22		22	"	
	23		23	"	
	24		24	"	
	25		25	2826	
	26		26	"	
	27		27	"	
	28		28	"	
	29		29	"	
	30		30	"	
	31		31	2827	
	32		32	"	
	33		33	"	
	34		34	"	
	35		35	2828	
	36		36	"	
	37		37	"	
	38		38	"	
	39		39	"	
	40		40	2829	
	41		41	"	
	42		42	"	
	43		43	"	
	44		44	"	
	45		45	"	
	46		46	2830	
	47		47	"	
	48		48	"	
	49		49	"	

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56	50	226	50	2830	
	51		51	"	
	52		52	"	
	53		53	2831	
	54		54	"	
	55		55	"	
	56		56	"	
	57		57	2831	
	58		58	2832	
	59		59	"	
	60		60	"	
	61		61	"	
	62		62	2833	
	63		63	"	
	64		64	2834	
	65		65	"	
	66		66(1-3)	2835	
	67		67	2836	
	68		68	"	
	69		69	2837	
	70		70	"	
	71		71	2838	
	72		72	2839	
	73		73	"	
	74		74	2841	
	75		75	"	
	76		76	"	
	77		77	2842	
	78		78	"	
	79		79	2843	
	80		80	"	
	81		81 (1)	"	
	82		82	2844	
	83		83	"	
	84		84	"	
	85		85	2845	
	86		86	"	
	87		87	"	
	88		88	2846	
	89		89	"	
	90		90	2847	
	91		91	"	
	92		92	"	
	93		93	"	
	94		94	2848	
	95		96	"	
	96		97	2849	
	97		95	2848	
	98		98	2849	
	99		99	"	
	100		100	2850	
	101		101	"	
	102		102	"	
	103		103	"	
	104		104	"	
	105....	.....	.....	...	Rep. 58 V. c. 55, s. 3.
	106	226	110	2851	
	107		111	"	
	108		112	"	
	109		113	2852	
	110		106	2851	
	111		107	2851	
	112		108	"	

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56	113	226	109	2851	
	114	.....	.....	.....	Repealing clause.
	115	.....	.....	.....	Spent.
57	1	287	8 (4)	3282	
	2		9 (1)	"	
	3		17	3285	
	4		4 (4)	3280	
	5	289	6, 7	3311	
	6	287	34	3292	
	7		30	3290	
58	.....	.....	.....	.....	Rep. 59 V. c. 71, s. 46.
59	1	294	31 (12)	3408	
	2		32	3410	
	3	.....	.....	.....	Spent.
	4	294	Scheds.	3445	
	Scheds.		Scheds.	"	
60	1	297	1	3456	
	2 (1)		2 (1)	"	
	(2)		(2)	"	
	(3)		(4)	"	
	3		4	3457	
	4		5	"	
	5		6 (1)	"	
	(2)		(2)	"	
	(3)		(3)	"	
	(4,5)	.....	.....	.....	Spent.
	(6)	297	6 (4)	3457	
	(7)		(5)	3458	
	6		7	"	
	7		8	3459	
	8		9	"	
	9		10	"	
	10		11	3459	
	11		12	"	
	12		13	3460	
	13		14	"	
	14		15	"	
	15		18	3461	
	16		19	"	
	17		16	"	
	18		17	"	
	19		20	3462	
	20		21	"	
	21	.....	.....	.....	Replg. sec.
	Sched. A	297	Sched.	3462	

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2	1	144	2	1460	
	2		4	"	
	3		1	"	
3	1	.....	.....	.....	Title.
	2	.....	.....	.....	Rep. 60 V. c. 14, s. 54.
	3	8	8 (7)	112	
	4		4 (2)	108	
	5	8	5 (1)	109	
		9	11 (2)	137	
	6	8	4 (3)	108	
	7		23	115	
	8	.....	.....	.....	Replg. sec.
	9	.....	.....	.....	Spent.
4	1	.....	.....	.....	Title.
	2	11	47 (1)	239	
	3		15	233	
	4		40	238	
	5		13	233	
	6	12	19	261	
	7		20	"	
	8		21	"	
	9		22	262	
	10		23	"	
	11		24	"	
	12	11	103	249	
	13	7	63	88	
	14(1,2)	9	97(8,9)	164	
	(3)		193 (1)	198	
	(4)		195 (1)	"	
	15		112 (2)	171	
	16	11	75	244	
	17	12	10(1-3)	258	
	18	9	171(2,3)	190	
		12	11	259	
	19	12	14	"	
	20	9	213	202	
		11	115	252	
	21	9	163 (2)	187	
	22		43 (6)	147	
	23	.....	.....	.....	Spent.
5	1	30	2 (2)	387	
	2		(3)	"	
	3		(4)	388	

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6	1	17	54	310	
		136	21 (2)	1277	
	2	17	55	310	
		136	21 (3)	1277	
7	1, 2	.....	.....	....	Rep. 59 V. c. 5, s. 1.
8	1	46	4(1,2)	538	
	2		12	540	
	3		21	543	
	4	.....	.....	.....	Spent.
9	1 (8)	41	8		
	2	.....	.....	.....	Spent.
10	1	12	8 (3)	257	
			16 (2)	261	
		14	2	277	
		42	1	491	
	2	43	50	511	
	3	42	2	490	
	4		4	491	
	5		3	490	
	6		5	491	
	7		6	"	
	8		7	"	
	9		8	"	
11	1	43	1	493	
	2		2	"	
	3		3	494	
	4		4	"	
	5		5	"	
	6(1,2)		6(1,2)	"	
	(3)	.....	.....	....	Rep. 59 V. c. 14, s. 2.
	7(*a-d*)	43	7(*a-d*)	495	
	(*e-g*)		(*f-h*)	496	
	8		8	"	
	9		9	"	
	10(1-3)		10(1-3)	497	
	(4)	.....	.....	....	Rep. 59 V. c. 14, s. 5.
	11	43	11	498	
	12		12	499	
	13		13	"	
	14		14	"	
	15		15	"	
	16		17	500	
	17		18	"	
	18		16	"	
	19		19	"	
	20		20	"	
	21 (*a*)	.....	.....	....	Rep. 59 V. c. 14, s. 6.

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11	21 (*b-e*)	43	21 (*b-e*)	501	
	22		22	502	
	23		23 (1)	"	
	24		24	503	
	25		25	"	
	26		26	504	
	27		27	"	
	28		28	"	
	29		29	"	
	30		32	505	
	31		33	506	
	32 (1)		34	"	
	(2)		35	"	
	33		36	507	
	34		37	"	
	35		38	507	
	36		39	508	
	37		40	"	
	38		41	"	
	39		42	"	
	40		43	509	
	41		44	"	
	42		45	"	
	43		46	510	
	44		47	"	
	45		48	511	
	46		45(1,2)	509	
	47		49	511	
	48		50	"	
	49		51	"	
	50	.....	.....	.....	Replg. sec.
	51	.....	.....	.....	Spent.
	Scheds.	43	Scheds.	512	
12	1	51	1	554	
	2(1-13*a*)		2(1-13*a*)		
	(13*b*)	.....	.....	....	Rep. 59 V. c. 18, sch(1)
	3		3	556	
	4		4	557	
	5		5	"	
	6		6	"	
	7		7	"	
	8		8	"	
	9		9	"	
	10		10	"	
	11	.....	.....	....	Rep. 60 V. c. 13, s. 3.
	12	.....	.....	....	Rep. 60 V. c. 13, s. 4.
	13	51	13	559	
	14		14	"	
	15		15	"	
	16		16	560	
	17		20	"	
	18		21	"	
	19		22	"	
	20		23	561	
	21		25	"	
	22		26	"	
	23		27	562	
	24		28	"	

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12	25	51	29	562		12	79	51	81	580	
	26		30	"			80		82	"	
	27		31	"			81 (1)		83 (1)	581	
	28		32	"			(2)	.....	.....	....	Sup. 60 V. c. 19, s. 24.
	29		33	563							
	30		34	"							Rep. 60 V.
	31		35	"			(*a*)	.....	.....	....	c.15,Sched.
	32		36	"							A. (66).
	33 (1)		37	564			(3-5)	51	83(2-4)	581	
	(2,3)	.....	.....	.....	Rule 152.		82		84	"	
	34	51	38	564			83		85	"	
	35		40(1-5)	565			84		86	"	
	36		41	"			85		87	582	
	37		42	"			86		88	"	
	38		43	"			87		89	"	
	39		44	566			88		90	"	
	40		45	"			89		91	"	
	41		46	"			90		92	583	
	42		47	"			91		93	"	
	43		48	"			92		94	"	
	44		49	"			93		95	584	
	45		50	567			94		96	"	
	46		51	"			95	....	.....	.....	Rule 104.
	47		52	"			96	.....	.....	.....	Rule 103(2).
	48		53	"			97	.....	.....	.....	Rule 109.
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	54		59	574			104	.....	.....	.....	Rule 106.
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	56		61	"			105 (1)	.....	.....	....	c. 16, s. 51.
	57		62	"			(2, 3)	51	101	585	
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	63		68	576			111 (1)		105	"	
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	64, 65	.....	.....	.....	15, Sched.		112(1,2)		107	"	
					A (65).		(3-5)		108	"	
	66	51	70	576			113		109	587	
	67		71	577			114		110	"	
	68		72	"			115	.....	.....	.....	Rule 529.
	69		73	"			116	51	111	587	
	70		74	578			117		112	"	
	71(1,2)	.....	.....	....	Rep. 59 V. c. 18, s. 3.		118		113	588	
	(3-11)	51	75	578			119		114	"	
	(12)	171	6	1674			120		115	"	
	72	51	76	578			121		116	"	
	73		77	579			122		117	"	
	74		78	"			123		118	"	
	75		79	580			124	.....	.....	.....	Rule162(*h*).
	76		80	"			125	.....	.....	.....	Rule 447.
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	133		123	591	
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	135		125	"	
	136		126	592	
	137		127	"	
	138		128	"	
	139		130	593	
	140		131	"	
	141		132	"	
	142		133	"	
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	146		136	"	
	147		137	"	
	148		138	594	
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	(3)		142	"	
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	154		152	"	
	155		153	"	
	156		154	"	
	157		155	"	
	158		156	"	
	159		157	599	
	160		158	600	
	161		159	601	
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	164	51	160	601	
	165		161	"	
	166		162	"	
	167		163	"	
	168		164	602	
	169		165	"	
	170		166	"	
	171		167	603	
	172		168	"	
	173	25	14	352	
	174	51	170	603	
	175		172 (1)	604	
	176		177	605	
	177		178	"	
	178		179	"	
	179		180	"	
	180 (1)		181	606	
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	181		150	"	
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	2	51	74	578	
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	5		15	560	
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	7	51	16	560	
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	10		68	576	
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	(3-11)	51	75	578	
	(12)	171	6	1674	
	12	51	67	576	
	13		77	579	
	14		76	578	
	15		70(1,2)	576	
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	21	.....	.....	.....	Rule 529.
	22	.....	.....	.....	Rule104(2).
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	(3)	171	5	1674	
	24	.....	.....	.....	Rule 47 (1).
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	26	.....	.....	.....	Rep. 60 V. c. 14, s. 61.
	27	54	3	612	
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	39	.....	.....	.....	Rule 447.
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	41		122	591	
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	(2)		52	"	
	(3)		53	"	
	(4)		54	"	
	(5)		55	633	
	(6)		57	634	
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20	1	71	1	856	
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	4		4	858	
	5		5	"	
	6		6	"	
	7		7	"	
	8		8	"	
	9		9	"	
	10		10	859	
	11		11	"	
	12		12	"	
	13		13	"	
	14		16	860	
	15		14	"	
	16		15	"	
	17		17	861	
	18		18	"	
	19		19	"	
	20		20	"	
	21		21	862	
	22		22	"	
	23		23	"	
	24		24	"	
	25		25	863	
	26		26	"	
	27		27	"	
	28		28	"	
	29		29	"	
	30		30	"	
	31		31	"	
	32		32	864	
	33		33	"	
	34		34	865	
	35		35	"	
	36		36	"	
	36		37	"	
	38		38	866	
	39		39	"	
	40		40	"	
	41		41	"	
	42		42	"	
	43		43	867	
	44		44	868	
	45		45	"	
	46		46	"	
	47		47	"	
	48		48	"	
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	8	193	78	1882	
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35	1	207	20 (30)	2166	
36	1	.....	.....	.....	Not consol.
37	1	.....	.....	.....	Not consol.
38	1	209	1	2217	
	2		2	"	
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	5		5	2221	
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	7		7	"	
	8		8	"	
	9		9(1-3)	2222	
	10		10	2224	
	11		11	"	
	12		12	2226	
	13		13	"	
	14		14	"	
	15		15	"	
	16		16	"	
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	28		28	2232	
	29		29	"	
	30		30	"	
	31		31	2232	
	32		32	"	
	33		33	"	
	34		34	"	
	35		35	2234	
	36		36	2239	
	37		37	"	
	38		38	2240	
	39		39	"	
	40		40	"	
	41		41	2241	
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	43		43	"	
	44		44	2244	
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	55		55	2248	
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	57		57	2252	
	58		58	2253	
	59		59	2254	
	60		60	"	
	61		61	"	
	62		62	2255	
	63		63	"	
	64		64	"	
	65		65	2256	
	66		66	"	
	67		67	"	
	68		68	2257	
	69		69	"	
	70		70	"	
	71		71	"	
	72		72	"	
	73		73	"	
	74		74	2258	
	75		75	"	
	76		76	"	
	77		77	"	
	78		78	"	
	79		79	2259	
	80		80	"	
	81		81	"	
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	87		136	2275	
	88		130	2274	
	89		124	2273	
	90		86	2264	
	91		87	"	
	92		88	"	
	93		89	"	
	94		90	"	
	95		91	2265	
	96		92	"	
	97		93	"	
	98		94	"	
	99		95	"	
	100		96	2266	
	101		97	"	
	102		98	"	
	103		99	"	
	104		100	"	
	105		101	2267	
	106		102	"	
	107		103	"	
	108		104	2268	
	109		105	"	
	110		106	"	
	111		107	"	
	112		108	2269	
	113		109	"	
	114		110	2270	
	115		111	"	
	116		112	"	
	117		113	"	
	118		114	2271	
	119		115	"	
	120		116	"	
	121		117	"	
	122		118	2272	
	123		137	2276	
	124		138	"	
	125		139	"	
	126		140	2277	
	127		120	2272	
	128		121	"	
	129		122	"	
	130		123	2273	
	131		124	"	
	132		132	2275	
	133		133	"	
	134		134	"	
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	2		(2)	"	
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	2		80 (1)	2382	
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	19		541 (3a)	"	
	20 (2)		439	2507	
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	21		583 (31)	2603	
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	23		549 (6)	2562	
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	27		591 (10)	2613	
	28 (3)		544 (1)	2556	
	(4)		(2)	"	
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	29		561 (7)	2573	
	30		637	2631	
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	5		5	2856	
	6		6	"	
	7		7	"	
	8		9	2857	
	9		10	"	
	10 (1)		14 (1)	2858	
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	(3)		11	2857	
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	(2)		3	"	
	(3)		4	"	
	(4)		5	2876	
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	6		12	"	
	7		13	"	
	8		14	"	
	9		15	2880	
	10		9 (1)	2876	
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	(3)		17	"	
	(4)		18	"	
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	14		20	2882	
	15		21	"	
	16		22	"	
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	(2)		(2)	"	
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	(4)		25	"	
	18		26	"	
	19	.....	.....	.....	Rep. 59 V. c. 57, s. 2.
	20	232	29	2884	
	21		30	"	
	22		33	"	
	23		34	2885	

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45	24	232	32	2884	
	25		35	2885	
	26		36	"	
	27	.....	.....	.....	Replg. sec.
	Scheds.	232	Scheds.	2886	
46	1	234	2	2901	
47	1	224	8 (2)	2712	
	2		29 (1)	2723	
	3		58 (1)	2733	Sup. in part 59 V. c. 58, s
	4		84 (1)	2745	
	5		(4)	2746	
	6		(5)	2747	
	7		135 (1)	2762	
	8		155 (2)	2767	
	9(216a)		237 (2)	2788	
	(216b)		239	"	
	(216c)		240	"	
48	1	253	1	3095	
	2		2	"	
	3		3	"	
	4		4	3096	
49	1	...	...	...	Title.
	2	248	48	3052	
	3		30	3047	
	4		108 (8)	3066	
	5		70	3056	
50	1	.....	.....	...	Short title.
	2	256	3	3102	
	3		20 (1)a	3107	
	4		17	"	
	5		21 (2)	3108	
	6		20 (1)c	"	
	7		22	3109	
	8		23	"	
	9		24	"	
	10		29	3111	
	11		47 (1)	3116	
	12		4	3102	
	13		Sch. A	3118	
	14	.....	.....	.....	Replg. sec.
	15	.....	.....	....	Spent.
	16	...	.....	.....	Spent.
51	.....	.....	.....	..	Rep. 60 V. c. 51, s. 44.

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52	1	259	19	3159	
	2		2 (1d)	3149	
	3		20	3159	
	4		3 (a)	3150	
	5		4 (1)	3151	
	6		5 (1)	"	
	7		7	3154	
	8		8 (1)	"	
	9		9	3155	
	10		11 (3)	3156	
	11	.....	.....	...	Rep. 60V c. 15, Sched. B (29).
	12	310	1	3548	
	13	259	28	3164	
	(2)		13	3158	
	(3)		14	"	
	14	....	.....	.....	Spent.
53	1	284	12 (2)	3251	
54	1	285	7 (2)	3256	
	2		36	3266	
	3	.....	.....	.....	Spent.
55	1	226	66 (4)	2835	
	2	40	2	476	
		226	67	2836	
	3	226	105	2850	
	4	.....	.....	.....	Spent.
56	1	287	6 (1)	3280	
	2		14 (2)	3284	
	3		22 (2)	3288	
	4		(3)	"	
	5		(4)	"	
	6	.....	... ...	.....	Replg. Sec.
	7	287	17	3285	
	8 (1)	47	9 (1)	547	
		287	16 (1)	3284	
	(2)	47	9 (3)	547	
		287	16 (2)	3284	
	9	.....	.....	.....	Spent.
57	.....	...	.....	....	Rep. 59 V. c. 70, s. 116; c. 71, s. 46.
58	1	299	1 (1)	3487	
	2	297	2 (3)	3457	
	3		3	3458	
	4	.....	.....	.....	Spent.
	5	..	.....	.....	Replg. Sec.

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59	1	304	2(1-2)	3506	
	2		8 (1)	3508	
	3		(2)	3509	
	4		10 (2)	"	
	5		24	3513	
	6		35	3515	
			36	1516	
60	1	320	5	3628	
	2		3	3627	
	3		9	3629	
	4 (1)		7 (1)	"	
	(2)		7 (2)	"	
			9 (3)	"	

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1	.....	.....	.....	.....	Supply.
2	1	7	5 (2)	68	
	2		52	85	
	3		53	"	
	4		54	"	
	5		55	"	
	6		56	"	
	7		57	"	
	8		58	"	
	9		59	"	
	10		60	"	
	11	.....	.....	.....	Rep. in effect, 60 V. c. 15, s. 7.
	12	.....	.....	.....	Spent.
3	1	.....	.....	.....	Spent.
	2	7	74	91	
4	1	17	43	307	
5	1	24	4	341	
	2		5 (3)	344	
	3		6, 7	345	
	4		8	"	
	5		9	346	
	6		11(2-5)	"	
	7		20	349	
	8		5 (1)	344	
	9		12(2-4)	347	

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6	.....	.....	.....	.....	Not consolidated.
7	1	28	47 (2)	378	
8	.....	.....	.....	.....	Not consolidated.
9	1	46	6 (*h*)	539	
	2	46	19	542	
		248	42	3051	
10	1	45	24	536	
11	.....	.....	.....	.....	Not consolidated.
12	1	32	16 (1)	401	
	2		19 (2)	402	
	3		25	404	
	4		27	405	
	5	267	16	3192	
13	1	36	2 (2)	419	
	2		59	439	
	3		67	442	
	4		70	445	
	5		80	448	
	6		11 (1)	423	
14	1	.....	.....	.....	Title.
	2	43	6 (3)	494	
	3		7 (*c*)	495	
	4		10 (1)	497	
	5		(4,5)	498	
	6		21 (*a*)	501	
	7		23(2-4)	503	
	8		30	505	
	9		32	"	
	10		31	"	
	11		Sch. B.	512	
	12	.....	.....	.....	Spent.
15	1	.....	.....	.....	Spent.
16	.....	.....	.....	.....	Not consolidated.

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17	1	44	1	521	
	2		2	"	
	3		3	522	
	4		4	"	
	5		5	"	
	6		6	"	
	7	.....	.....	.....	Rep. 60 V. c. 14, s. 1.
	8	44	8	522	
	9		9	523	
	10		10	"	
	11		11	"	
	12		12	524	
	13		13	"	
	14		14	"	
	15		15	"	
	16		16	525	
	17		17	"	
	18		18	"	
	19		19	"	
	20		20	"	
	21		22	526	
	22		23	"	
	23	.....	.....	.....	Rep. 60 V. c. 12, s. 7.
	24	44	25	527	
	25		26	"	
	26		27	"	
	27		28	528	
	28	.....	.....	.....	Rep. 60 V. c. 12, s. 9.
	29	44	32	528	
	30		35	529	
	31 (1)		36 (1)	"	
	(2)		33	"	
	(3)		34	"	
	32		36 (2)	"	
	33	.....	.....	.....	Rep. 60 V. c. 12, s. 10.
	34	.....	.....	.....	Replg. sec.
18	1	.....	.....	.....	Title.
	2	.....	.....	.....	Amends Acts in Sch.
	3	51	75	578	See Rules 769-777.
	4		39	564	
	5		104	586	
	6	73	5	873	
	7	89	1	985	
	8	21	4	322	
	9	51	24	561	
	10		70 (1)	576	
	11		119	589	See Rule 1130.
	12	.....	.....	.....	Spent.
	13	51	76	578	
	14	.....	.....	.....	Spent.
	15	51	129	592	
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	(3)		17-19	560	

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	(7)		77 (3)	579	
	(8)		80	580	
	(9)		82 (2)	581	
	(10)	.....	.....	.....	Sup. 60 V. c. 19, s. 24.
	(11)	51	83 (2)	581	
	(12)		(4)	"	
	(13)		84	"	
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	(15)	.....	.....	.....	Rule 107.
	(16)	.....	.....	.....	Rep. 60 V. c. 16, s. 51.
	(17)	51	106	586	
	(18)		110	587	
	(19)	.....	.....	.....	Rule 529.
	(20)	51	120	589	
	(21)		171 (1)	604	
	(22)		132	593	
	(23)		136	594	
	(24)		137	"	
	(25)		138	"	
	(26)		139	595	
	(27)		140	"	
	(28)		141	"	
	(29)		154	598	
	(30)		157 (2)	599	
	(31)		181	606	
	(32)		182	"	
	(33)		189	608	
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	(35)	51	191	608	
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	(37)	67	3	839	
	(38)	78	35	923	
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	(41)	135	38	1267	
	(42)	17	4	299	
	(43)	61	162	789	
	(44)	66	6	838	
	(45)	144	2	1460	
	(46)	.....	.....	.....	Rep. 60 V. c. 19, s.
	(47)	171	5	1674	
	(48)	55	52 (1)	633	
19	1	55	22	624	
	2		23 (2)	"	
	3		23 (7-14)	625	
	4 (19*a*)		24	"	
	(19*b*)		25	626	
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	6		28	627	
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	8		47 (2)	632	
	9		30 (1)	627	
	10		36 (1)	629	
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19	12	55	39	630	
	13		40	"	
	14		52 (1)	633	
	15	.....	.....	....	Rep. 60 V. c. 14, s. 61.
	16	.....	.....	.....	Spent.
20	1	59	66 (1, 2)	657	
	2		(3)	"	
	3		(4)	"	
	4		67	"	
	5		72	658	
	6		6	641	
	7		Sch. B.	664	
21	1	64	1	830	
	2		2	"	
	3		3	"	
	4		4	"	
	5		5	"	
	6		6	831	
	7		9	"	
	8		7	"	
	9		8	"	
22	1	132	1	1240	
	2		2	"	
	3		3	1241	
	4		4	"	
23	1	255	1	3098	
24	.....	.....	.....	....	Rep. 60 V. c. 19, s. 94.
25	1, 3	97	16 (1)	1019	
	2	.....	.....	....	Rep. 60 V. c. 15, Sch. A. (73).
26	1	99	4	1024	
	2		5	"	
	3		6	"	
	4		7	"	
	5		8	"	
	6		9	1025	
	7		10	"	
	8		11	"	
	9		18	1026	
	10		19	"	
	11		20	"	
	12	.....	1	1023	
			15	1025	
	13	102	11	1050	

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26	14	102	12	1050	
	15	101	13	1038	
	16	.....	.....	.....	Replg. sec.
	17	104	Sched.	1061	
	Sched.	101	Sched.	1046	
27	1	100	1	1033	
	2		2	"	
	3		3	"	
	4		4	"	
	5		5	"	
	6		6	1034	
	7		7	"	
	8		8	"	
28	.....	.....	.....	.....	Title.
	2	135	14	1262	
	3	.....	.....	....	Rep. 60 V. c. 15. Sched. A. (74).
29	1	136	29 (1)	1280	
	2		76	1295	
	3		102 (4)	1305	
	4		78 (2)	1296	
	5		29 (2)	1281	
	6		26 (3)	1279	
	7		118 (4)	1312	
	8		119 (8)	1313	
	9		118 (9)	"	
	10		138	1321	
	11		126 (2)	1316	
	12		127	1317	
	13		126 (3)	"	
	14		126	"	
	15	.....	.....	.....	Spent.
	16		106 (2)	1306	
	17		130	1318	
30	1	140	3 (1)	1436	
	2	.....	.....	.....	Spent.
31	1	147	13 (3)	1475	
	2		11	1474	
	3		20 (6)	1478	
	4		23	1479	
	5		28	1481	
	6		30	"	
	7		33	1482	
	8		32	1481	
	9		34	1482	
	10		39	1483	
32	1	148	15 (2-4)	1488	
	2	.....	.....	.....	Replg. sec.

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33	1 (1)	75	4	894		35	44	.....	.....	.....	Rep. 60 V. c. 24, s. 11.
	(2)		Sched. B	897			45		46 (1)	1529	
	2		5	894			46		(2)	1530	
			6, 12, 15	"			47		47	"	
							48		48	"	
							49		49	"	
34	1	148	11	1487			50		50	"	
	2		12	"			51		51	"	
	3		13	1488			52	.....	.....	.....	Replg. sec.
	4		14	"			Forms		Forms	1531	Form 12 repealed 60 V. c. 24, s. 14.
35	1	153	1	1516							
	2		2	"							
	3		5	1518		36	1	154	3	1540	
	(4)		6	"			2		5 (1)	"	
	5		4	"			3		6 (6)	1541	
	6(1-3)		7	"			4 (1)		5 (2)	1540	
	(4)		52	1531					8 (1)	1542	
	7		8	1519			(2)		40	1551	
	8		9	"							
	9		10	"							
	10 (1)	.....	.....	.....	Rep. 60 V. c. 24, s. 2.	37	1	155	1	1553	
	(2)	153	11 (2)	1519			2		2	"	
	11		12	1520			3		3	"	
	12		13	"			4		4	1554	
	13(1-5)		14	"			5		5	"	
	(6)		2 (6)	1517			6		6	"	
	14		15	1521			7		7	"	
	15		16	"			8		8	1555	
	16(1,2)		17 (1,2)	"							
	(3)	.....	.....	.....	Rep. 60 V. c. 24, s. 4.	38	1	.....	.....	.....	Title.
	17	153	18	1522			2	157	10	1560	
	18		19	"			3	153	3 (1)	1517	
	19		20	1523				154	4 (1)	1540	
	20		21	"				157	24	1565	
	21		22	"			4		17 (1)	1562	
	22		23	"			5		(2)	"	
	23		24	1524			6		11	1560	
	24		25	"					17 (3)	1563	
	25		26	"			7		18	"	
	26(1-4)		27	"			8 (1)		22	1564	
	(5)		28	1525			(2)		21 (2)	"	
	27		29	"			9		20	"	
	28		30	"			10		15	1561	
	29		31	1526			11		16	1562	
	30		32	"			12	153	3 (2)	1517	
	31		33	"				154	4 (2)	1540	
	32		34	"				157	18	1563	
	33		35	"					25	1565	
	34		36	1527							
	35		37	1528							
	36		38	"		39	1	162	1	1609	
	37		40	"			2		2	"	
	38		39 (1)	"			3		3	1610	
	39, 40	.....	.....	.....	Rep. 60 V. c. 24, s. 10.		4		4	"	
	41	153	41	1529			5		5	1611	
	42		42	"			6		6	"	
	43		43	"			7		7	1612	
							8		8	"	

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39	9	162	9	1612	
	10		10	"	
	11		11	"	
	12		12	1613	
	13		13	"	
	14		14	"	
	15		15	"	
	16 (1)				Rep. 60 V. c. 14, s. 68
	(2)		16 (2)	1614	
	17 (1, 2)		17 (1, 2)	"	
	(3)				Rep. 60 V. c. 14, s. 67.
	18		18	1615	
	19		19	"	
	20		20	"	
	21		21	1616	
	22		22	"	
	23		23	"	
	24		24	"	
	25				Rep. 60 V. c. 14, s. 69
	26		26	1617	
	27		27	"	
	28		28	"	
	29		30	1618	
	30		29	"	
	31				Replg. sec.
	32				Spent.
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40	1	164	1	1633	
	2		17 (1)	1637	
	3		(2)	"	
	4		(3)	"	
	5		11	1635	
	6				Rep. 60 V. c. 15, Sched. A (80).
41	1	165	7 (1)	1641	
	2		(2)	1642	
42	1				Title.
	2	170	32 (4)	1669	
	3		3	1660	
	4 (1)	171	3 (2)	1674	
	(2)				Replg. sec.
	(3)	171	4	1674	
43	1	193	78	1882	
	2		123 (2)	1896	
44	1	194	21 (10)	1909	
	2		40	1913	
	3		31	1914	
	4		44	1915	
	5		51	1918	

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	7				Spent.
45					Rep. 60 V. c. 36, s. 198 (1)
46					Rep. 60 V. c. 38, s. 121 (2)
47	1	207	8	2151	
			9 (11)	2152	
	2				Spent.
48					Not consol
49	1	209	51	2246	
	3		43 (9)	2243	
	3		(10)	"	
	4		(11)	"	
50	1	208	46	2216	
	2		2 (3)	2201	
	3		14 (1)	2205	
	(1)		(a)	"	
	(2)		(b)	"	
	(3)		(c)	"	
	(4)		(d)	"	
	(5)		(e)	"	
			(2, 3)	"	
	(6)		18 (1)	2206	
	(7)		18 (2, 3)	2207	
	(8)		19	"	
	4		12	2204	
	5		8	2203	
			9	2204	
	6		10	"	
	7		5	2202	
	8		6	2203	
	9		4	2202	
	10		28	2209	
	11		29	"	
	12		30	"	
	13		31	"	
	14		32	2210	
	15		33	"	
	16		34	2211	
	17		7	2203	
	18				Replg. sec.
	19	208	35	2211	
	20		36	"	
	21		47	2216	
51	1	223	24	2360	
	2(110a)		122	2400	

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	4 (1)		193 (1)	2425			16		182	"	
	(2)	.....	.....	.....	Repgl. sec.		17		183	"	
	5	223	235	2436			18		*passim*		
							19		263	2444	
	6		259	2443			20		191	2425	
	7		328	2467					209	2430	
	8		429 (2)	2503					220	2435	
	9		484 (2)	2523			21		217	2432	
	10		492 (2)	2526			22		205	2429	
	11		554 (1)	2566			23		195	2426	
	12		594	2614			24		196	"	
	13		448	2510			25		168 (2)	2414	
	14		536 (16)	2545					Sched. B	2694	
	15		549 (6)	2562			26		155	2409	
	16		583 (14)	2600					Sched. C	2696	
	17		580 (7)	2595			27		203	2428	
	18		569 (5)	2582					219 (1)	2433	
	19		599	2617			28-35	.....	.....	.....	Spent.
	20		606	2618			36	223	68	2378	
	21		612	2621			37		388, 389	2488	
	22		611	2621			38		66 (2)	2378	
	23		615	2622			39		69	2379	
	24		632 (2)	2629			40	.....	.....	.....	Spent.
	25		640	2633			41	.....	.....	.....	Spent.
	26		658 (6)	2642			Sched.	223	Sch. H.	2698	
	27		(7)	"							
	28 (1)		665 (1)	2649							
	(2)		671 (6)	2655		53	1	227	5	2856	
	29		(8)	2656			2		15	2858	
	30		550 (3)	2563			3	.....	.....	.....	Spent.
	31 (1)	.....	.....	.....	Rep. 60 V. c. 45, s. 22.						
	(2)		583(2-7)	2597		54	1	229	1	2866	
	32		559 (8)	2572			2		2	"	
	33		276	2446			3		6	"	
	34		277	2447			4		3	"	
	35		479 (2)	2521			5		4	"	
	36		575	2585			6		5	"	
	37		552	2565							
	38	.....	.....	.....	Spent.						
	39		636	2630							
	40	.....	.....	.....	Spent.	55	1	225	54 (1)	2812	
52	1	.....	.....	.....	Spent.						
	2	223	66 (1)	2377		56	1	.....	.....	.....	Rep. 60 V. c. 45, s. 49.
	3		67 (1)	2378							
	4		66 (3)	"							
	5		77	2383							
	6		81, 94	2384		57	1	232	16 (2)	2881	
	7		132	2402			2		28	2883	
	8 (1)		134	2403			3		31	2884	
	(2,3)		135	"			4		37	2885	
	9		142	2406			5		9 (5)	2877	
	10		143	2406			6		16 (1)	2881	
			Sched. A	2690			7		17	"	
	11		111	2394			8	.....	.....	.....	Replg sec.
	12		180	2420							
	13		85	2385							
			160	2410		58	1	224	29 (1)	2723	
			168 (2)	2414			2		59	2736	
	14		77	2383			3	.....	.....	.....	Rep. 60 V. c. 45, s. 68.
			311	2461							

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58	4	224	130	2759	
	5		134 (2)	2760	
	6		135 (1)	2761	
	7 (1)		135 (1)	2761	
	(2)		137	2763	
	8		143	2764	
	9		170	2771	
	10		226	2785	
	11		184(4,5)	2775	
	12		Sch. L.	2801	
	13		186 (6)	2775	
			226 (2)	2785	
59	1	244	1	2952	
	2		3	"	
	3		2	"	
	4		4	"	
	5		5	2953	
	6		6	"	
	7		7	"	
	8		8	2954	
60	1	243	1	2949	
	2		2	"	
	3		3	"	
	4		4	2950	
	5		5	"	
	6		6	"	
	7		7	2951	
	8		8	"	
	9	....	.. ....	.....	Replg. sec.
61	1	280	3 (1)	3238	
	2		(2)	3239	
62	1	246	1	3033	
63	1	250	1	3087	
	2		2	"	
	3		3	"	
	4		4(1,2)	3088	
	5		5	"	
64	.....	..	.....	....	Rep 60 V. c. 51, s. 44.
65	1	284	9	3249	
66	1	226	9 (7)	2821	
	2		81 (2)	2843	
67	1	285	5 (1)	3256	

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68	1	287	5	3280	
	2 (1)		3 (1)	3279	
	(2)		(2)	"	
	(3)		(3)	"	
	(4)		14 (1)	3283	
	(5)		3 (4)	3279	
	(6)		(5)	"	
	(7)		28 (4)	3290	
	(8)		34 (1)	3292	
	3		15	3284	
	4	47	9(1,2,3)	547	
		287	16 (4)	3285	
	5		30	3290	
	6		4 (1)	3279	
	7		34 (1)	3292	
	8	...	.....	.....	Spent.
	Sched.	287	Sched. Form A	3292	
69	1	291	1	3315	
	2		2	"	
	3		3	"	
	4		4	"	
	5	...	.....	....	Rep 60 V. c. 14, s. 70.
	6	291	6	3318	
	7		7	3320	
	8		8	"	
	9	.. ..	.....	....	Replg. sec.
70	1	292	1	3321	
	2		2	"	
	3		3	3322	
	4		4	"	
	5		5	"	
	6		6	3323	
	7		7	"	
	8		8	"	
	9		9	3324	
	10		10	"	
	11		11	3325	
	12		12	"	
	13		13	3326	
	14		14	"	
	15		15	3328	
	16		16	"	
	17		17	"	
	18		18	3329	
	19		19	3330	
	20		20	"	
	21		21	"	
	22		22	3331	
	23		23	"	
	24		24	"	
	25		25	3332	
	26		26	"	
	27		27	3333	
	28		28	3334	
	29		29	"	
	30		30	"	

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70	31	292	31	3335		70	94	292	96	3370	
	32		32	"			95		97	"	
	33		33	3336			96		98	"	
	34		34	"			97		99	"	
	35		35	3337			98		100	"	
	36		36	"			99		101	3371	
	37		37	3338			100		102	"	
	38		38	"			101		103	"	
	39		39	3339			102		104	"	
	40		40	3340			103		105	"	
	41		41	"			104		106	"	
	42		42	"			105		107	"	
	43		43	3341			106		108	3372	
	44		44	3342			107		109	"	
	45		45	3343			108		110	3373	
	46		46	"			109		111	"	
	47		47	3343			110		112	"	
	48		48	3344			111		113	"	
	49		49	"			112		114	3374	
	50		50	"			113		115	"	
	51		51	3345			114		116	"	
	52		52	"			115		117	3375	
	53		53	3346			116	.....	.....	.. .	Replg. sec.
	54		54	"			Form A	292	Form A	3375	
	55		55	"							
	56		56	3347							
	57		57	"							
	58		58	3349		71	1	293	1	3376	
	59		59	3350			2		2	"	
	60		60	"			3 (1)		3	3377	
	61		61	3351			(2)		4 (1)	3378	
	62		62	"			(3)		(2)	"	
	63		63	3353			(4)		(3)	"	
	64		64	"			4		5	"	
	65		65	"			5		6	3379	
	66		66	"			6		7	3379	
	67		67	3354			7		8	"	
	68		68	"			8		9	3380	
	69		69	3355			9		10	3391	
	70		70	"			10		11	"	
	71		71	3356			11		12	"	
	72		72	"			12		13	3382	
	73		73	"			13		14	3383	
	74		74	3357			14		15	"	
	75		75	"			15		16	3384	
	76		76	"			16		17	"	
	77		77	3359			17		18	3385	
	78		78	3360			18		19	"	
	79		79	3361			19		20	"	
	80		80	"			20		21	"	
	81		81	3362			21		22	"	
	82		82	"			22		23	3386	
	83		83	3364			23		24	"	
	84 (1)		84, 85	3365			24		25	"	
	(2)		86	"			25		26	"	
	85		87	"			26		27	"	
	86		88	"			27		28	3887	
	87		89	3366			28		29	"	
	88		90	3367			29		30	"	
	89		91	"			30		31	3888	
	90		92	3368			31		32	"	
	91		93	"			32		33 (1)	3389	
	92		94	3369			33		34	3390	
	93		95	"			34		35	"	

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71	35	293	36	3391	
	36		37	"	
	37		38	3392	
	38		39	"	
	39		40	3393	
	40		41	3394	
	41		42	"	
	42		43	"	
	43		44	3395	
	44		45	"	
	45		46	"	
	46	.....	.....	.....	Replg. sec.
72	1	294	61 (5)	3436	
	2		81	3440	
	3		44	3429	
73	1 (1)	304	21	3513	
	(2)	.....	.....	.....	Spent.
	2	304	2 (4) et passim..	3507	
74	1	310	13	3550	
75	1	312	5	3557	

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Chapter.	Section.	Consolidated. Chap.	Sec.	Page.	Remarks.
1	.....	.....	.....	.....	Supply.
2	1	1	7	3	
	2(1,2)		8 18	5	
	(3)	.....	.....	.....	Replg. sec.
	3 (1)	1	8 36	8	
	(2)		37	"	
	4		43	9	
	5		44	"	
	6		47	"	
	7		48	"	
	8		54	10	
	9		56	11	
	10		55	10	
	11		57	11	
	12		42	8	
	13		11	11	

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3	.....	...	.....	....	Not consol. printed at page xxii.
4	1	.....	.....	.....	Not consol.
	2	12	10 (4)	258	
5	1	27	1	363	
	2		2	364	
	3		3	"	
	4		4	"	
	5		5	"	
	6		6	365	
	7		7	"	
6	1	47	3	546	
7	1	33	21(1,3)	410	
	2		(2)	411	
	3		22	"	
	4		26	412	
	5		24	411	
	6		23	"	
	7		25	"	
	8		21 (1)	410	
8	1	36	2 (6)	419	
	2		4 (1) 5 (1)	420	
	3		32	429	
	4		7	422	
	5		9	"	
	6		10	"	
	7 (1)		27	428	
	(2)		28	"	
	(3)		29	"	
	(4)		30	"	
	8		33	429	
	9		34	430	
	10		37	431	
	11		41	433	
	12		16 (1)	424	
	13		23	426	
	14 (1)		47	435	
	(2)		48	436	
	(3)		49	"	
	(4)		50	"	
	15		51	"	
	16		52(2,3)	437	
	17	....	.....	.....	Replg. sec.
	18	36	55	438	
	19		56	"	
	20		.....	.....	Replg. sec.
	21	36	83	448	
	22		61 (1)	439	
	23		65	440	

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8	24	36	67(1,2)	441							
	25		68	442							
	26		16 (2)	424		9	50 (7)	288	51	3309	Part omitted as inconsistent with ss. 55, 56.
	27		19	425							
	28		69(5-7)	443			51		61	"	
							52		59	3308	
							53		54	3307	
9	1	288	1	3295			54		58	3308	
	2		2	"			55		56	"	
	3		3	"			56		49	3306	
	4		11	3299			57		50	3307	
	5		12	"			58		62	3309	
	6		13	"			59		62	"	
	7		14	"							
	8		22	3301							
	9		15	3299		10	1	.....	.....	.....	Title.
	10		16	"			2	42	9	492	
	11		17	3300							
	12		10	3298							
	13		18	3300							
	14		19	"		11	1	.....	.....	.....	Title.
	15		21	3301			2	43	7 (2)	496	
	16		20	3300			3		32	505	
	17		23	3301			4(1-3)		33	506	
	18		42	3305			(4,5)	.....	.....	.....	Not consol.
	19		43	"			5	43	Sched. B	512	
	20		47	3306							
	21		6	3298							
	22		7	"		12	1	44	7	522	
	23		35	3304			2		11 (4)	523	
	24		36	"			3		14	524	
	25		34	"			4		15	"	
	26		33	3303			5		21	526	
	27		31	"			6		23	"	
	28		30	"			7		24	"	
	29		32	"			8		26	527	
	30		29	"			9 (28)		29	528	
	31		28	3302			(28a)		30	"	
	32		39	3304			(28b)		31	"	
	33		40	"			10		37	529	
	34		4	3297							
	35		5	"							
	36		44	3305		13	1	51	6	557	
	37		45	"			2		11	558	
	38		25	3302			3	.....	.....	.....	Replg. sec.
	39		26	"			4	51	12	559	
	40		46	3306			5		13	"	
	41		27	3302			6		14	"	
	42		41	3305			7	.....	.....	.....	Spent.
	43		8	3298							
	44		24	3302							
	45		38	3304		14	1	49	2	551	
	46		37	"			2	16	28	296	
	47		9	3298			3	60	36	672	
	48		48	3306			4		52 (1)	675	
	49		53	3307			5		79 (2)	683	
	50		55	"			6		116 (1)	694	
	(1)		1	"			7	.....	.....	.....	Replg. sec.
	(2)		2	"			8	60	162	705	
	(3)		3	"			9		192 (2)	713	
	(4)		66	3309			10		278 (2)	734	
	(5)		57	3308			11		Sch. A.	741	
	(6)		52	3307							

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14	12	60	87 (1)	685	
	13		(4)	"	
	14		81	683	
	15	.....	.....	.....	Not consol
	16	60	242	724	
	17	136	132	1319	
	18		61 (6)	1291	
	19		23 (1)	1278	
	20		70 (4)	1294	
	21		118 (2)	1312	
	22	97	12 (2)	1018	
	23		8	1017	
	24		5	1016	
	25	102	8	1049	
	26	195	1	1062	
	27		3	"	
	28 (1)	125	Sch. B.	1176	
		170	17	1664	
		223	354, 358	2474, 6	
	(2)	171	3	1673	
	(3)		4	1674	
	29	127	13(1,7)	1194	
	30		11	1193	
	31		10	1192	
	32		5	"	
	33	.....	.....	.....	Replg. sec.
	34	167	2 (2)	1647	
	35	225	1 (2)	2803	
	36	7	6 (10)	69	
	37		8 (a)	71	
	38 (122a)	9	128 (2)	176	
	(1-5)		129	"	
	6		128 (3)	"	
	7		(1)	"	
	8		129 (6)	177	
	39		61	150	
	40	8	1	107	
	41		1	"	
	42		16	114	
	43		22	115	
	44		29	119	
	45		8 (6)	112	
	46		(7)	"	
	47		1	107	
			8 (8)	113	
	48		52	125	
	49		24	116	
	50		27	117	
	51		(8)	118	
	52		44 (1)	123	
	53		Form 8	129	
	54				Replg. sec.
	55	17	49	309	
	56 1	31	172 (2)	604	
	2		(4)	"	
	57		174	605	
	58		175	"	
	59		176	"	
	60		173	"	
	61		.....	.....	Replg. sec.
	62	4	5	613	
	63	252	10 (5)	2878	
	64		16 (1)	2881	
	65		33	2884	

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14	66	162	17 (1)	1614	
	67		(3)	1615	
	68		16 (1)	1614	
	69		25, 26	1616	
	70	291	5	3316	
	71	.....	.....	.....	Replg. sec.
	72	292	91	3367	
	73	293	33 (2)	3390	
	74	.....	.....	.....	Not consol.
	75	250	4 (3)	3088	
	76	175	8	1711	
	77	226	88 (5)	2846	
	78	52	1	609	
	79	3	14	39	
	80	149	10	1501	
	81	12	72 (2)	272	
	82	70	9	854	
	83 (1)	223	171 (1)	2415	
	(2)		(4)	"	
	84	9	67	154	
	85	160	6	1593	
	86	148	23(5,6)	1492	
	87	51	121	589	
	88		75 (2)	578	
		17	43	307	
	89	51	146	596	
		55	8	621	
	90	77	23 (2)	905	
	91	78	9 (6)	914	
	92	85	11	960	
	93 (1)	266	7	3187	
	(2)		8	"	
	(3)		5	3185	
	94	209	4(5,6)	2220	
	95	246	8	3035	
	96, 97	.....	.....	.....	Spent.
15	1	.....	.....	.....	Title.
	2	55	46	631	
	3	127	37	1262	
	4	128	37 (3)	1218	
	5	51	58 (5)	572	
	6	164	5	1634	
	7	.....	.....	.....	Replg. sec.
	8	68	1, *etc.*	844	
	9	.....	.....	.....	In many Acts. See Sch. A.
	10	.....	.....	.....	.....
	11	.....	.....	.....	Spent.
	Sch. A				
	(1)	1	8 (16)	5	
	(2)	4	4 (2)	41	
	(3)	6	2	51	
	(4)	9	98 (1c)	165	
	(5)	12	40	266	
	(6)	26	8	358	
	(7)	28	44	377	
	(8)	38	3	467	
	(9)		13	469	
	(10)	39	1 (1)	471	
	(11)		2 (2)	472	
	(12)	55	12 (1)	622	

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15	Sch. A.					15	Sch. A.				
	(13)	57	1	638			(76)	153	23	1523	
	(14)	59	15	643					Form 6	1533	
	(15)		47	652			(77)		39 (2)	1528	
	(16)		86	662			(78)	154	40	1551	
	(17)	61	88	769			(79)	155	1	1553	
	(18)	73	35	882			(80)	165	4	1640	
	(19)		34	"			Sch. B.				
	(20)	75	8	894			(1)	225	10	2804	
	(21)	87	9	971			(2)		40	2809	
	(22)	90	4 (4)	988			(3)		37	"	
	(23)	121	2 (2)	1129			(4)		38	"	
	(24,25)	125	Sch. B	1176			(5)	.....	.....	.....	Replg. sec.
	(26)	140	15	1440			(6)	233	11(1,4)	2893	
	(27)	152	Sch. D	1515			(7)		12	"	
	(28)	170	13 (6)	1663			(8)	233	13(1-3)	2894	
	(29)	172	44	1685					17	2895	
	(30)		45	1686			(9)		18	2896	
	(31)		44,46(2)	"					19	2897	
	(32)	174	27	1703			(10)	234	8	2903	
	(33)		35	1705			(11)		4	2902	
	(34)		37	"			(12)		5	"	
	(35)	188	13	1816			(13)		6	"	
			23	1819			(14)		12	2904	
	(36)	7	6 (14)	70			(15)	235	45 (2)	2918	
	(37)		14 (5)	73			(16)	227	8	2857	
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	35		35	"	
	36		36	"	
	37		37	"	
	38		38	"	
	39		39	"	
	40		40	"	
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	52		51	1089	
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	(12)		23	"	
	(13)		27	"	
	(14)		28	1970	
	(15)		19	1968	
	(16)		31	1970	
	(17)		21	1968	
	(18)		25,29	1969 / 1970	
	(19)		30	1970	
	(20)		26	1969	
	(21)		20	1968	
	(22)		58	1973	
	(23)		37	1971	
	(24)		54	1973	
	(25)		47	"	
	(26)		85 (3)	2009	
	(27)		2 55	1973	
	(28)		56	"	
	(29)		42	1972	
	(30)		43	"	
	(31)		44	"	
	(32)		45	"	
	(33)		53	1973	
	(34)		48	"	
	(35)		41	1971	
	(36)		46	1972	
	(37)		38	1971	
	(37a)		32	1970	
	(38)		34	"	
	(39)		35	"	
	(40)		36	"	
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36	2 (42)	203	2 52	1973		36	45	203	45	1988	
		204	1	2076			46		46	"	
	(43)	203	49	1973			47		47	"	
	(44)		50	"			48		48	"	
	(45)	203	2 51	"			49		49	"	
		204	1	2076			50		50	1989	
	(46)	203	40	1971			51		51	"	
	(47)		39	"			52		52	"	
	(48)		2, 3,	1976			53		53	1990	
			18	1968			54		54	1991	
	(49)		2 1	1967			55 (1)		55 (1)	"	
	(50)		14	1968			(2)		(2)	"	
	(51)		6	1967			(3)		2 17	1968	
	(52)		8	"			56		56	1991	
	(53)		5	"			57		57	1992	
	(54)		7	"			58	203	58	"	
	(55)		57	1973				204	13 (2)	2079	
	(56)		4	1967			59	203	59	1992	
	3		3	1974			60		60	1993	
	4		4	"			61		61	1995	
	5		5	"			62		62	"	
	6		6	1975			63		63	1997	
	7		7	"			64		64	"	
	8		8	1976			65		65	1998	
	9		9	"			66		66	"	
	10		10	"			67		67	1999	
	11		11	"			68		68	"	
	12		12	"			69		69	2000	
	13		13	1977			70		70	"	
	14		14	"			71		71	2001	
	15		15	"			72		72	"	
	16		16	"			73		73	"	
	17		17	"			74		74	"	
	18		18	1978			75		75	2003	
	19		19	"			76		76	"	
	20		20	"			77		77	2004	
	21		21	1979			78		78	2005	
	22		22	"			79		79	"	
	23		23	"			80		80	2006	
	24		24	"			81		81	"	
	25		25	"			82		82	2007	
	26		26	"			83		83	"	
	27		27	1980			84		84	2008	
	28		28	"			85(1,2)		85(1,2)	2009	
	29		29	"			(3)		(4)	"	
	30		30	"			(4-7)		(5-8)	"	
	31		31	1981			86	203	86	2010	
	32		32	"			87	203	87	"	
	33		33	1982				204	47	2084	
	34		34	"			88	203	88	2010	
	35		35	1983			89		89	2011	
	36 (1)		36	"			90 (1)		90 (1)	"	
	(2)	.....	.....	.....	Spent.		(2)		(2,4,5)	"	
	37	203	27	1982			(3)		(3)	"	
	38		38	"			91	203	91	"	
	39		39	1984			92		92	2012	
	40		40	"			93		93	2013	
	41 (1)		41 (1)	1985			94		94	"	
	(2)	203	41 (2)	"			95		95	2014	
		204	14	2079			96		96	"	
	(3-5)	203	41(3-5)	1985			97		97	2015	
	42		42	1986			98		98	"	
	43		43	1987			99		99	"	
	44		44	"			100		100	2016	

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	103		103	"			164		164	2041	
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	105		105	"			(2)		(4)	2042	
	106		106	"			166		166	"	
	107		107	"			167		167	"	
	108		108	"			168		168	2043	
	109		109	"			169		169	2047	
	110		110	"			170		170	2048	
	111		111	"			171		171	"	
	112		112	2018			172		172	"	
	113		113	"			173		173	"	
	114		114	"			174 (1)	275	1 (1)	3225	
	115		115	"			(2)		(2)	"	
	116		116	"			(3)		(3)	"	
	117		117	"			(4)		12	3228	
	118		118	2019			(5)		13	"	
	119		119	"			(6)		12, 13	"	
	120		120	"			(7)		14	"	
	121		121	"			175 (1)		11 (1)	3227	
	122		122	"			(2)		15	3228	
	123		123	"			(3)		11 (2)	"	
	124		124	2020			(4)		(3)	"	
	125		125	"			(5)		14	"	
	126		126	"			176	203	174	2049	
	127		127	"			177		175	"	
	128		128	2021			178		176	"	
	129		129	"			179		177	2050	
	130		130	2022			180		178	2051	
	131		131	"			181		179	"	
	132		132	"			182		180	"	
	133		133	"			183		181	"	
	134		134	2023			184		182	"	
	135		135	"			185		183	2053	
	136		136	"			186		184	2055	
	137		137	"			187 (1)		185	2056	
	138 (1)		138	2024			(2)		190	2061	
	(2)	60	155	703			188		186	2057	
	139	203	139	2024			189		187	2058	
	140		140	"			190		188	"	
	141		141	"			191		189	2060	
	142		142	2025			192		191	2062	
	143		143	"			193		192	2063	
	144 (1)		144 (1,4)	"			194		193	2065	
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	159		159	2036			3		3	"	
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	6		6	"	
	7		7	"	
	8		8	"	
	9		9	2096	
	10		10	2097	
	11		11	"	
	12		12	2098	
	13		13	"	
	14		14	2099	
	15		15	2100	
	16		16	2101	
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	18		18	2103	
	19		19	"	
	20		20	2104	
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	24		24	"	
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	28		(2)		
	29		29	"	
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	31		31	"	
	32		32	2108	
	33		33	"	
	34		34	"	
	35		35	"	
	36		36	"	
	37		37	2109	
	38		38	"	
	39		39	"	
	40		40	"	
	41		41	2110	
	42		42	2111	
	43		43	"	
	44		44	"	
	45		45	"	
	46		46	2112	
	47		47	"	
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	59		59	"	
	60		60	2116	
	61		61	"	
	62		62	2117	
	63		63	"	
	64		64	"	
	65		65	2118	
	66		66	"	
	67		67	"	
	68		68	"	
	69		69	"	
	70		70	2119	
	71		71	"	
	72		72	"	
	73		73	"	
	74		74	"	
	75		75	"	
	76		76	2120	
	77		77	"	
	78		78	"	
	79		79	"	
	80		80	"	
	81		81	2121	
	82		82	"	
	83		83	"	
	84		84	"	
	85		85	"	
	86		86	"	
	87		87	"	
	88		88	2122	
	89		89	2123	
	90		90	2124	
	91		91	"	
	92		92	"	
	93		93	2125	
	94		94	"	
	95		95	2126	
	96		96	"	
	97		97	"	
	98		98	"	
	99		99	2127	
	100		100	"	
	101		101	"	
	102		102	2128	
	103		103	"	
	104		104	"	
	105		105	2129	
	106		106	"	
	107		107	"	
	108		108	2130	
	109		109	2132	
	110		110	2133	
	111		111	"	
	112		112	2134	
	113		113	"	
	114		114	"	
	115		115	2135	
	116		116	"	

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39	1	201	17 (3)	1958	
40	.....	.....	.....	....	Not consol.
41	1 (1)	210	1 (3)	2283	
	(2)		(1,2)	"	
	2		2	"	
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42	1	213	1,2 (1,2)	2301	
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43	1	213	2 (2)	2302	
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44	1	215	1	2311	
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45	1	223	319	2464	
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	10 469*a*		510	2530	
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	14		565	2576	
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	17		597	2615	
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	25	223	590	2611	
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	28	223	108 (3)	2393	
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	31		131	"	
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	36		(2)	"	
	37		293 (1)	2455	
	38		304 (2)	2458	
	39		(5)	2459	
	40		(10)	2460	
	41		312	2462	
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	43		384(2-6)	2484	
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	51		560	2572	
	52		484 (3)	2524	
	53	248	62	3054	
	54	223	587 (6)	2608	
			587 (8)	2609	
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	56		625	2625	
	57		630	2627	
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	(2)		(2)	2746	
	(3)		(3)	"	

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	71		182	2773	
	72		184 (3)	2774	
	73		200	2778	
	74	225	42	2810	
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47	1	223	670 (1)	2652	
	2		(2)	2653	
	3		(3)	"	
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	3		4	2860	
	4		5	"	
	5		6	"	
	6		7	"	
	7		8	2861	
	8		9	"	
	9		25	2865	
	10		10	2862	
	11		11	"	
	12		12	"	
	13		13	"	
	14		14	"	
	15		15	"	
	16		16	2863	
	17		17	"	
	18		19	"	
	19		18	"	
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	4		6	3126	
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	7		9	"	
	8		11	3128	
	9		10	3127	
	10		4 (2)	3126	
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	24		21	"	
	25		23	3131	
	26		24	"	
	27		25	"	
	28		27	3132	
	29		30	"	
	30		31	"	
	31		32	"	
	32		28	"	
	33		33	3133	
	34		43	3135	
	35		34	3133	
	36		35	3134	
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	38		37	"	
	39		38	"	
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NOTE AS TO STATUTE REVISIONS IN THE PROVINCES OF UPPER CANADA, CANADA, AND ONTARIO.

The history of the Statute Law applicable to the territory now comprised in the Province of Ontario, dates from 1791.

After the Treaty of Paris, 1763, by which the French possessions in North America were ceded to Great Britain, a Royal Proclamation was issued on the 7th October, 1763, introducing the law of England both civil and criminal, into the whole of the ceded territory, and forming a portion of it, lying towards the East, into the Province of Quebec. The Governor of the new colony received power and direction "so soon as the state and circumstances of the colony would admit thereof, to summon and call a General Assembly," but until this was done, the Governor and Council were invested with "authority to make such rules and regulations as should appear to be necessary for the peace, order and good government of the Province." In 1774, the Quebec Act, 14 Geo. iii. c. 83, was passed, by which French law was re-introduced in civil matters, and the limits of the Province of Quebec were enlarged, so as to include the whole of the territory afterwards formed into Upper Canada. The Quebec Act produced dissatisfaction, especially among the British colonists, and in 1791, the Imperial Act, 31 Geo. iii. c. 31, was passed, by which the Province of Quebec as it then existed, was divided into the two Provinces of Upper and Lower Canada; the powers of legislation by the Governor in Council were taken away; and a Legislature was granted to each Province, consisting of the Governor, a Legislative Council, and a Legislative Assembly. The first Parliament of Upper Canada met at Newark, now Niagara, on 18th September, 1792.

1. The first revision of the Statutes in the new Province of Upper Canada was made in 1818. It consisted merely of a collection of the Acts of the Province of Upper Canada in force at that date, together with such Acts of the Imperial Parliament and Ordinances of the former Province of Quebec as effected Upper Canada.

2. In 1831, a collection of the Statutes of Upper Canada, in force at that date, was published by Messrs. Hugh C. Thomson and James Macfarlane, which, though a private enterprise, long supplied the place of a revision by authority.

3. In 1840, was passed the Imperial Act 3 & 4 V. c. 35, to re-unite the Provinces of Upper and Lower Canada; and the Union took effect by proclamation on the 10th February, 1841. A revision was soon after begun of the Statutes of Upper Canada in force at the date of the Union. A commission for the purpose, dated 25th July, 1840, was issued to the Hon. John Beverley Robinson, the Hon. James B. Macaulay, the Hon. William Henry Draper and John Hillyard Cameron Esq., and directed

the Commissioners "diligently and carefully to examine and revise the "several statutes from time to time passed and enacted by the Parliament "of Upper Canada, and then in force and effect; and to make such report "upon the premises as in their opinion should be most for the interest, "welfare and good government of the Province."

The result of the labours of the Commission was embodied in two volumes, the first containing Public Acts, and the second, Local and Private Acts. The report to the Governor-General; in which the Commissioners announced the completion of the work, is dated 8th March, 1843, and was printed as a preface to the first volume.

In this, as in former revisions, no consolidation strictly speaking of the Statutes was attempted. The various Acts in force were printed as they had been passed, omitting only such portions as had expired or had been repealed, with notes stating the reasons for ommissions, and giving the provisions, if any, which the Legislature had substituted for repealed clauses; errors in the text were left uncorrected, except by way of a note directing attention to them; and the revision did not receive authority by legislative adoption, but was nevertheless, by general use, practically substituted for the preceding volumes of Statutes.

4. A revision of the Acts and Ordinances in force in Lower Canada at the date of the Union of Upper and Lower Canada was begun in 1842, and completed in 1845, by a Commission composed of Messrs. A. Buchanan, H. Heney and G. W. Wicksteed. The Commissioners made two reports, which, as well as a prefatory notice, was printed with the volume of Revised Statutes compiled by them.

5. In 1856 was begun the first consolidation, properly so called, of the Statute Law.

Two commissions were then issued, one on the 7th February, 1856, appointing Messrs. John Hillyard Cameron, Joseph C. Morrison, Adam Wilson, Skeffington Connor, Oliver Mowat, and David B. Read, to examine, revise, consolidate and classify the Public General Statutes affecting Upper Canada only: and a second, dated 28th March, 1856, appointing Messrs. A. Polette, Gustavus W. Wicksteed, Andrew Stuart, T. J. J. Loranger, Robert Mackay, and George de Boucherville, to examine, revise, consolidate and classify the Public General Statutes applying exclusively to Lower Canada: and each Commission directed the Commissioners therein named, jointly with the members of the other Commission, to examine, revise, consolidate and classify the Public General Statutes which applied equally to both sections of the Province.

Subsequently the Messrs. Cameron and Morrison resigned, and in their stead respectively the Hon. J. B. Macaulay and S. H. Strong, Esq., were appointed. Afterwards Dr. Connor, and Mr. Mowat also resigned, preparatory to their becoming candidates for election as members of the Legislative Assembly. The Commissioners were in a later stage of the work, and especially during its final revision, assisted by His Honour Judge Gowan, County Court Judge of the County of Simcoe.

The first report of the Commission was made on the 19th April, 1858, and drafts of the Consolidated Statutes for Upper Canada and the Consolidated Statutes of Canada were in 1859 submitted to the Governor-

General, accompanied respectively by a report, dated January, 1859, by Sir J. B. Macaulay, the Chairman of the Upper Canada Commission, and a joint report dated 3rd March, 1859, by Sir J. B. Macaulay and Mr. Wicksteed, the acting Commissioner of the Commission for Lower Canada. (*See Sess. Papers*, 1859, No. 9.)

At the Session of 1859 these two volumes were laid before the Legislative Assembly, and Acts were passed to provide for their coming into force by proclamation.

Pursuant to the provisions of the last mentioned Acts, the enacments of the then Session were incorporated with the consolidation: and the two volumes were by proclamation declared to come into force upon the 5th December, 1859.

On 1st July, 1867, by Proclamation issued under the Imperial Act, 30 & 31 V. c. 3, the Province of Canada was, with the Provinces of Nova Scotia and New Brunswick, formed into the present Dominion of Canada. By that Act known as "The British North America Act, 1867," the two divisions of the Province of Canada were once more constituted separate Provinces, Upper Canada being called the Province of Ontario, and Lower Canada the Province of Quebec, and the power of legislation was divided between the Parliament of the Dominion and the Legislatures of the Provinces in manner defined by the Act,

6. "The Revised Statutes of Ontario" were prepared by a Commission appointed 24th July, 1874, composed in the first instance of the late Hon. William Henry Draper, Chief Justice of Appeal, the Hon. Samuel Henry Strong, Hon. George William Burton, and Hon. Christopher Salmon Patterson, Justices of Appeal, the Hon. Attorney-General Mowat, and Messrs. Thomas Langton, Charles R. W. Biggar and Rupert Etherege Kingsford, Barristers-at-Law. The Hon. Thomas Moss upon his appointment as Justice of Appeal, the Hon. Samuel Hume Blake, Vice-Chancellor, and His Honour Judge Gowan, County Court Judge of the County of Simcoe, were subsequently added to the Commission.

The work of the Commission was three-fold:

First. To examine, revise, consolidate and classify such of the Public General Statutes, passed by the Parliament of the Province of Canada and applying to Ontario as were within the legislative authority of the Legislature of Ontario.

Secondly. To examine and arrange in the manner most convenient for reference such of the Public General Statutes passed by the Parliament of the Province of Canada and applying to Ontario as were not within the legislative authority of the Legislature of Ontario; and also the Statutes passed by the Parliament of the Dominion of Canada and affecting Ontario;

Thirdly. To examine and arrange in the manner most convenient for reference the Statutes of the Imperial Parliament, printed with the Consolidated Statutes of Canada in 1859, as well as all Statutes since passed by the Imperial Parliament.

This Commission made three reports, dated respectively 12th December, 1874, 11th December, 1875, and 30th December, 1876. The first

report was accompanied by tables shewing the consolidation in outline. The second report announced the completion of the collection of the Imperial Acts, and contained suggestions for legislation to remove discrepancies discovered in the course of the work, and otherwise to facilitate consolidation. Specimens of the work done were also submitted with this report. With the third report was submitted a draft of the Revised Statutes, which was laid before the Legislature at its Session in 1877.

A volume of 633 pages, being a portion of the collection of enactments of the Dominion of Canada, and of the Province of Canada which were not within the legislative authority of the Legislature of Ontario, was presented with the second report; but the completion of this portion of the work of the Commission was afterwards abandoned, in view of the preliminary steps which had been taken by the Dominion Government for a Consolidation of Statutes that would include the Acts of which the Ontario collection would have been composed.

The enactments of the Session of 1877, were, pursuant to the Ontario Act, 40 V. c. 6, incorporated in the Draft Consolidation above mentioned, by a commission appointed by the Lieutenant-Governor, composed of the following members: Hon. Chief Justice Draper, Hon. Mr. Justice Strong, Hon. Mr. Justice Burton, Hon. Mr Justice Patterson, Hon. Mr. Justice Moss, Hon. Vice-Chancellor Blake, His Honour Judge Gowan, Hon. Attorney-General Mowat, and Thomas Langton, Esq., Barrister-at-Law.

The completion of their work was reported by the Commissioners on the 20th November, 1877, to the Lieutenant-Governor, and the Revision being approved of by him, a proclamation was, on the 7th December, 1877, issued, declaring the Revised Statutes to be in force on, from, and after the 31st December, 1877.

7. "The Revised Statutes of Ontario, 1887," were prepared by a Commission, appointed the 11th day of December, 1885, composed in the first instance, of the Hon. George William Burton, the Hon. Christopher Salmon Patterson and the Hon. Featherston Osler, Justices of the Court of Appeal; the Hon. John Alexander Boyd, Chancellor of Ontario, the Hon. John Edward Rose and the Hon John O'Connor, Justices of the High Court of Justice; His Honour Joseph Easton McDougall, Judge of the County Court of the County of York; the Hon. Oliver Mowat, Attorney-General of Ontario; the Hon. Arthur Sturgis Hardy, Provincial Secretary; John Galloway Scott, Esq., Master of Titles, and John Robison Cartwright and Frank John Joseph, Esquires, Barristers-at-Law. By a subsequent Commission, bearing date the 31st day of December, 1885, the Hon, Alexander Morris, Ex-Chief Justice of the Provice of Manitoba, was added to the Commission. The Commissioners were appointed for consolidating the Public Statutes of the Province of Ontario, and were directed from time to time as they, or any three of them, might think proper, to report to His Honour the Lieutenant-Governor of Ontario, their proceedings and the progress of the work entrusted to them, and in all things, not in the Commission contained, to be guided by the instructions received from time to time from His Honour the Lieutenant-Governor. The Commissioners made their first report in the month of March, 1887, accompanied with a draft of the Consolidated Statutes, and indicated the manner in which the work had been pre-

pared. The enactments of the session of 1887 were pursuant to the Ontario Statute 50 Vict., c. 2, subsequently incorporated in this Draft Consolidation by the Commissioners.

The completion of the work was reported by the Commissioners to His Honor the Lieutenant-Governor, and the consolidation being approved of by him a proclamation was, on the twentieth day of December, 1887, issued, declaring "The Revised Statutes of Ontario, 1887," to be in force on and after the 31st day of December, 1887.

8. "The Revised Statutes of Ontario, 1897," were prepared by a Commission appointed the 25th day of April, 1968, composed in the first instance of the Hon. John Alexander Boyd, Chancellor of Ontario; the Hon. Featherston Osler, Justice of Appeal; the Hon. John Douglas Armour, Chief Justice of the Queen's Bench, the Hon. James Maclennan, Justice of Appeal; the Hon. William Ralph Meredith, Chief Justice of the Common Pleas; the Hon. Thomas Ferguson, the Hon. John Edward Rose and the Hon. William Glenholme Falconbridge, Justices of the High Court; the members of the Executive Council of Ontario, and James Pliny Whitney, Esq., M. P. P., Byron Moffatt Britton, Esq., Q. C., and John Galloway Scott, Esq., Q. C., Master of Titles.

By a subsequent Commission bearing date the 23rd day of May, 1896, Allan Malcolm Dymond, Esq., was added to the Commission; by Commission dated the 12th day of September, 1896, Thomas Langton, Esq., Q. C., was added to the Commission, and by a Commission dated the 30th day of March, 1897, James Thompson Garrow, Esq., M. P. P., was added to the Commission.

The Commission completed their work and reported the same to His Honour the Lieutenant-Governor on the 20th day of December, 1897, and the consolidation being approved of by him, a proclamation was, on the 24th day of December, 1897, issued, declaring the Revised Statutes of Ontario, 1897, to be in force on and after the 31st day of December, 1897.

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